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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Tuesday, May 23, 2000.

Met at two minutes past ten o'clock A.M.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced the Sacred Heart High School of Kingston Girls Basketball Team. The team is the 2000 Division IV State Champions. They were accompanied by their coach, Martha Murphy, and were the guests of Senator Murray.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was read a second time and was amended, as previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2200.

The bill, as amended, was then ordered to a third reading and read a third time.

Pending the question on passing the bill to be engrossed, Ms. Walsh, Mr. Antonioni, Ms. Creem and Mr. Creedon moved to amend the bill in section 2, in item 0321-1500, by striking out the figure “7,283,903” and inserting in place thereof the following figure:— “7,935,836.”

After remarks, the amendment was *rejected*.

Ms. Lees moved to amend the bill in section 2, in item 0321-1500, by striking out the figure “7,283,903” and inserting in place thereof the following figure:— “6,778,140”.

After debate, the amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, by inserting after item 0321-1504 the following item:

“0321-1505 For the operation of the public guardianship commission 215,000”; and by inserting after section 16 the following section:—

“SECTION 16A. Chapter 10 of the General Laws is hereby amended by inserting after section 35S, as appearing in the 1998 Official Edition, the following section:—

Section 35T. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Public Guardianship Commission Fund, to be used to meet the operational costs of the public guardianship commission established under the provisions of chapter 221D, in addition to any appropriation from the general fund.

The fund shall consist of amounts received from public and private sources as gifts, grants, donations, bequests and devises of money any amounts to be received by the commission in fees for services pursuant to sections 5 and 6 of chapter 221D.

All revenues created under this section shall remain in said Public Guardianship Commission Fund, subject to appropriation, to meet the operational costs of said commission. All monies, as determined by the comptroller, remaining in the Public Guardianship Commission Fund, in excess of appropriations from the fund for the fiscal year then ending, shall on June 30 of each year be transferred by the treasurer to the general fund unless the general court otherwise provides.”

By inserting after section 160 the following section:—

“SECTION 160A. Subsection (a) of section 6 of chapter 201 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— An incapacitated person, any person interested in the welfare of the person alleged to be incapacitated or the public guardianship commission or any agency with which it contracts for guardianship or conservatorship services may file a petition for a determination of incapacity, in whole or in part, and the appointment of a guardian for such person.”

By inserting after section 160 the following five sections:—

“SECTION 160A. Section 6A of said chapter 201, as appearing in the 1998 Official Edition, is hereby amended by striking out subsection (a).

SECTION 160B. Section 7 of said chapter 201 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Upon such petition the court shall cause not less than seven days notice of the time and place appointed for the hearing to be given to the alleged incapacitated person, to the public guardianship commission if it or one of the agencies with which it contracts for fiduciary services is nominated, or the department of mental retardation if the person is alleged to be mentally retarded, and, if the person is entitled to any benefit, estate or income paid or payable through the United States veterans’ bureau or its successor, to said bureau or its successor, except that the court may, for cause shown, direct that a shorter notice be given.

SECTION 160C. Section 14 of said chapter 201, as so appearing is hereby amended by striking out subsection (a).

SECTION 160D. Said chapter 201 is hereby amended by striking out section 16, as so appearing, and inserting in place thereof the following section:—

Section 16. The person to be protected or any person who is interested in the estate, affairs or welfare of the person, including a parent, guardian, custodian or any person who would be adversely affected by the lack of effective management of the person’s property or business affairs, or the public guardianship commission or any agency with which it contracts for guardianship or conservatorship services, may petition for a determination of disability, in whole or in part, and the appointment of a conservator or for other appropriate protective order.

SECTION 160E. Section 16B of said chapter 201, as so appearing, is hereby repealed.”; and

By inserting after section 176 the following chapter:—

“CHAPTER 221D.

PUBLIC GUARDIANSHIP COMMISSION.

Section 1. (a) There is established under the general superintendence of the supreme judicial court a commission to be known as the public guardianship commission, composed of nine members who shall be appointed by the members of the supreme judicial court. One member shall be nominated by the chief judge of the probate and family court department for the purpose of representing that court on the commission; at least one member shall be a person with a disability; at least one member shall be a person who is more than 60 years old; at least one member shall be a representative of an organization whose primary purpose is to advocate for persons with disabilities; at least one member shall be a representative of an organization whose primary purpose is to advocate for elderly persons; and at least one member shall be representative of elderly or other human service providers.

(b) Members of the commission shall serve for terms of five years, except that the original terms of membership shall be one one-year term; two two-year terms; two three-year terms; two four-year terms; and two five-year terms. No person shall be appointed to more than two consecutive terms on the commission.

(c) No less than 30 days prior to making any appointment to the commission, the justices of the supreme judicial court shall give public notice that a vacancy on the commission exists and shall give interested persons an opportunity to advise regarding the appointments.

(d) Any vacancy occurring on the commission shall be filled within ninety days by the justices. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds, and shall be eligible for appointment to one full five-year term.

(e) The commission shall elect from among its members a chairperson and any other officers it deems necessary.

(f) Five members of the commission shall constitute a quorum and five affirmative votes shall be required for any action or recommendation of the commission. The chairperson or any five members of the commission may call a meeting. Advance notice of all meetings shall be given to each member of the commission and to any other person who requests such notice.

(g) Members of the commission shall not be compensated for work performed for the commission, but they shall be reimbursed for their actual and necessary expenses.

(h) Within three months after the appointment of the first executive director, and at least every other year thereafter, the commission shall set priorities for service delivery. Prior to adopting a principal service delivery mode, the commission shall publicly solicit and take into consideration the views of clients, family members, advocates, providers of fiduciary services, affected government officials and others concerned with the plight of persons in need of such services. In order to establish a

decentralized delivery system, the commission shall consider promotion and support of delivery of fiduciary services by local, non-profit organizations and encouragement, educational services and support to such families and friends of persons in need of fiduciary services as are willing and, with assistance, able to provide such services on a voluntary basis.

(i) The commission shall regularly report to the joint committee on human services and elderly affairs and to the house and senate committees on ways and means of the general court and to the justices of the supreme judicial court. The commission shall make its first report one year from the date this section takes effect and thereafter annually on the last day of July except if such would be within six months of its first report detailing (1) its priorities for service delivery and the reasons therefor; (2) the actions it has taken during the preceding year, including the number of persons served and the types of services provided to such persons; (3) a description of all funds, including state appropriations and other assistance received by the commission; (4) the names, duties and salaries of all individuals in its employ; (5) the money it has disbursed and any savings to the commonwealth which its services have produced; (6) a determination of the feasibility of utilizing volunteers to assist the commission in the delivery of services; and (7) a detailed plan and cost estimate for any recommended expansion of the service, including any savings to the commonwealth which such expansion might reasonably be expected to produce.

Section 2. (a) The policies and standards contained in this section shall be adopted and implemented by the commission through its rules and regulations, selection of and contracts with individuals and agencies to act as fiduciary or provide fiduciary services, decisions regarding persons being served or to be served by the commission, and other such ways as the commission may determine.

(b) A guardianship, conservatorship or other fiduciary relationship shall be established only when necessary to meet the needs of the incapacitated person and when such needs cannot be satisfied using a less restrictive alternative.

(c) Each such fiduciary relationship shall be established and structured so that the incapacitated person is allowed to make his own decisions to the maximum extent possible.

(d) A guardian, conservator or other fiduciary shall exercise authority only as necessitated by the incapacitated person's mental and adaptive limitations, and to the extent possible, shall encourage the incapacitated person to participate in decisions, to act on his or her own behalf and to develop or regain the capacity to manage personal affairs. A guardian, conservator or other fiduciary shall consider the expressed desires and personal values of the incapacitated person when making decisions and shall otherwise act in the incapacitated person's best interest and exercise reasonable care, diligence and prudence. It shall be assumed until demonstrated otherwise that such incapacitated person would choose to live in the least restrictive appropriate environment.

(e) With respect to each ward or proposed ward for whom the commission, or any individual or agency with whom or with which it contracts for fiduciary services, is responsible, the commission shall establish standards and procedures, and, subject to appropriation, bear the expenses, to ensure that:

(1) the ward will understand, to the maximum extent feasible, the nature and significance of any court proceedings;

(2) independent counsel is, to the extent necessary, made available to him or her for all court proceedings, or, when he or she so requests, in order to petition for discharge or removal of a guardian or other fiduciary;

(3) the commission shall immediately notify the court if the incapacitated person's condition is changed so that he or she is capable of exercising rights previously limited; and the commission shall cause an independent clinical review to be made at least annually to determine whether any fiduciary relationship created is still necessary, and if it is not necessary, that steps are taken to discharge the fiduciary;

(4) an annual accounting is made as required by procedures of the probate and family court department; and

(5) there is adequate monitoring and review of the quality of fiduciary services and of compliance with the policies, standards and procedures of the commission.

Section 3. (a) The commission shall, subject to appropriation, employ an executive director who shall be authorized to appoint such other staff, subject to appropriation, necessary to carry out the commission's duties pursuant to this chapter and chapter 201. The staff shall serve at the pleasure of the commission and shall not be subject to the provisions of chapter 31 or section 9A of chapter 30. The executive director shall be responsible for the administrative operation of the commission and shall perform such other tasks as the commission may determine. The commission may employ, subject to appropriation, the services of experts and consultants necessary to carry out its duties and may also accept the services of volunteers, who may be reimbursed for their actual and necessary expenses incurred in carrying out their duties.

(b) The commission, pursuant to the provisions of section 2 of chapter 30A shall adopt such rules and regulations as are necessary to carry out the purposes of this chapter.

(c) The commission shall be subject to all laws and regulations governing the procurement by state agencies and commissions of supplies, services or construction.

Section 4. (a) Any resident of the commonwealth who is indigent, as defined in section 27A of chapter 261, and who is an incapacitated person for whom no other qualified person or organization is available and willing to accept appointment as guardian, conservator or other fiduciary, shall be eligible for the services of the commission.

(b) A court or other appointing authority shall not appoint as guardian, conservator or other fiduciary either the commission or any agency or individual contracting with the commission unless the court or other appointing authority first determines that no other qualified person or organization is available and willing to accept the appointment. In addition, in any case involving a minor, the court or other appointing authority shall not appoint as guardian, conservator or other fiduciary either the commission or any agency or individual contracting with the commission unless the court or other appointing authority first determines that responsibility for the minor cannot be accepted by the department of social services pursuant to chapter one hundred and nineteen. No court or other appointing authority shall appoint either the commission or any agency or individual contracting with the commission as guardian, conservator or other fiduciary of any eligible person unless the commission or the agency or

individual contracting with the commission first determines, in accordance with this chapter and rules and regulations of the commission, and communicates with the court, that it, he or she has the capacity to provide high-quality fiduciary services and can otherwise carry out the responsibilities under such appointment; and any appointment in violation of this provision shall be void.

Section 5. (a) The commission may, subject to appropriation, contract with non-profit private agencies and individuals to serve as the guardian, conservator or other fiduciary or to provide guardianship, conservatorship or other fiduciary services to any individual for whom the commission has been or might be appointed such fiduciary; provided, however, that no such contract shall be entered into with a non-profit private agency unless the articles of incorporation of the agency authorize it to serve in such fiduciary capacity. Any such non-profit private agency or individual with which or with whom the commission so contracts shall in this section and in sections six and seven, be referred to as a 'fiduciary agency.'

(b) The commission or any fiduciary agency may serve as a plenary, limited or temporary guardian, guardian ad litem, conservator or monitor after appointment by a court pursuant to the law of the commonwealth, including but not limited to chapters 19A, 119, 123, 123B and 201.

(c) The commission or any fiduciary agency may petition the court for appointment as guardian, guardian ad litem, or conservator. Any other petitioner for guardianship or conservatorship after preliminary investigation by, and approval of, the commission or fiduciary agency, as the case may be, may nominate the commission or such fiduciary agency as a guardian, guardian-ad-litem or conservator, with notice to the commission or fiduciary agency in accordance with chapter two hundred and one.

(d) The commission or any fiduciary agency may serve as trustee or other fiduciary, except an administrator or executor of an estate. Before serving as a trustee or fiduciary, the commission or fiduciary agency must receive court approval, except as provided in subsection (e).

(e) The commission or any fiduciary agency may serve as representative payee by appointment of the appropriate federal agency without court review or approval. A representative payee shall be considered a fiduciary for purposes of this chapter.

(f) The commission or any fiduciary agency, on its own motion or at the request of the court, may petition to intervene at any time in a guardianship or conservatorship proceeding to protect the best interests of the proposed ward.

(g) The commission or any fiduciary agency may provide information and assistance pertaining to guardianship, conservatorship and other fiduciary services, and may perform such other tasks as may be necessary to carry out its responsibilities under this chapter.

(h) The commission or any fiduciary agency shall maintain records of each case in which the commission or fiduciary agency provides guardianship, conservatorship or other fiduciary services. Each such case record shall include the financial and personal information necessary for the commission or fiduciary agency to carry out its fiduciary responsibilities. Such records shall be the property of the commission. Access to such records shall be limited to members and staff of the commission, to staff of the agency serving as the fiduciary of the subject of a particular record and to others pursuant to an order of a court of competent jurisdiction; provided, however, that authorized agents of the commonwealth, for auditing purposes, shall be afforded access to such records, with information which may be used to identify the subject redacted.

The commission shall be eligible for and shall have the authority to accept any and all donations, grants, appropriations, bequests and devises of money, property, personnel services or other assistance which may be received from the commonwealth or any agency thereof, the United States or any agency thereof, and other governmental agency, any institution, person, firm or corporation, public or private; to be held, used or applied for any or all purposes specified in this chapter. No such assistance shall in any way compromise or limit the independence and autonomy of the commission or its authority to carry out the purposes of this chapter. Any funds received by the commission other than by appropriation shall be deposited into the Public Guardianship Commission Fund, as provided for in section thirty-five T of chapter ten.

Section 6. (a) If the commission or any fiduciary agency is appointed a guardian, conservator or other fiduciary, it shall not charge for the costs of its services or the costs of the appointment or approval procedure against the property or income of the individual for whom it serves as fiduciary, unless the court or other appointing authority determines at any time after the commission's or fiduciary agency's appointment that the individual is financially able to pay all or part of the costs.

(b) The court or other appointing authority shall determine ability to pay by investigating the nature, extent and liquidity of assets and the disposable net income of the individual.

(c) The commission through its executive director, may recommend fees to be assessed for its services in any individual case in which the ward is no longer indigent, in accordance with standards established in its rules and regulations. No fees may be assessed for fiduciary services unless the eligible person or ward is given written notice at the start of such services that such fees may be assessed.

(d) The commission shall deposit any payment of assessed fees into the Public Guardianship Commission Fund, as provided for in section 35T of chapter 10.

(e) The commission may claim the reasonable value of services rendered to any individual against his estate upon the death of that individual, if the individual was no longer indigent at the time of death.

Section 7. Notwithstanding any other law to the contrary, neither the commission nor any fiduciary agency shall be required to file a bond in individual cases in which the commission or a fiduciary agency is appointed to act in a fiduciary capacity but shall give a bond, with sufficient sureties, for the joint benefit of all persons for whom the commission or fiduciary agency is appointed to act in an amount not less than the value of all assets held by the commission and such contracted fiduciary agencies as of the last day of the most recent fiscal year, but at no time less than fifty thousand dollars. Such bond shall be filed with the chief judge of the probate and family court department, and a copy thereof shall be filed with the register of probate of each

division of said court in which the commission or a fiduciary agency has been appointed to serve in a fiduciary capacity. The state treasurer may, subject to appropriation, set aside sufficient funds for the purpose of providing a surety for the commission's bond pursuant to this section.

Section 8. The books and records of the commission shall be audited by the state auditor within 18 months after this chapter becomes effective as to Suffolk county, and every two years thereafter. A copy of such audit shall be sent to the clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means and the joint committee on human services and elderly affairs.”; and by inserting after section 309A the following three sections:—

“SECTION 309B. Section 16A and sections 1, 2, 3, 7 and 8, inserted by section 176A of this act, shall take effect on October 1, 2000.

SECTION 309C. Sections 160A, 160B, 160C, 160D, 160E, and sections 4, 5 and 6 of chapter 221D, inserted by section 176A, shall take effect on January 1, 2001, provided, however, that at said effective date, the provisions of subsection (a) of section 4 of chapter 221D, inserted by section 176A, shall apply only to Suffolk county.

SECTION 309D. The provisions of subsection (a) of section 4 of chapter 221D, inserted by section 176A, shall apply to the counties of Hampden, Hampshire, Franklin and Berkshire on July 1, 2001, and all remaining counties on July 1, 2002.”

The amendment was *rejected*.

Mr. Creedon, Ms. Creem, Mr. Tarr and Mrs. Sprague, Ms. Walsh and Messrs. Pacheco and Nuciforo moved to amend the bill in section 2, in item 0321-1510, by striking out the words “and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998” and inserting in place thereof the following words: “provided further, that \$2,218,200 shall be expended to increase the rate of compensation for private counsel services no earlier than January 1, 2001; provided further, that on January 1, 2001, the rate of compensation paid for private counsel services provided for murder cases, so-called, shall be \$60 per hour for in-court and out-of-court services; provided further, that on January 1, 2001, the rate of compensation paid for private counsel services provided for non-murder criminal superior cases, so-called, shall be \$42 per hour for in-court and out-of-court services; and provided further, that on January 1, 2001, the rate of compensation paid for services for other criminal cases, so-called, shall be \$33 per hour for in-court and out-of-court services”; and by striking out the figure “43,500,000” and inserting in place thereof the following figure:— “45,718,200”.

After remarks, the amendment was *rejected*.

Mr. Creedon, Ms. Creem, Mr. Tarr and Mrs. Sprague, Ms. Walsh and Messrs. Pacheco and Nuciforo moved to amend the bill in section 2, in item 0321-1512, by striking out the words “and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 1998” and inserting in place thereof the following: “provided further, that \$917,000 shall be expended to increase the rate of compensation paid for private counsel services not earlier than January 1, 2001; provided further, that on said date, the rate of compensation paid for private counsel services provided for herein shall be, for cases under section 12S of chapter 112 of the General Laws and section 39F of chapter 119 of the General Laws, \$33 per hour for in-court and out-of-court services; and provided further, that the rate of compensation paid for other non-criminal cases, so-called, shall be \$42 per hour for in-court and out-of-court services”, and in said item 0321-1512, by striking out the figure “21,000,000” and inserting in place thereof the following figure:— “21,917,000”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 0321-1600, by striking out the figure “4,276,799” and inserting in place thereof the following figure:— “3,752,323”.

After debate, the amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 0321-1610, by striking out the figure “4,800,000” and inserting in place thereof the following figure:— “3,800,000”.

The amendment was *rejected*.

Ms. Murray and Mr. Tolman moved to amend the bill in section 2, in item 0321-2000, by striking out the figure “464,401” and inserting in place thereof the following figure:— “541,654”.

After remarks, the amendment was *rejected*.

Mr. Montigny moved to amend the bill in section 2, in item 0321-2100, by striking out the figure “705,214” and inserting in place thereof the following figure:— “730,214”; in item 0331-3404 by striking out the figure “197,906” and inserting in place thereof the following figure:— “220,000”; in item 0920-0300 by striking out the figure “1,048,168” and inserting in place thereof the following figure:— “1,089,292”; in item 2100-0005, by striking out the words “provided, that not less than \$300,000 shall be” and inserting in place thereof the following words:— “provided, that not less than \$300,000 shall be expended for completing renovations to a pier in the town of Salisbury”; in item 2440-0010 by striking out the words “provided further, that \$300,000 shall be expended for repairs to Steriti Rink” and inserting in place thereof the following words:— “provided further, that

\$1,300,000 shall be expended for repairs to Steriti Rink”; in item 4000-0111, by inserting after the words “actual outcomes for FY2001” the following words:— “provided further, that \$50,000 shall be expended for the Billerica Boys and Girls Club;”; in item 7003-0700, by striking out the words “a rapid response specialist” and inserting in place thereof the following words: “3 full time equivalent rapid response labor specialists”; in item 7004-9027, by striking out the figure “27,184,019” and inserting in place thereof the following figure:— “24,279,289”; in item 7030-1000, by striking out the words “provided further, that the department shall collaborate with the department of transitional assistance to ensure that the expenditure of \$20,000,000 for the community partnerships program shall conform with federal maintenance of effort reporting requirements of the transitional aid to needy families block grant;”; in item 7061-9404, by inserting after the words, “provided further, that the department may expend up to \$250,000 to administer the program;” the following words:— “provided further, that none of the funds appropriated herein shall be spent for services provided by institutions of higher education through interagency agreements between the Department of Education and said institutions; provided further, that none of the funds from this appropriation shall be spent for the individual tutoring in reading program, so called;”; and by striking out item 9749-0000; and in section 80, by inserting after the word “valuation”, in line 362, the following words:— “per capita”.

After remarks, the amendment was adopted.

Messrs. Shannon, Morrissey, Havern, Creedon, Nuciforo and Clancy moved to amend the bill in section 2, in item 0321-2205, by striking out the figure “1,751,200” and inserting in place thereof the following figure:— “2,036,000”.

After debate, the amendment was *rejected*.

Messrs. Shannon, Morrissey, Havern, Creedon, Nuciforo and Clancy moved to amend the bill in section 2, in item 0321-2206, by striking out the figure “300,000” and inserting in place thereof the following figure:— “450,000”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-0300, by striking out the figure “7,367,417” and inserting in place thereof the following figure:— “9,328,366”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-0300, by striking out the words “and provided further that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program”; and in item 0339-1003, by adding the following words: “; provided further, that not less than \$100,000 shall be expended for the implementation of a changing lives through literature program”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 0330-0400 the following item: “0330-0401 For the operation of the planning and execution of repairs and alterations to existing court facilities and occupancy readiness of new court facilities pursuant to chapter 189 of the acts of 1998 138,879”.

The amendment was *rejected*.

Mr. Morrissey and Ms. Creem and Ms. Fargo moved to amend the bill in section 2, in item 0330-0410, by striking out the words “provided further, that \$110,000 shall be expended solely for the delivering of free screening and possible referral for mediation services for claims filed by prisoners in the trial court;” and inserting in place thereof the following words:— “provided further, that \$200,000 shall be expended for education and administrative needs of the trial court as well as free screening and possible referral for mediation services for claims filed by prisoners in the trial court and for pro se litigants”; and in said item 0330-0410 by striking out the words “non-fee district court”.

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill in section 2, in item 0330-0410, by adding the following words.— “; and provided further, that not less than \$15,000 shall be expended for the Winchester mediation program”.

After debate, the amendment was adopted.

Ms. Creem moved to amend the bill in section 2, in item 0330-0410, by inserting after the words “Somerville Mediation Program;” the following words:— “provided further, that not less than \$65,000 shall be expended for the Middlesex Multi-Door Courthouse Program;”.

After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill in section 2, in item 0330-0410, by adding the following words:— “; and provided further, that \$200,000 shall be expended for an alternative resolution program administered by the chief justice of the superior court.”

After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 0330-0600, by striking out the figure “4,315,034” and inserting in place thereof the following figure:— “4,415,134”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-1000, by striking out the figure “2,730,000” and inserting in place thereof the following figure:— “3,050,000”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2201, by striking out the figure “3,343,913” and inserting in place thereof the following figure:— “3,956,708”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2202, by striking out the figure “9,953,230” and inserting in place thereof the following figure:— “19,634,270”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2205, by striking out the figure “21,305,919” and inserting in place thereof the following figure:— “23,246,907”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2207, by striking out the figure “3,507,819” and inserting in place thereof the following figure:— “3,774,344”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2300, by striking out the figure “245,000” and inserting in place thereof the following figure:— “375,000”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2600, by striking out the figure “1,414,938” and inserting in place thereof the following figure:— “1,956,493”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-2800, by striking out the figure “3,361,453” and inserting in place thereof the following figure:— “4,161,781”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-3200, by striking out the figure “44,496,225” and inserting in place thereof the following figure:— “46,284,431”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2 by inserting after item 0330-3700 the following item: “0330-4100 For the operation of a trial court vacancy pool and reserve 1,500,000.”

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-4303, by striking out the figure “6,005,941” and inserting in place thereof the following figure:— “6,255,941”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2 by striking out item 0331-0100 and inserting in place thereof the following item:

“0331-0100 For the administrative office of the superior court department; provided, that not more than \$75,000 shall be expended for judicial education, including the semi-annual conferences, racial and gender bias orientation programs and judicial induction ceremonies; and provided further, that not less than \$200,000 shall be expended for alternative dispute resolution services initiated by the administrative office of the superior court 8,279,767”; and in section 4, in item 0331-0100, by striking out the figures “7,544,646” and “176.6” and inserting in place thereof the following figures:— “8,120,880” and “181.6”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 0332-1300, by striking out the figure “720,235” and inserting in place thereof the following figure:— “740,000”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, by striking out item 0332-1400 and inserting in place thereof the following item:

“0332-1400 For the district court of central Berkshire at Pittsfield; provided, that two additional probation officers shall be funded from this item in fiscal year 2001; and provided further, that not more than 32 employees shall be funded from this item in fiscal year 2001 1,249,326”.

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 0332-2300, by striking out the figure “429,321” and inserting in place thereof the following figure:— “460,474”.

After remarks, the amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, in item 0332-2700, by inserting after the words “probation officer” the following words:— “; three additional probation officers”; and

In section 2, in said item 0332-2700, by striking out the figure “2,977,056” and inserting in place thereof the following figure:— “3,071,588”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-2900, by striking out the figure “1,237,201” and inserting in place thereof the following figure:— “1,344,269”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-3500, by striking out the figure “4,254,991” and inserting in place thereof the following figure:— “4,422,190”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 0332-4100, by striking out the figure “1,034,145” and inserting in place thereof the following figure:— “1,093,895”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-5600, by striking out the figure “878,959” and inserting in place thereof the following figure:— “977,588”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-5700, by striking out the figure “3,302,746” and inserting in place thereof the following figure:— “3,460,328”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 0332-5900, by adding the following words:— “; provided, that the temporary assistant clerk magistrate position shall be made permanent”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-6300, by striking out the figure “2,383,777” and inserting in place thereof the following figure:— “2,516,270”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-6400, by striking out the figure “4,600,959” and inserting in place thereof the following figure:— “4,819,373”.

The amendment was *rejected*.

Messrs. Antonioni and Brewer moved to amend the bill in section 2, in item 0332-7300, by adding the following words: “; and provided further that one additional head administrative assistant II for the office of the presiding justice shall be appointed and funded from this item in fiscal year 2001.”

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 0332-7300, by adding the following words:— “; provided, that one additional sessions clerk shall be funded from this item in fiscal year 2001.”

The amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 0332-7300, by striking out the figure “1,117,131” and inserting in place thereof the following figure:— “1,182,797”.

The amendment was *rejected*.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5172, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0.**

The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Glodis moved to amend the bill in section 2, in item 0332-7600, by adding the following words:— “; provided further, that two additional probation officers shall be funded from this item in fiscal year 2001; and provided further, that two procedure clerks II shall be funded from this item in fiscal year 2001”; and in said section 2, in said item 0332-7600, by striking out the figure “1,233,941” and inserting in place thereof the following figure:— “1,297,212”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-0002, by striking out the figure “1,647,313” and inserting in place thereof the following figure:— “1,797,324”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 0333-0002, by striking out the figure “1,647,313” and inserting in place thereof the following figure:— “1,925,461.”; and by inserting after the words “administrative office of the probate and family court department”; the following words:— “provided, that not less than \$200,000 shall be provided for a pilot regional clinic, so-called;”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0333-0002, by striking out the following words:— “; and provided further, that those employees of the probate and family court department classified at job group 19 in the 1982 collective bargaining agreement shall be reclassified to job group 20 or its equivalent”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, by striking out item 0333-0200 and inserting in place thereof the following item:

“0333-0200 For the Berkshire probate court; provided, that one additional probation officer be funded from this item in fiscal year 2001; and provided further, that not more than 21 employees shall be funded from this item in fiscal year 2001 885,002”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 0333-0711, by striking out the figure “50,000” and inserting in place thereof the following figure:— “52,429”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0333-0900, by striking out the figure “4,745,348” and inserting in place thereof the following figure:— “5,004,336”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0333-1200, by striking out the figure “2,283,537” and inserting in place thereof the following figure:— “2,432,308”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0333-1400, by striking out the figure “2,887,092” and inserting in place thereof the following figure:— “2,981,710”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 0334-0001, by striking out the figure “2,574,809” and inserting in place thereof the following figure:— “2,734,744”.

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by striking out item 0334-0001 and inserting in place thereof the following item:

“0034-0001 For the operation of the land court; provided, that notwithstanding the provisions of any general or special law to the contrary, there shall be not less than fifty-nine employees employed by the Land Court 2,734,744”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0334-0001, by striking out the figure “2,574,809” and inserting in place thereof the following figure:— “2,720,506”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0337-0002, by striking out the figure “1,219,383” and inserting in place thereof the following figure:— “1,321,425”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0337-0003, by striking out the figure “15,634,074” and inserting in place thereof the following figure:— “18,781,200”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0337-0200, by striking out the figure “2,719,660” and inserting in place thereof the following figure:— “2,844,553”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0337-0400, by striking out the figure "1,495,635" and inserting in place thereof the following figure:—"1,617,227".

The amendment was *rejected*.

Messrs. Creedon, Shannon, Lynch, Ms. Walsh, Messrs. Joyce, Jajuga, Pacheco, Ms. Menard, Messrs. Clancy, Brewer, Glodis and Nuciforo moved to amend the bill in section 2, by striking out item 0339-1001 and inserting in place thereof the following item: "0339-1001 For the office of the commissioner of probation; provided, that said commissioner of probation, subject to the approval of the chief justice for administration and management, shall appoint any associate probation officer or probation officer-in-charge; provided further, that two additional head administrative assistants, 16 additional probation officers-in-charge, and 13 additional associate probation officers, one additional regional supervisor, one additional chief probation officer, and one additional deputy commissioner shall be funded from this item in fiscal year 2001; provided further, that not more than \$100,000 shall be expended for electronic monitoring equipment; provided further, that not more than \$504,092 shall be expended from this item for two program managers, two court services coordinators and ten assistant court services coordinators for the operation of a statewide probation electronic monitoring program; and provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service, subject to collective bargaining agreements, to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 13,975,000",

The amendment was *rejected*.

Messrs. Creedon, Shannon, Lynch, Ms. Walsh, Messrs. Joyce, Jajuga, Pacheco, Ms. Menard, Messrs. Clancy, Brewer, Glodis and Nuciforo moved to amend the bill in section 2, by striking out item 0339-1002 and inserting in place thereof the following item: "0339-1002 For the superior court probation services; provided, that one additional chief probation officer shall be funded from this item in fiscal 2001 for juvenile justice issues in Worcester county 11,071,671".

The amendment was *rejected*.

Messrs. Creedon, Shannon, Lynch, Ms. Walsh, Messrs. Joyce, Jajuga, Pacheco, Ms. Menard, Messrs. Clancy, Brewer, Glodis and Nuciforo moved to amend the bill in section 2, by striking out item 0339-1003 and inserting in place thereof the following item: "0339-1003 For the operation of the trial court office of community corrections, including the costs of personnel; provided further, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire, held at Northampton; provided further, that \$117,837 shall be expended for seven assistant court service coordinators; provided further, that \$54,670 shall be expended for two court services coordinators; provided further, that \$44,169 shall be expended for two administrative assistants; provided further, that \$69,028 shall be expended for two program managers; provided further, that \$172,500 shall be expended on general office furnishings for Worcester juvenile and women's centers; and provided further, that not more than 80 employees shall be funded from this item in fiscal year 2001 4,502,592".

The amendment was *rejected*.

Messrs. Creedon, Shannon, Lynch, Ms. Walsh, Messrs. Joyce, Jajuga, Pacheco, Ms. Menard, Messrs. Clancy, Brewer, Glodis and Nuciforo moved to amend the bill, in section 2, by striking out item 0339-1004 and inserting in place thereof the following item: "0339-1004 For the costs of intensive supervision and community corrections programs; provided, that said programs shall include, but not limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution and community incapacitation or restraint; provided further, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensely supervised probationers; provided further, that \$225,000 shall be expended for the purpose of providing a community services for women program in the district court of southern Essex; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation officers and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2001; provided further, that the executive director of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs to include the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to the house and senate committees on ways and means not later than September 15, 2001; provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers; and provided further, that the amount appropriated herein shall fund the annualization of such programs commenced in fiscal year 1999 pursuant to contracts established between said office and sheriffs' offices 14,654,051".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0339-2100, by striking out the figure “2,323,668” and inserting in place thereof the following figure:— “2,436,041”.

The amendment was *rejected*.

Ms. Resor, Messr. Havern, Panagiotakos, Tolman, Ms. Tucker, Mr. Tarr, Ms. Creem and Messrs Shannon, Antonioni and Magnani and Ms. Fargo moved to amend the bill in section 2, in item 0340-0200, by striking out the figure “10,638,908” and inserting in place thereof the following figure:— “10,946,756”.

After debate, the amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 0340-2100, by striking out the figure “1,425,312” and inserting in place thereof the following figure:— “1,588,033”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; and provided further, that \$25,000 shall be expended for the purposes of site preparation, a foundation and relocation of the historic Whitcomb House in Boxborough”.

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “and provided further, that \$100,000 shall be provided for the final year of state financial assistance for the Worcester women’s history project”, and in said section 2, in said item 0526-0100, by striking out the figure “3,500,898” and inserting in place thereof the following figure:— “3,600,898”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “provided further, that not less than \$61,000 shall be expended for the restoration and improvement of the historic Old Town Hall in the town of Bedford”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; and provided further, that not less than \$155,000 shall be expended for the restoration and preservation, including exterior stabilization of the Brooks estate in the city of Medford”.

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; provided further, that not more than \$75,000 shall be expended as a grant to the town of North Andover for the purpose of making improvements to the historic old center district, so-called”.

The amendment was *rejected*.

Ms. Jacques moved to amend the bill in section 2, in item 0526-0100, by striking out the word “Spring” and inserting in place thereof the following word:— “Summer”.

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill in section 2, in item 0540-1500, by striking out the figure “3,579,430” and inserting in place thereof the following figure:— “4,390,434”.

The amendment was *rejected*.

Messrs. Shannon, Tolman, Panagiotakos and Havern moved to amend the bill in section 2, by inserting after item 0540-1500 the following item:

“0540-1501 For certain collective bargaining costs, including the costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the state secretary and the Office and Professional Employees International Union Local 6 for the northern Middlesex, southern Middlesex and Hampden districts registry of deeds and the American Federation of State, County and Municipal Employees Union Local 414 Council 93 for the southern Middlesex registry of deeds, such sums are hereby appropriated for fiscal years 1998, 1999 and 2000.

SECTION 2. Line item 0540-1500 (Middlesex South) between the secretary of the Commonwealth and the American Federation of State, County and Municipal Employees Union Local 414 Council 93 in the amount of \$352,215 and an additional \$30,040 for dental and optical plan.

Line item 0540-1500 (Middlesex South) between the secretary of the commonwealth and the Office of Professional Employees International Union Local 6 in the amount of \$165,173.

Line item 0540-1400 (Middlesex North) between the secretary of the commonwealth and the Office and Professional Employees International Union Local 6 in the amount of \$227,856.

Line item 0540-1200 (Hampden) between the secretary of the commonwealth and the Office and Professional Employees International Union Local 6 in the amount of \$223,068 and an additional \$22,136 for dental and optical.

This contract will run from July 1, 1998 through June 30, 2001”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 0540-1800, by striking out the figure “244,780” and inserting in place thereof the following figure:— “273,310”; and in item 0540-1700, by striking out the figure “470,298” and inserting in place thereof the following figure:— “532,950”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 0540-1900, by striking out the figure “2,135,625” and inserting in place thereof the following figure:— “2,422,187”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 0540-2000, by striking out the figure “527,174” and inserting in place thereof the following figure:— “566,045”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 0540-2100, by striking out the figure “2,381,363” and inserting in place thereof the following figure:— “2,550,843”.

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 0540-2100, by striking out the figure “2,381,363” and inserting in place thereof the following figure:— “2,510,853”.

The amendment was *rejected*.

Messrs. Hedlund and Tisei moved to amend the bill in section 2, by inserting after item 0612-1010 the following item: “0612-1506 For a reserve to meet the commonwealth’s obligation for the fiscal year ending June 30, 2001, pursuant to section 22B of chapter 32 of the General Laws, to reduce the unfunded pension liabilities of public retirement systems, other than the state employee and state teachers systems; provided, that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June 30, 2000 \$10,113,045”.

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 0640-0300, by inserting after the words “exceed \$100,000” the following words:— “; provided further, that \$25,000 shall be made available to the Reading Memorial high school band for the costs associated with their participation in the year 2000 National Independence Day Parade to be held in Washington, D.C.”

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 1100-1100, by striking out the figure “1,217,440” and inserting in place thereof the following figure:— “1,358,039”.

After debate, Ms. Melconian in the Chair, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past twelve o’clock noon, on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32):

YEAS.

Hedlund, Robert L.
Knapik, Michael R.

Sprague, Jo Ann
Tarr, Bruce E.

Lees, Brian P.
Rauschenbach, Henri S.

Tisei, Richard R. — 7.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

The yeas and nays having been completed at twenty minutes past twelve o'clock noon, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 1101-2100, by striking out the figure "2,112,236" and inserting in place thereof the following figure:— "2,201,700".

The question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32):

YEAS.

Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.

Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 7.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.

Berry, Frederick E.
Brewer, Stephen M.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.

Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.

Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

The yeas and nays having been completed at twenty-four minutes past twelve o'clock noon, the amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 1102-3206, by adding the following words:— “; and provided further, that \$500,000 shall be made available to the town of North Reading for costs associated with the disposition of the J.T. Berry Center”; and, in said item 1102-3206, by striking out the figures “1,013,685” and inserting in place thereof the figures “1,513,685.”

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, by striking out item 1107-2501 and inserting in place thereof the following item:

“1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards, so-called; provided further, that the commission shall keep an account of and report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that said report shall include the following: (i) number of claims that are found to be substantiated; (ii) number of claims that are unsubstantiated; (iii) number of claims that are found to be falsely reported as a result of intentional and malicious action; and (iv) the number of abuse cases investigated by law enforcement and resulting in arrest; provided further, that not less than \$17,094 shall be made available for the job reclassification of employees of the commission; provided further, that not less than \$8,550 shall be made available for abuse prevention materials produced in-house; and provided further, that the commission shall conduct a study to determine the feasibility of recording all calls received by the commission’s 24-hour hotline 1,757,157”.

The amendment was *rejected*.

Mr. Lynch, Ms. Tucker, Ms. Walsh and Mr. Jajuga moved to amend the bill in section 2, in item 1108-1011, by striking out the figure “508,816” and inserting in place thereof the following figure:— “586,730”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 1231-1020, by inserting after the words “Title V, so-called;” in line 5, the following words:— “and to assist homeowners, homeowner associations or condominium associations to improve private water supply wells that have failed and where the local board of health has determined that such failure presents a risk to public health”; and

In said item 1231-1020 by inserting after the words “Title V compliance” the following words:— “or the cost of improving a private water supply well;”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-nine minutes before one o'clock P.M., on motion of Mr. Rauschenbach, as follows, to wit (yeas 9 — nays 30):

YEAS.

Brewer, Stephen M.
Hedlund, Robert L.
Knapik, Michael R.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.

Lees, Brian P.
Murray, Therese

Tisei, Richard R. — 9.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 30.

The yeas and nays having been completed at twenty-three minutes before one o'clock P.M., the amendment was *rejected*.

Recess.

At twenty-two minutes before one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the Chair (Ms. Melconian) declared a recess; and, at six minutes past one o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Clancy moved to amend the bill in section 2, in item 1310-1000, by striking out the figure "1,890,707" and inserting in place thereof the following figure:—"1,923,005".

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 1410-0010, by adding the following words:—""; provided further, that \$20,000 shall be expended for refurbishment, renovation and repair of designated veteran memorial sites in the city of Melrose".

The amendment was *rejected*.

PAPER FROM THE HOUSE

Engrossed Bill.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill authorizing the Attorney General to suspend certain labor laws in an emergency (see House, No. 5172, amended) (which originated in the House), **having been**

certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Report of Committees.

By Ms. Melconian, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Linda J. Melconian, Brian P. Lees, Cheryl A. Rivera, Jack Keough and other members of the General Court for legislation relative to the Springfield Civic and Convention Center.

Senate Rule 36 was suspended, on motion of Mr. Lees, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.

Sent to the House for concurrence.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 1102-3231 the following item: “1102-3332 For demolition of abandoned buildings which are a threat to public safety or to eliminate blight in the city of Brockton 275,000”.

The amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 1410-0012, by striking out the words “\$77,000 shall be obligated for a contract” and inserting in place thereof the following words:— “\$100,000 shall be obligated for a contract”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 1410-0012, by striking out the figure “110,000” and inserting in place thereof the following figure:— “135,000”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 1410-0250, by striking the words “provided further, that not less than \$120,000 shall be obligated for a contract with the Veterans Hospice Homestead in the city of Leominster” and inserting in place thereof the following words:— “provided further, that not less than \$500,000 shall be obligated for a contract with the Veterans Hospice Homestead in the city of Leominster”.

The amendment was *rejected*.

Messrs. Glodis, Bernstein and Brewer and Ms. Resor moved to amend the bill in section 2, in item 1410-0250, by striking out the figure “267,750” and inserting in place thereof the following figure:— “337,750”; and in said item 1410-0250 by striking out the figure “1,493,825” and inserting in place thereof the figure “1,563,825”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 1599-0036, by adding the following words: “; and provided, that \$600,000 be expended for the repair and rehabilitation of the Chevalier Memorial Auditorium in the city of Medford”; and, in said item 1599-0036, by striking out the figure “15,456,930” and inserting in place thereof the following figure:— “16,056,930”.

After remarks, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Rauschenbach moved to amend the bill in section 2, by inserting after item 1599-3234, the following item:

“1599-3250 For costs associated with the development of a request for proposals, including guaranteed price proposals, for the operation and long-term maintenance of all or a portion of the Massachusetts Water Resources Authority, the evaluation of said proposals and the development of a recommendation to the board of directors of said authority whether to maintain current operations or accept one or more of said proposals; provided, that in the event that one or more of said proposals are accepted, upon contract commencement, the commonwealth shall be reimbursed by the selected contractor or contractors for all expenditures from this item 1,000,000”.

The President in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 33):

YEAS.

Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Rauschenbach, Henri S.	Tisei, Richard R. — 6.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Bernstein, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Jajuga, James P.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne — 33.
Melconian, Linda J.	

The yeas and nays having been completed at twenty-one minutes before two o'clock P.M., the amendment was *rejected*.

Messrs. Lees, Knapik, Rauschenbach and Hedlund and Mrs. Sprague moved to amend the bill in section 2, by inserting after item 1599-3234 the following item:

“1599-3317 For a reserve to implement the family friendly employee benefit program, so called, including the costs of emergency child and elder care, a national child and elder care referral service, and other costs incurred by agencies related to said program, including, but not limited to, the costs of salaries and medical benefits for personnel hired to substitute for employees on extended family leave; provided, that the secretary of administration and finance may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for fiscal year 2001 such amounts as may be necessary to meet the costs of said program where the amounts otherwise available are insufficient for the purpose 4,842,500”.

The amendment was *rejected*.

Ms. Murray and Messrs. Lees and Knapik moved to amend the bill in section 2, in item 1599-6899, by striking out the figure “25,000,000” and inserting in place thereof the following figure:— “31,000,000”.

After debate, the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 1599-6899, by striking out the figure “25,000,000” and inserting in place thereof the following figure:— “44,000,000”; and in said item 1599-6899 by adding the following words:— “; provided, that not more than \$34 million shall be used from this item to adjust the wages, compensation or salary and associated employee-

related costs of personnel earning less than \$39,000 in annual compensation who are employed by private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs, provided further that not less than \$10,000,000 shall be expended to mitigate the increased costs of health care insurance incurred by such providers and all of their employees in fiscal year 2001”.

The amendment was *rejected*.

Ms. Murray and Mr. Lees moved to amend the bill in section 2, by inserting after section 1599-9952 the following item: “1599-xxxx For a reserve to mitigate the increased costs of health care insurance incurred by private human service providers, the sum appropriated herein shall be allocated by the operational services division in a manner that is fair and equitable to ensure that health insurance is affordable for employers to continue to provide to their employees, but does not give providers incentives to increase the employees share of health insurance costs during fiscal year 2001 and beyond; provided that the operational services division shall report to the house and senate committees on ways and means on the methodology established for allocating said compensation for health insurance costs and the approximate payments made to each such provider; and provided further, that the annualized cost of said adjustments in fiscal year 2002 shall not exceed the amount appropriated herein 10,000,000”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 1750-0100, by striking out the figure “5,026,076” and inserting in place thereof the following figure:— “5,230,217”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 1750-0111, by striking out the figure “339,346” and inserting in place thereof the following figure:— “369,451”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 1750-0115, by striking out the figure “195,602” and inserting in place thereof the following figure:— “222,400”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 1750-0200, by striking out the figure “1,189,463” and inserting in place thereof the following figure:— “1,262,981”.

The amendment was *rejected*.

Mr. Antonio moved to amend the bill in section 2, in item 2000-0100, by adding the following words:— “; and provided further, that \$200,000 be expended as a grant for the capping of a sanitary landfill in the town of Townsend”.

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 2000-0100, by striking out the words “\$1,250,000 shall be” and inserting in place thereof the following words:— “\$2,000,000 shall be”; and in said item 2000-0100, by striking out the figure “4,184,022” and inserting in place thereof the following figure:— “4,934,022”.

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 2000-0100, by striking out the figure “4,184,002” and inserting in place thereof the following figure:— “4,709,002”.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 2000-0100, by striking out the words “not less than \$200,000 shall be expended on a program of coastal resources monitoring and restoration” and inserting in place thereof the following words:— “not less than \$795,000 shall be expended on an expanded and comprehensive program of coastal resources monitoring and restoration”, and, in said item 2000-0100, by striking out the figure “4,184,002” and inserting in place thereof the following figure:— “4,779,002”.

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 2010-0100, by adding the following words:— “; provided further, that \$250,000 shall be appropriated to WasteCap of Massachusetts, a non-profit organization, for the operation of business waste and recycling programs, including grants to public and non-public entities.”

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 2010-0100, by inserting after the words “with limited or non-existent recycling programs;” the following language:— “; provided further, that not less than \$350,000 shall be appropriated from this item to Massachusetts non-profit organizations whose core missions are responsible solid waste management for innovative programs that develop or enhance the infrastructure in the areas of recycling, composting, reuse or reduction of solid or hazardous waste”.

After remarks, the amendment was adopted.

Ms. Resor, Ms. Fargo, Messrs. Pacheco, Brewer, Panagiotakos, Mrs. Sprague and Mr. Nuciforo moved to amend the bill in section 2, in item 2010-0100, by striking out the figure “9,020,000” and inserting in place thereof the following figure:— “10,200,877”.

Clean Environment Fund 100.0%.

After remarks, the amendment was *rejected*.

Messrs. Tarr, Tolman, Jajuga, Shannon, Ms. Tucker, Ms. Fargo and Mr. Panagiotakos moved to amend the bill by inserting after item 2040-0100 the following item:
“2040-1991 For the second year cost of a seven year proportional reimbursement schedule for debt service costs attributable to the installation of certain air pollution control and related equipment or the cost of closing of the North Andover North East Solid Waste Committee waste to energy plant as required by the United States Environmental Protection Agency “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Municipal Waste Combusters” (40CFR60) pursuant to section 129 of the Clean Air Act amendments of 1990; provided, however, that the city of Peabody and the towns of Acton, Andover, Arlington, Bedford, Belmont, Boxborough, Burlington, Carlisle, Dracut, Hamilton, Lexington, Lincoln, Manchester, North Andover, North Reading, Tewksbury, Watertown, Wenham, Westford, West Newbury, Wilmington and Winchester shall be eligible to receive said proportional reimbursement; provided, further, that any amounts provided from this item shall be in addition to and shall not replace any amounts currently appropriated by said cities and towns for said debt service costs; and provided, further, that any amount provided from this item shall be solely for the purposes of this item 3,000,000”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; provided further, that not less than \$46,000 shall be provided for the comprehensive clean-up and continued monitoring of Dudley pond in the town of Wayland”.

The amendment was *rejected*.

Ms. Fargo and Mr. Tolman moved to amend the bill in section 2, in item 2100-0005, by striking out the words “provided further, that \$330,000 shall be provided for the dredging and clean-up of Hardy Pond;” and inserting in place thereof the following words:— “provided further, that \$900,000 shall be provided for the dredging and clean-up of Hardy pond;”.

After debate, the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 1102-3210, by inserting after the words “redeveloping surplus state properties to house state agencies;” the following words:— “; provided further, that not less than \$100,000 shall be expended for the installation of an elevator in the library at Berkshire Community College”.

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 1599-6899, by inserting after the word “policy;” the following words:— “except for mental health, mental retardation, substance abuse and comprehensive family planning programs who otherwise meet the standards herein;”.

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; provided further, that \$350,000 be provided for the installation of a temporary earth berm in the Davidson park and high school areas in the town of Winchester; and provided further, that \$203,000 be provided for the reconstruction of the Davidson park dam and bridge and the removal of the dam upstream of the pond in the town of Winchester”, and, in said item 2100-0005, by striking out the figure “5,241,952” and inserting in place thereof the following figure:— “5,794,952”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; and provided further, that not less than \$175,000 shall be expended to conduct an aquifer storm water discharge program in the town of Franklin”.

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 2100-0005, by inserting after the words “clean-up of Hardy Pond;” the following:— “; provided further, that not less than \$183,750 shall be expended for a grant to the Berkshire Regional Planning Commission for the dredging and associated improvements to the Old Berkshire Mill dam on the Housatonic river;”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; and provided further, that monies shall be provided for coastal protection and dredging projects, and that monies from this appropriation shall be expended to meet and satisfy projects agreed to by the department with local municipalities in fiscal year 2000, and other such dredging projects which the department identified, on or before April 1, 2000; and provided further, that not less than \$872,000 shall be expended for the town of Wellfleet.”

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 2100-0005, by inserting after the words “\$300,000 shall be” the following words:— “made available for improvements to the waterways of Van Horn park in the city of Springfield;”.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, by inserting after item 2100-0005 the following item: “2100-xxxx For the dredging of South river in the towns of Marshfield and Scituate 475,131”.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, by inserting after item 2100-0005 the following item: “2100-xxxx For the expended repair and replacement of piers in the town of Cohasset 50,000”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; and provided further, that not less than \$200,000 shall be expended for the repair of Eddy Pond dam in the town of Auburn;” and, in said item 2100-0005, by striking out the figure “5,241,952” and inserting in place thereof the following figure:— “5,441,952”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 2100-0005, by adding the following words:— “; and provided further, that not less than \$25,000 be expended to the town of Upton for the repair of Pratt Pond dam;”.

After remarks, the amendment was adopted.

Ms. Melconian in the Chair, Ms. Fargo, Ms. Resor, Ms. Tucker and Messrs. Tarr and Knapik moved to amend the bill in section 2, by inserting after item 2100-0005 the following item:

“2100-0050 For the purposes of the administration and implementation of a non-native invasive weeds program to control the infestation of non-native exotic aquatic weeds in the commonwealth’s lakes, rivers and streams 1,000,000”.

After remarks, the amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that \$85,000 be expended as a matching grant for the purchase of open space land, so-called, on King street in the town of Hanover”.

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 2100-2030, by striking out the words “\$300,000 shall be made available to address drainage” and inserting in the place thereof the following words:— “\$400,000 shall be made available to address drainage”.

The amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 2100-2030, in line 30, by adding after the words “drainage and flooding” the following words:— “and enhancing recreational opportunity”; and by inserting after the word “Melrose” the following words:— “and its surrounding communities.”

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 2100-2030, by inserting after the words “Ernestina commission” the following words:— “; and provided further, that \$236,000 shall be made available for the town of Reading for costs incurred from purchasing the Marion Woods property along the Ipswich river”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that not less than \$160,000 shall be expended for repairs and reconstruction of the fence, deck, roof and filter system at the Senator P. Eugene Casey Pool in Milford”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; provided further, that not more than \$200,000 be expended for the restoration of Hall’s pond in Brookline”.

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 2100-2030, by striking out the figure “24,538,047” and inserting in place thereof the following figure:— “24,888,047”.

The amendment was *rejected*.

Mr. Magnani and Ms. Jacques moved to amend the bill in section 2, in item 2100-2040, by striking out the words: “provided further, that provided further, that not more than \$10,000 shall be provided for the purchase of cold water diving equipment to be used for water rescues at Cochituate State Park;” and inserting in place thereof the following words:— “provided further, that not more than \$10,000 shall be provided for the purchase of cold water diving equipment to be used for water rescues at the Ashland, Hopkinton and Cochituate state parks, such equipment to be stored at the Natick fire department;” and, in said section 2, in said item 2100-2040, by adding the following words:— “; and provided further, that the department shall enter into a memorandum of understanding with the town of Natick for access through John J. Lane park to Cochituate state park”.

After remarks, the amendment was adopted.

Ms. Menard moved to amend the bill in section 2, in item 2100-3010, by inserting after the words “seasonal employees, so called;” the following words:— “provided further, that the department maintain 40 lifeguards at Horseneck beach;”.

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill in section 2, in item 2100-3010, by striking out the figure “4,154,090” and inserting in place thereof the figure “4,323,004”.

After remarks, the amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 2100-3011, by inserting after the words “seasonal employees, so called;” the following words:— “provided further, that the department have 40 lifeguards at Horseneck beach by June, 2001;”.

The amendment was adopted.

Ms. Menard and Mr. Pacheco moved to amend the bill in section 2, by inserting after item 2100-3011 the following item: “2100-3020 For the operation of the bureau of fire control district 3 in the department of environmental management for Region 1 Bristol county; provided further, that \$30,000 shall be obligated for the one additional firefighter; provided further, that \$27,000 shall be obligated for a laborer; provided further that \$27,000 shall be obligated for a tower operator; provided further, that \$130,000 be obligated for a brush breaker; provided further, that \$50,000 be obligated for a patrol truck 264,000”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 2100-2040, by adding the following words:— “; provided further, that not less than \$150,000 will be expended for the open space acquisition and associated park improvements for the extension of Pemberton Park in Lawrence Heritage State Park”.

After remarks, the amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 2200-0100, by adding the following words:— “; and provided further, that not less than \$100,000 shall be expended for repair and resurfacing to the interior and exterior surfaces of the Cedar street water storage standpipe in the town of Ashland;”.

After debate, the amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, by inserting after item 2200-0100 the following item:
“2200-0102 For an assessment of the cumulative impacts of pollutants from such sources as buses, power plants, industrial processing plants, hazardous waste sites, and airplane exhaust 750,000”.

The amendment was *rejected*.

Messrs. Antonioni and Brewer moved to amend the bill in section 2, in item 2300-0106, by striking out the words “Inland Fisheries and Game Fund . . . 50%; Marine Fisheries Fund . . . 25%; Environmental Law Enforcement Fund . . . 25%” and inserting in place thereof the following words:— “Inland Fisheries and Game Fund . . . 25%; Marine Fisheries Fund . . . 25%; Environmental Law Enforcement Fund . . . 25%; General Fund . . . 25%”.

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 2310-0200, by adding the following words:— “; and provided further, that not less than \$40,000 shall be expended to construct a fish ladder at Mill river in Taunton”.

The amendment was *rejected*.

Messrs. Shannon and Pacheco moved to amend the bill in section 2, by striking out item 2350-0101 and inserting in place thereof the following item:

“2310-0201 For the Hunter Safety Training program, provided that such program may expend funds for the services of environmental law enforcement personnel 249,160 Inland Fisheries and Game Fund 100.0%”.

After remarks, the amendment was *rejected*.

Mr. Pacheco, Ms. Resor, Mr. Rauschenbach and Ms. Fargo moved to amend the bill in section 2, in item 2310-0500, by striking out the figure “341,845” and inserting in place thereof the following figure:— “362,667”.

After debate, the amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2, by inserting after item 2300-0110, the following item:
“2310-1280 For deferred equipment purchase and maintenance repairs to facilities and properties under the control of the division of fisheries and wildlife 150,000
Inland Fisheries and Game Fund 100.0%”.

After remarks, the amendment was *rejected*.

Mr. Pacheco, Ms. Resor, Mr. Rauschenbach and Ms. Fargo moved to amend the bill in section 2, by striking out item 2315-0100 and inserting in place thereof the following new item:

“2315-0100 For the administration of a program of non-game management and research 434,381
General Fund 75.00%”.
Natural Heritage and
Endangered Species Fund 25.00%”.

After remarks, the amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 2320-0200, by adding the following words:— “; and provided further, that the amount necessary to construct a boat ramp in the town of Mattapoisett shall be expended from this item.”

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2320-0200, by adding the following words:— “; and provided further, that \$175,000 shall be expended for the construction of a wheel-chair accessible fishing pier on Silver Lake in the town of Wilmington”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 2320-0200, by adding the following words:— “; and provided further, that not more than \$30,000 be expended for a handicapped accessible public fishing pier and boarding docks associated along with access walkways and utilities on Congamond lake in Southwick”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2320-0200, by adding the following words:— “; provided further, that \$92,658 be expended for the renovation and reconstruction of Morss Pier in the town of Manchester-by-the-Sea”.

The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2, in item 2350-0100, by striking out the figure “9,496,152” and inserting in place thereof the following figure:— “10,215,065”.

After debate, the amendment was *rejected*.

Messrs. Tarr, Rauschenbach and Hedlund moved to amend the bill in section 2, in item 2350-0100, by adding the following words:— “; provided further that 12 additional environmental officers shall be hired to patrol coastal areas”; and in said item 2350-0100, by striking out the figure “9,496,152” and inserting in place thereof the following figure:— “10,649,186”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 2350-0104, by striking out the words “up to \$150,000” and inserting in place thereof the following words:— “up to \$250,000”; and in said item 2350-0104, by striking out the figure “150,000” and inserting in place thereof the following figure:— “250,000”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 2350-0104, by striking out the figure “150,000” and inserting in place thereof the following figure:— “250,000”.

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; provided further, that not more than \$130,000 shall be expended for clean-up and restoration of Donovan’s Beach in the town of Winthrop”.

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; and provided further, that not less than \$25,000 shall be expended for maintenance and repairs to Pine Banks park.”

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; and provided further, that \$100,000 be expended for renovations to the Brighton/Allston pool, including the bath house, so-called”; and by striking out the figure “31,138,277” and inserting in the place thereof the following figure:— “31,238,277”.

After remarks, the amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; and provided further, that \$150,000 shall be expended to begin a master plan for the Alewife reservation area”; and by striking out the figure “31,138,277” and inserting in the place thereof the following figure:— “31,288,277”.

After remarks, the amendment was *rejected*.

Ms. Resor, Ms. Fargo, Messrs. Lees, Pacheco, Magnani and Ms. Creem moved to amend the bill in section 2, by inserting after item 2200-0100 the following item:

“2200-0150 For the implementation of the Massachusetts drivers protection act, so-called, pursuant to chapter 258 of the acts of 1996; provided, that said assistance shall include, but not be limited to, funding of consultant contracts for the circuit rider program, so-called, the development and distribution of maps, and technical guidance materials; and for the provision of technical assistance to communities in meeting the requirements of title v, the state environmental code on subsurface disposal of sanitary sewage, and the requirements of the new federal rules adopted under the Safe Drinking Water Act, new stormwater requirements under stormwater phase two rules, and new pollution control rules called maximum daily loads 1,000,000”.

After debate, the amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; provided further, that not less than \$264,874 shall be expended to renovate the Pat and Gabriel Farren Memorial Playground in Watertown”; and by striking out the figure “31,138,277” and inserting in place thereof the following figure:— 31,403,151”.

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; and provided further, that not more than \$30,000 shall be expended to repair the bridge, walkways and parking lot of Moswetuset Hummock Park located in the City of Quincy;”.

After remarks, the amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— “; and provided further, that \$150,000 shall be expended for bikepath connections in the town of Brookline and the city of Boston between the Jamaicaaway south of state Route 9 and along the Riverway to the north of state route 9.”

The amendment was *rejected*.

Messrs. Hedlund, Tarr and Clancy moved to amend the bill in section 2, by inserting after item 2440-0010 the following item: “2440-xxxx For sanding and beach renourishment for MDC reservations on the north and south shores 75,000”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by inserting after item 2440-0010 the following item: “2440-0031 For the enhancement of the Boston Harbor islands; provided, that the commission shall target improvements to Peddock’s and Lovell’s islands including the acquisition of summer cottages thereon 300,000”.

After remarks, the amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 2511-0100, by striking out, the words “not less than \$350,000” and inserting in place thereof the following words:— “not less than \$200,000”.

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, item 2511-0110, by striking out the words “reimbursing cities and towns for the costs of acquisition of open space land for the purpose of conservation and recreation; provided, that each such reimbursement shall represent the commonwealth’s total commitment in such acquisitions,” and inserting in place thereof the following words:— “preserving agricultural lands in partnerships with cities and towns; provided, that priority for these funds shall be given to agricultural land in cities and towns that provide matching funds at a level that is satisfactory to the Agricultural Lands Preservation Committee.”.

After debate, the amendment was adopted.

Ms. Resor, Ms. Fargo and Mr. Tarr moved to amend the bill in section 2, in item 2511-3002, by striking out the figure “299,500” and inserting in place thereof the following figure:— “399,500”.

After remarks, the amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 0332-4000, by striking out the words “one additional assistant clerk magistrate and”; and by striking out the figure “2,668,125” and inserting in place thereof the following figure:— “2,627,469”.

The amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 2440-0010, by striking out the words “John E. Powers” and inserting in place thereof the following words:— “former Senate President John E. Powers”.

After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Havern, Mrs. Sprague and Ms. Fargo moved to amend the bill in section 2, by inserting after item 4000-0111 the following item: “4000-0120 For the Anchor program, so called, at the McCormack institute of public affairs at the University of Massachusetts at Boston 200,000”.

The amendment was *rejected*.

Messrs. Moore and Lees, Ms. Wilkerson, Ms. Walsh, Messrs. Tolman and Nuciforo, Mrs. Sprague, Ms. Creem, Messrs. Lynch and Tisei, Ms. Resor, Ms. Fargo and Mr. Joyce moved to amend the bill in section 2, in item 4000-0500, by adding the following words:— “and provided further, that \$5,800,000 of the amount appropriated herein shall be expended for payment adjustments for inpatient services provided at acute pediatric specialty hospitals with not less than 250 licensed beds, which shall include disproportionate share payments and rate adjustments to compensate for the costs resulting from modifications to the division’s payment methodology to acute care pediatric specialty hospitals with not less than 250 licensed beds in a manner which shall treat graduate medical education costs for pediatric residents at said hospitals as primary care medical education costs and shall recognize the intensity of certain outpatient service, and for the costs resulting from modifications to the rate methodology used by the division to reimburse acute care pediatric specialty hospitals with not less than 250 beds for care provided during so-called ‘outlier’ days, which shall mean days in excess of 20 days after an acute inpatient hospital admission”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before four o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at twenty-four minutes before four o’clock P.M., the amendment was adopted

Mr. Moore, Ms. Wilkerson, Ms. Creem and Mr. Nuciforo moved to amend the bill in section 2, in item 4000-0700, by adding the following words: “; and provided further, that the division shall cover the cost of medical care for those suffering from advanced stages of emphysema who lack appropriate insurance coverage but qualify for a clinical trial at one of the 11 Massachusetts hospitals participating in the lung volume reduction surgery, so-called (LVRS)”.

After remarks, the amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 4000-1451 by adding the following words:— “; provided further, that funds shall be expended to establish a program to educate physicians to consider costs when prescribing medication and that such

program shall identify the range of physician behavior with regard to patterns of prescribing medications and shall identify physicians whose prescribing patterns are one standard deviation above the mean prescribing pattern and once so identified, shall take action to educate said physicians as to the best practices for prescribing clinically effective and affordable medications; and provided further, that such program shall include the development of an education campaign for MassHealth members to educate them on the safety and efficacy of generic medications”.

After remarks, the amendment was adopted.

Messrs. Tisei, Tolman and Knapik moved to amend the bill in section 2, in item 4000-0866, by striking out the figure “2,500,000” and inserting in place thereof the following figure:— “5,000,000”.

After debate, the amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 2440-0010, by adding the following language:— “; and provided further, that not less than \$150,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring”.

After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill in section 2, in item 4000-1451, by adding the following words:— “; and provided further, that not less than \$250,000, in conjunction with any private and federal funds, shall be allocated for establishment of the pharmacy outreach program, established by section 4C of Chapter 19A of the General Laws”.

The amendment was adopted.

Mr. Rauschenbach moved to amend the bill in section 2, in item 4000-1504, by adding the following words:— “; provided further, a community health center, which through participation in the division of medical assistance’s fiscal year 2000 Access Program, so-called, has opened one or more offsite dental centers in an area with under-served dental services, shall (i) not be restricted in the number of uninsured patients served at such sites; and (ii) receive reimbursement from the uncompensated care pool for such dental services at the rate that the uncompensated care pool pays to the community health center’s main clinic”.

After remarks, the amendment was *rejected*.

Messrs. Shannon and Tolman moved to amend the bill in section 2, in item 4110-1000, by adding the following words:— “; provided further, that the Massachusetts commission for the blind shall work in collaboration with the Massachusetts commission for the deaf and hard of hearing to provide assistance and services to the deaf-blind community through said deaf-blind community access network”.

After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill in section 2, in item 4110-4000, by striking out the words “and provided further, that \$40,000 shall be expended on a cost of living adjustment to the blind workers in the workshop” and inserting in place thereof the following words:— “provided further, that the commissioner of the commission for the blind shall provide for a cost of living adjustment to blind workers and retired blind workers not to exceed \$40,000 in total for all such blind workers; and provided further that not less than \$180,000 shall be used for additional rental and/or moving costs of the Ferguson Industries for the Blind”.; and, in said item 4110-4000, by striking out the figure “1,655,210” and inserting in place thereof the following figure:— “1,918,949”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 4120-4000, by striking out the figure “7,023,433” and inserting in place thereof the following figure:— “7,923,433”.

The amendment was *rejected*.

Mr. Berry moved to amend the bill in section 2, in item 4120-4000, by striking out the words “fiscal year 1998” and inserting in place thereof the following words:— “fiscal year 2000”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 4130-0005, by adding the following words:— “; provided, that not less than \$411,810 shall be expended from this item in fiscal year 2001 to hire not less than ten full time equivalent licensers or investigators”; and by striking out the figure “6,906,493” and inserting in place thereof the following figure:— “7,197,422”.

After remarks, the amendment was *rejected*.

Ms. Wilkerson and Messrs. Rosenberg and Lynch moved to amend the bill in section 2, in item 4130-3300, by inserting after the words “surplus to this item;” the following words:— “provided further, that not less than \$500,000 shall be expended to continue Boston Community Centers’ supportive services contract to provide child care and support to high-risk children;”.

The amendment was *rejected*.

Ms. Wilkerson, Messrs. Lees and Tolman moved to amend the bill in section 2, by striking out item 4130-3500 and inserting in place thereof the following item:

“4130-3500 For the provision of trial court child care services; provided, that \$175,000 shall be expended for child care services in the Roxbury trial court; provided further, that \$250,000 shall be expended for child care services in the Springfield trial court; provided further, that \$175,000 shall be expended for child care services in the West Roxbury trial court; provided further, that \$255,938 shall be expended for child care services in the Middlesex trial court; provided further, that \$175,000 shall be expended for child care services in the Dorchester district court; provided further, that \$175,000 shall be expended for trial court child care in Lawrence; provided further, that \$250,000 shall be expended for child care at the Suffolk county court complex; provided further, that not less than \$175,000 shall be expended for child care services in the Fall River trial court; provided further, that \$200,000 shall be expended for child care services in the Chelsea trial court; and provided further, that \$300,000 shall be expended for child care services in the Brockton trial court 2,130,938”.

The amendment was *rejected*.

Messrs. Knapik, Lees and Brewer moved to amend the bill in section 2, in item 4190-1100, by striking out the figure “88,000” and inserting in place thereof the following figure:— “138,000”.

The President in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past four o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 12 — nays 26):

YEAS.

Brewer, Stephen M.
Hedlund, Robert L.
Jajuga, James P.
Knapik, Michael R.
Lees, Brian P.
Moore, Richard T.

Rauschenbach, Henri S.
Rosenberg, Stanley C.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Walsh, Marian — 12.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Jacques, Cheryl A.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 26.

ABSENT OR NOT VOTING.

Havern, Robert A. — 1.

The yeas and nays having been completed at twenty-seven minutes before five o'clock P.M., the amendment was *rejected*.

Messrs. Knapik, Lees and Brewer moved to amend the bill in section 2, by inserting after item 4190-1100 the following item: "4190-1103 For a one-time purchase of medical related equipment for said soldiers' home; provided, that said home shall submit a report detailing the purchase and expenditures of each medical related equipment; and provided further, that the report shall include, but not be limited to, the expenditures of health related examinations performed outside of said home during the years 2000 and 2001 not later than February 1, 2001 750,000".

The amendment was *rejected*.

Ms. Resor, Mr. Shannon, Mr. Tolman, Ms. Creem and Ms. Menard moved to amend the bill in section 2, in line item 4403-2000, by inserting after the words "informal child care;" the following words:—"provided further, that the department of transitional assistance shall provide verbal and written notification to all recipients of their child care benefits on a semiannual basis; provided further, that said notification shall include the full range of child care options available, including center-based child care, so-called, family based child care, so-called, and in-home relative child care, so-called; provided further, that said notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, and post-transitional benefits; provided further, that said department shall work with the office of child care services to ensure that any recipient currently receiving benefits and any former recipient during the one year period following termination of benefits shall be provided written and verbal information about child care benefits and services".

After remarks, the amendment was adopted.

Ms. Wilkerson and Ms. Murray moved to amend the bill in section 2, in item 4403-2000, by adding the following words:—" ; and provided, further, that homeless families whose cash assistance benefits have been reduced because they have resided in a shelter shall receive a relocation benefit related to securing permanent housing equal to the amount by which their cash assistance benefits were reduced while they were in a shelter or the amount provided by department regulations as of March 1, 2000, whichever is greater"; and in item 4403-2002, by adding the following words:—" ; and provided, further, that homeless families whose cash assistance benefits have been reduced because they have resided in a shelter shall receive a relocation benefit related to securing permanent housing equal to the amount by which their cash assistance benefits were reduced while they were in a shelter or the amount provided by department regulations as of March 1, 2000, whichever is greater".

The amendment was *rejected*.

Mr. Panagiotakos, Ms. Fargo, Messrs. Shannon, Tarr, Havern, Ms. Creem, Ms. Tucker, Messrs. Magnani, Tolman, Glodis, Knapik and Ms. Resor moved to amend the bill in section 2, in item 4403-2120, by striking out the words "provided further, that at least as many shelter spaces as were provided for homeless families during fiscal year 2000 be made available in fiscal year 2001" and inserting in place thereof the following words:—"provided further, that not less than 140 additional non-hotel/motel shelter spaces be made available to homeless families during fiscal year 2001".

After remarks, the amendment was adopted.

Messrs. Nuciforo and Rosenberg moved to amend the bill in section 2, in item 4403-2120, by striking out the words "the department may enter into an interagency service agreement with the department of housing and community development for a program to prevent homelessness" and inserting in place thereof the following words:—"the department shall enter into an interagency service agreement with the department of housing and community development for a program to prevent homelessness".

After debate, the amendment was adopted.

Mr. Travaglini, Ms. Walsh, Mr. Creedon, Ms. Fargo, Mr. Tarr, Ms. Resor, Ms. Tucker, Mr. Nuciforo, Ms. Creem, Ms. Wilkerson and Messrs. Panagiotakos, Joyce and Magnani moved to amend the bill in section 2, in item 4404-1000 by adding the following words:—" ; and provided further, that the department shall provide, to the extent allowable under federal law, food stamp benefits not later than seven days after the date of application to any household in which all members are homeless individuals and meet the income and resource criteria for federally funded coupons".

After remarks, the amendment was adopted.

Messrs. Creedon and Clancy moved to amend the bill in section 2, in item 4405-2000, by adding the following words:—" ; provided further, that the division of health care finance and policy establish new rates for residential (Level IV) homes funded

from this item not later than October 1, 2000, such rates to reflect wage rates adequate to attract qualified direct care staff; and provided further, that the client personal need allowance be increased by 25%”.

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 4406-3000, by inserting after the words “providers of housing,” the following words:— “through contracts with the Massachusetts housing and shelter alliance”.

After remarks, the amendment was adopted.

Ms. Menard moved to amend the bill in section 2, in item 4406-3000, by inserting after the words “homeless and indigent” the following words:— “; provided further, that not less than \$175,000 shall be appropriated for a contract with the residential care consortium in the city of Fall River”.

The amendment was *rejected*.

Mr. Magnani and Ms. Resor moved to amend the bill in section 2, in item 4406-3000, by striking the words “SHADOWS project in Natick” and inserting in place thereof the following words:— “SHADOWS project in Ashland”.

After remarks, the amendment was adopted.

Mr. Magnani and Ms. Resor moved to amend the bill in section 2, in item 4406-3000, by inserting after the words “turning point program, so-called” the following words:— “; provided further, that not less than \$220,758 shall be expended for the meadows II program, so-called, to provide services to female ex-offenders”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 4400-1000, by inserting after the words “the department shall be paid from this item;” the following words:— “provided further, that nothing in this item shall authorize, require or permit the commonwealth to abrogate, in whole or in part, any agreement, including any collective bargaining agreement, negotiated with any employee organization under chapter 150E of the General Laws or to interfere with or detract from the rights of any employee under chapter 31 of the General Laws”.

After debate, the amendment was adopted.

Messrs. Shannon and Panagiotakos moved to amend the bill in section 2, by inserting after item 4406-3000 the following item: “4406-3001 For a reserve to provide emergency overflow beds and related services for homeless individuals during the period commencing October 15, 2000 and ending June 30, 2001; provided, that funding for said beds shall be disbursed as required in the judgement of the commissioner of the department of transitional assistance, in consultation with the Massachusetts Housing and Shelter Alliance 1,200,000”.

After remarks, the amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 4408-1000, by inserting after the words “in fiscal year 1991” the following words:— “plus 10 percent”; and by striking out the words “not to exceed an amount of \$13,700,000” and inserting in place thereof the following figure:— “\$15,113,000”; and by striking out the figure “43,020,961” and inserting in place thereof the following figure:— “46,920,065”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 4510-0100, by inserting after the words “for community health center services” the following words:— “; provided, that not less than \$250,000 shall be expended on a statewide program of technical assistance of community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act, 42 U.S.C. 254c”.

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, by inserting after item 4510-0790 the following item: “4510-0791 For the operation of an advanced life support paramedic level ambulance coverage within the city of Boston in conjunction with Saint Elizabeth’s Hospital 100,000”.

Mr. Travaglini in the Chair, after remarks, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 4512-0200, by adding the following words:— “; and provided further, that not less than \$30,000 shall be expended for the operation of a women’s transitional housing program by Our Father’s House in the city of Fitchburg”.

After remarks, the amendment was adopted.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 4512-0200, by adding the following words:— “; and provided further, that not less than \$50,000 shall be expended for Middlesex human service agency of Waltham for the outpatient treatment of the working poor and adolescents”.

After remarks, the amendment was adopted.

Ms. Jacques moved to amend the bill in section 2, in item 4512-0200, by adding the following words:— “; provided further, that not less than \$615,000 shall be expended for the Celeste House”.

After remarks, the amendment was adopted.

Mr. Clancy, Ms. Walsh, Ms. Jacques, Mr. Rosenberg, Ms. Murray and Messrs. Havern and Lees moved to amend the bill in section 2, in item 4513-1000, by striking out the words “and provided further, that not less than \$750,000 shall be expended for state-wide programs that provide suicide prevention outreach to gay and lesbian youth” and inserting in place thereof the following words:— “provided further, that not less than \$750,000 shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; and provided further, that this allocation shall not be used for sex education”; and in item 7032-0500 by striking out the words “shall be expended for state-wide programs that provide suicide prevention outreach to gay and lesbian youth” and inserting in place thereof the following words:— “shall be expended for state-wide suicide prevention outreach and violence prevention outreach to gay and lesbian youth; provided further, that this allocation shall not be used for sex education”.

After remarks, the amendment was adopted.

Mr. Rosenberg in the Chair, Messrs. Moore, Berry and Rauschenbach, Ms. Tucker, Mr. Jajuga, Ms. Murray, Messrs. Antonioni and Tisei, Ms. Walsh and Mr. Knapik moved to amend the bill in section 2, in item 4000-1000, by adding the following words:— “; provided further, that an independent consultant, appointed and approved by the speaker of the house of representatives, the president of the senate, the governor and the chairmen to the house and senate committees on ways and means, shall conduct a study on medicaid reimbursement rates as determined by the division of medical assistance for all hospitals licensed under section 51 of chapter 111 of the General Laws; provided further, that using data from the division of health care finance and policy and the division of medical assistance, such study shall include (a) a review of medicaid reimbursement rates from fiscal years 1995 to 2001, inclusive; (b) a comparison of reimbursement rates to hospitals in relation to their actual costs of delivering services; (c) an evaluation of the adequacy of these rates with consideration for inflation in prices paid by hospitals and other economic factors which may impact hospital costs; and (d) a review and comparison of medicaid rates of reimbursement in other states comparable to the commonwealth; provided further, that said independent consultant shall not have a financial interest in the hospitals being examined by such study; provided further, that said independent consultant shall consult with the division of medical assistance and the division of health care finance and policy and various health care provider organizations in conducting said study; provided further, that said independent consultant shall file the results of such study with the secretary of administration and finance, the clerks of the house of representatives and the senate, and the chairpersons of the senate and house committees on ways and means on or before October 1, 2000; provided further, that said secretary shall submit a plan of action to implement the findings of such study with the chairperson of the senate and house committees on ways and means on or before November 1, 2000; and provided further, that said independent consultant shall be funded from this item”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past six o’clock P.M., on motion of Mr. Moore, as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr. — 1.

The yeas and nays having been completed at eight minutes past six o'clock P.M., the amendment was adopted.

Recess.

There being no objection, at eight minutes past six o'clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at one minute before seven o'clock P.M. the Senate reassembled, the President in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Ms. Wilkerson moved to amend the bill in section 2, in item 2440-0010, by adding after the words "lighting and irrigation" the following words:— "; and provided further, that \$1,500,000 shall be used toward the reconstruction and design of Peabody Circle".

The amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— "provided further that the sum of \$300,000 be expended to reimburse the city of Malden for the MDC's use of water as charged to the city by the MWRA".

The amendment was adopted.

Suspension of Senate Rule 38A.

Mr. Rosenberg moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yea and nay vote.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Ms. Creem moved to amend the bill in section 2, in item 4513-1000, by adding the following words:— “provided further, that not less than \$200,000 shall be obligated for a contract with the Women Enjoying Longer Lives (WELL) program, so-called”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 299 the following section:—

“SECTION 299A. (a) There is hereby established a special commission to study and report on the formulation of an advisory board to the department of corrections. The commission shall recommend to the general court the composition and mission of a permanent advisory board to the department of corrections.

(b) The commission shall be composed of four senators and four representatives. Three members shall be appointed by the senate president, three members shall be appointed by the speaker of the house, one member shall be appointed by the senate minority leader and one member shall be appointed by the house minority leader. The secretary of public safety, or her designee, and the commissioner of correction, or his designee, shall also serve as members of the commission.

(c) The commission shall report to the general court the results of said study with a particular focus on the issues of incarcerated mothers, and its recommendations, together with drafts of legislation necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate. The committee shall file its final report on december 1, 2000.”

After remarks, the amendment was adopted.

Ms. Menard, Mr. Creedon, Ms. Creem, Ms. Resor and Ms. Wilkerson moved to amend the bill in section 2, in item 4408-1000, by adding the following words:— “; and provided further, that notwithstanding the provisions of any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for said program will be insufficient to meet projected expenses and a report setting such proposed changes;”.

The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 4513-1002, by striking out the figure “13,637,495” and inserting in place thereof the following figure:— “14,577,166”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, by inserting after item 4513-1002 the following item:

“4513-1003 For the purpose of continuing the Optimal Weight for Life Program at the Children’s Hospital 150,000”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 4513-1012, by adding the following words:— “; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system”.

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 4513-1022, by adding the following words:— “; and provided further, that the sum of \$45,000 be allocated to Portal to Hope to oversee a domestic violence prevention program that includes a ‘Teens-At-Risk’ Project, for the communities of Everett, Malden and Medford without the need of approval by the commissioner of public health”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 4513-1023, by striking out the figure “300,000” and inserting in place thereof the following figure:— “490,000”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 4513-1112, by adding the following words:— “; said research shall pay particular focus on the high rate of prostate cancer for african american males”.

After remarks, the amendment was adopted.

Ms. Creem, Ms. Tucker, Ms. Resor and Mr. Creedon moved to amend the bill in section 2, in item 4570-1500, by striking out the figure “1,700,000” and inserting in place thereof the following figure:— “1,950,000”; and In said item 4570-1500 by striking out, the first time it appears, the figure “250,000” and inserting in place thereof the following figure:— “500,000”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, by inserting after item 4570-1500 the following item:
“4570-2000 For a program of lupus and connective tissue disease detection, research and outreach; provided that not less than \$1,900,000 shall be expended for the purposes of establishing a lupus registry and scientific research program, including but not limited to basic and clinical research and the development of health screening instruments, diagnostic protocols, and culturally appropriate health information on lupus and connective disease; provided further that said research program shall address environmental and other factors which may contribute to lupus and connective tissue disease and the findings of ancillary studies on screening, testing, diagnosis, and treatment of these diseases; provided further, that \$1,000,000 shall be expended for the purposes of developing and conducting a statewide program of education, outreach and screening, and early detection for populations most at risk for lupus and connective tissue disease, especially those who lack health insurance or are under-insured; provided further that the department shall submit to the house and senate committees on ways and means a detailed report describing the program’s activities and allocation of resources for the purposes of this section 2,900,000”.

The amendment was *rejected*.

Ms. Wilkerson and Messrs. Berry and Tolman moved to amend the bill in section 2, in item 4590-0250 by striking out the figure “150,000” and inserting in place thereof the following figure:— “600,000”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 4590-0906, by striking out the words “provided further, that no funds shall be expended from this item for expenses incurred in prior fiscal years;”.

After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 4590-0909, by striking out the figure “15,000” and inserting in place thereof the following figure:— “30,000”.

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, by inserting after item 4590-0913 the following item:
“4590-0914 For the operation of the local healthy community coalitions that aim to address local health related needs of the community; provided, that such healthy community coalitions are defined as having a broad definition of health, including, but not limited to, disease prevention, housing, education, economic development, community building, safety, food, income, a sustainable environment, social justice and equity; a shared vision based on community values; diverse citizen participation; widespread community ownership; multisector collaboration; and building of local capacity using local assets; provided further, that grants to individual coalitions will range from \$20,000 to \$75,000 depending on needs and stage of development of the coalition and that only one grant will be given per local community which will be defined as a town, city or a neighborhood; provided further, that the funds for this line item be distributed from the Tobacco Settlement Fund 1,000,000”.

After remarks, the amendment was *rejected*.

Messrs. Knapik and Lees moved to amend the bill in section 2, by inserting after item 4590-0913 the following item:
“4590-0918 For a reserve to improve the health, safety and well-being of patients of the four hospitals owned and operated by the department of public health by making repairs and improvements to hospitals; provided, that said expenditures shall not recur other than as scheduled maintenance; provided further, that the commissioner shall submit to the house and senate committees on ways and means not later than January 1, 2001, an allocation plan detailing the installation of emergency electrical generators and the retrofitting of power plant boilers for the Lemuel Shattuck hospital; construction of a heating, ventilating and air conditioning system for Western Massachusetts hospital; and the relocation of the state office of pharmacy services and the renovation of patient units at Tewksbury hospital and the cost of said projects; provided further that said commissioner shall allocate the amounts appropriated herein to said hospitals pursuant to said allocation plan; provided further, that operating funds previously budgeted for the purposes of capital asset maintenance and repairs in other items of appropriation shall continue to be used for such purposes and that the amounts appropriated herein shall not replace of supplant said budgeted amounts; provided further,

that no funds appropriated herein shall be expended for routine upkeep, including, but not limited to, janitorial services, groundskeeping and trash collection; provided further, that no funds appropriated herein shall be used to purchase or replace office equipment, including computers, or vehicles; provided further, that notwithstanding the provisions of section 40B of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance shall, delegate project control and supervision to the department of public health over projects funded from this item if said commissioner determines that said department has the ability to control and supervise such project; provided further, that projects funded from this item shall not be subject to the provisions of sections 39B to 40N, inclusive, of chapter 7 of the General Laws; and provided further, that amounts funded in this item shall be one-time, non-recurring expenditures, which shall remain available for expenditure until June 30, 2002 10,664,795”.

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill in section 2, by inserting after the words “total number of said social workers” in the first paragraph of the preamble to the department of social services preceding item 4800-0014, the following clause:— “(vi) by region and the total expenditures related to said cases”.

After remarks, the amendment was adopted.

Mr. Havern moved to amend the bill in section 2, in item 4800-0014, by adding the following words:— “; and provided further, that not less than \$150,000 shall be expended on Project Nexus”.

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 4800-0018, by striking out the words “not less than \$200,000 shall be provided to establish the family center component of the Greater Lowell” and inserting in place thereof the following:— “not less than \$300,000 shall be provided to establish the family center component of the Greater Lowell”.

The amendment was *rejected*.

Messrs. Lynch and Joyce and Ms. Wilkerson moved to amend the bill in section 2, in item 4800-0018 by striking out the words “provided further, that the department shall expend \$110,000 to establish a pilot feasibility study, including not less than \$75,000 shall be expended for Latinas y Ninos and Casa Esperanza to explore family stabilization and reunification through expanded economic training opportunities and \$35,000 shall be expended for contracted services to be provided to the same for programmatic and capital development;” and inserting in place thereof the following words:— “provided further, that the department shall expend \$160,000 for latinias y ninos and casa esperanza to implement a family stabilization and reunification program;”.

After remarks, the amendment was adopted.

Mr. Magnani moved to amend the bill in section 2, in item 4800-0018, by inserting after the words “Framingham High School” the following words:— “; provided further, that not less than \$35,000 shall be expended by the Framingham office of the department of social services for the metrowest campership program operated by the Ashland youth advisory board in partnership with said department”.

After remarks, the amendment was adopted.

Messrs. Hedlund and Tarr and Ms. Fargo moved to amend the bill in section 2, in item 4800-0031 by adding the following words:— “; provided further, that not less than \$6,726,289 shall be expended to increase the care and maintenance subsidy so-called, and for increasing the clothing subsidy so-called, for foster care, adoption and guardianship; provided further, that the care and maintenance rate for foster care, adoption and guardianship shall be equal to the USDA rate for low-income families in the urban northeast; and provided further that for fiscal year 2001, the clothing subsidy for each child shall be equal to twice the amount expended for such purpose in fiscal year 2000”.

The amendment was *rejected*.

Ms. Murray and Mr. Rauschenbach moved to amend the bill in section 2, in item 4800-1400, by adding the following words:— “; and provided further, that not more than \$75,000 shall be obligated to Cape Cod center for women to maintain the confidential, battered women’s support center and shelter”.

After remarks, the amendment was adopted.

Ms. Resor and Mr. Antonioni moved to amend the bill in section 2, in item 4800-1400, by striking out the words “provided further, that not less than \$95,000 shall be expended for a contract with Sylvia’s Haven at Devens to provide transitional housing to pregnant and parenting women and girls” and inserting in place thereof the following words:— “provided further, that not less

than \$195,000 shall be expended for a contract with Sylvia's Haven at Devens to provide transitional housing to pregnant and parenting women and girls.”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 4800-1400, by striking out the words “provided further, that \$550,000 shall be expended for additional capacity at existing residential transitional living programs and the development of new programs” and inserting in place thereof the following words:— “provided further, that \$550,000 shall be expended for existing residential transitional living programs and the development of new programs”.

After remarks, the amendment was adopted.

Messrs. Tisei and Pacheco moved to amend the bill in section 2, in item 5011-0300, by adding at the end thereof the following words:— “provided further, that there shall be a complete and comprehensive study and financial analysis related to the Medication Administration Program (MAP), consistent with the commonwealth's effort towards the prevention of medical errors, including but not limited to: the number of deaths of clients of the department of mental retardation (DMR) and the department of mental health (DMH) since the 1993 MAP regulations; the relationship of deaths to medication mismanagement; the number of complaints to the disable persons protection commission regarding abuse and neglect that may be tied to the absence of professional staff; the costs of hospitalizations, illness, injuries, death and unexpected emergency room or practitioner visits as recorded by DPH and the division of medical assistance; the cost of the infrastructure needed to assure quality in MAP, including training, training sessions, certification data bank, re-certification, monitoring, teaching, recording, and investigating errors, providing clinical oversight, providing consultation services for providers, surveying the vendors, surveying the sites; the cost of the Red Cross Testing contract; the cost of the new video production for English as a second language, privatization and how it affects medication administration since 1985, when these homes were last studied; and provided further, that the study shall be conducted by the office of state auditor, with cooperation of the department of public health, department of mental health and the department of mental retardation and shall be reported to the joint committee on ways and means, the house committee on post audit and the joint committee on health care not later than February 15, 2001”.

The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 5042-5000, by adding the following words:— “and provided further, that not less than \$2,300,000 shall be expended from this item in fiscal year 2001 to ensure that a licensed practitioner or a licensed nurse administers medication to children and adolescents whose mental health services are delivered by public or private providers of such services”; and in said item 5042-5000 by striking out the figure “54,147,785” and inserting in place thereof the following figure:— “56,447,785”.

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 5046-0000, by striking out the figure “249,923,678” and inserting in place thereof the following figure:— “250,402,655”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 5046-0000, by inserting after the word “Charlestown” the following words:— “; provided further, that Dimock Community Health Center shall receive in fiscal year 2001 no less than the amount obligated for said center in fiscal year 2000.”

After remarks, the amendment was adopted.

Messrs. Morrissey and Clancy and Ms. Walsh moved to amend the bill in section 2, in item 5046-2000, by striking out the figure “21,944,454” and inserting in place thereof the following figure:— “22,944,454”.

After remarks, the amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 5920-1000, by inserting after the words “area offices of the department;” the following words:— “; provided, that not more than \$1,000,000 shall be expended from this item in fiscal year 2001 to hire 35 additional service coordinators; provided further, that service coordinators shall ensure the careful development, review and coordination of individual service plans;”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 5920-3000, by adding the following words:— “; provided further, that the department of mental retardation may expend \$75,000 to the non-profit organization Outdoor Explorations, located in

Medford, for its services and programs for mentally retarded individuals in the Commonwealth”; and in said item 5920-3000 by striking out the figure “50,248,489” and inserting in place thereof the following figure:— “50,323,489”.

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 6000-0110, by adding the following words:— “; provided further, that said executive office shall conduct a study on the cost and feasibility of constructing a noise barrier wall along the south side of the Boston Engine Terminal, so-called.”

After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill in section 2, in item 6010-0001, by inserting after the word “Revere” the following words:— “provided further, that the department shall design and install a pedestrian-activated traffic signal at the intersection of Sea street and Braintree avenue in the city of Quincy”.

The amendment was *rejected*.

Messrs. Tisei and Pacheco moved to amend the bill in section 2, in item 5911-1210, by adding the following:— “; provided further, that there shall be a complete and comprehensive study and financial analysis related to the Medication Administration Program (MAP), consistent with the commonwealth’s effort towards the prevention of medical errors, including but not limited to: the number of deaths of clients of the department of mental retardation (DMR) and the department of mental health (DMH) since the 1993 MAP regulations; the relationship of deaths to medication mismanagement; the number of complaints to the disabled persons protection commission regarding abuse and neglect that may be tied to the absence of professional staff; the costs of hospitalizations, illness, injuries, death and unexpected emergency room or practitioner visits as recorded by DPH and the division of medical assistance; the cost of the infrastructure needed to assure quality in MAP, including training, training sessions, certification data bank, re-certification, monitoring, teaching, recording, and investigating errors, providing clinical oversight, providing consultation services for providers, surveying the vendors, surveying the sites; the cost of the Red Cross testing contract; the cost of the new video production for English as a second language, privatization and how it affects medication administration since 1985, when these homes were last studied; and provided further, that the study shall be conducted by the office of state auditor, with cooperation of the department of public health, department of mental health and the department of mental retardation and shall be reported to the joint committee on ways and means, the house committee on post audit and the joint committee on health care not later than February 15, 2001”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$200,000 in state matching funds shall be expended for a federal aid project for the reconstruction of the intersection of state highway routes 27 and 14 in East Bridgewater, including the installation of traffic lights and road repairs on state highway route 27 to the Whitman line”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not more than \$900,000 shall be expended for a grant to the town of Westminster for reconstruction of West Main street in order to improve traffic safety”.

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “provided further, that said department shall fulfill its commitment to award a contract for the main street/route 122A road construction project in the town of Holden by July 1, 2000; and provided further, that should said department fail to meet the deadline, then the department shall submit monthly reports to the house and senate committees on ways and means and to the Holden board of selectmen detailing the reason for the project’s delay and including a project status report”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$250,000 shall be expended for the initial phase of the route 495/route 109 interchange project in the town of Milford”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that not less than \$350,000 shall be expended for the reconstruction of the Pellham Island road bridge in the town of Wayland”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that not less than \$134,000 shall be expended for a new traffic control system on state highway route 117 at Dakin and Pantry roads in the town of Sudbury”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that not less than \$125,000 shall be expended for the construction of a walkway along state highway route 117 (North road) and Dakin road to allow children to walk safely to Haynes elementary school in the town of Sudbury”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$20,000 shall be expended for the repair of the Union avenue bridge over Hop brook in the town of Sudbury”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that funds from this item shall be expended for road and other improvements to accommodate the reconstruction of Bates bridge in the area known as Elm Park in the town of Groveland”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that \$500,000 be expended for the study, redesign and planning of development, signalization and roadways in Union Square in the city of Somerville”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that not less than \$100,000 shall be expended for the construction of fences and noise abatement structures along interstate route 95 south in the town of Boxford”; and in said item 6010-0001 by striking out the figure “53,872,111” and inserting in place thereof the following figure:— “53,972,111”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; provided further, that not less than \$15,000 be expended to complete the construction of sidewalks on Summer street, on Route 127, in the town of Manchester-by-the-Sea”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 6010-0001, by inserting after the word “Somerville” the following words:— “; provided further, that \$75,000 shall be expended for the planning and design of a pedestrian overpass in the city of Gloucester”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that funds from this item be expended for the completion of the park-and-ride facility on state route 127 in the town of Rockport”.

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that the reconstruction of state highway route 106 in the town of Foxborough shall be funded”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “provided further, that not less than \$100,000 shall be expended for the purpose of providing a replicable model to improve pedestrian safety at the Driscoll elementary school in the town of Brookline, by installing traffic calming devices on streets surrounding the school”.

After remarks, the amendment was adopted.

Mrs. Sprague moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that resurfacing improvements to state highway route 106 in the town of Mansfield shall be funded”.

The amendment was *rejected*.

Mr. Rauschenbach and Mrs. Sprague moved to amend the bill in section 2, in item 6010-0001, by striking out the figure “53,872,111” and inserting in place thereof the following figure:— “55,590,945”; in section 4, in item 6010-0001, by striking out the figure “40,194,532” and inserting in place thereof the following figure:— “42,194,532”; and in said item 6010-0001, by striking out the figure “856.85 and inserting in place thereof the following figure:— “885”.

Ms. Melconian in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before eight o’clock P.M., on motion of Mr. Rauschenbach, as follows, to wit (yeas 8 — nays 31):

YEAS.

Clancy, Edward J., Jr.	Rauschenbach, Henri S.
Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 8.

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Jajuga, James P.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 31.
Menard, Joan M.	

The yeas and nays having been completed at three minutes past eight o’clock P.M., the amendment was *rejected*.

Mr. Rauschenbach and Mrs. Sprague moved to amend the bill in section 2, in item 6010-1000, by striking out the figure “23,380,950” and inserting in place thereof the following figure:— “23,895,138”; and in section 4, in item 6010-1000, by striking out the figure “14,231,133” and inserting in place thereof the following figure:— “14,728,263”; and in said item 6010-1000, by striking out the figure “406” and inserting in place thereof the following figure:— “446”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 6010-1000, the following item:
“6010-2000 For the cost of the study and design of sidewalks on the west side of route 18 in the town of Whitman 65,000”.

The amendment was *rejected*.

Messrs. Nuciforo and Glodis, Ms. Resor and Mr. Tisei moved to amend the bill in section 2, in item 7000-9401, by striking out the words “96.35 cents” and inserting in place thereof the following figure:— “1.036”; and in said item 7000-9401, by striking out the figure “16,930,454” and inserting in place thereof the following figure:— “18,045,377”.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7000-9406, by striking out the figure “1,750,000” and inserting in place thereof the following figure:— “2,087,580”.

After remarks, the amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 7000-9501, by inserting after the words “library incentive program so-called;” the following words:— “provided further, that not less than \$50,000 be expended for the Fall River Public Library for renovation purposes”.

The amendment was *rejected*.

Messrs. Moore and Tisei, Ms. Tucker and Ms. Resor moved to amend the bill in section 2, by inserting after item 7000-9402 the following item:

“7000-9505 For the establishment of four library grant programs for public libraries 2,101,000”.

The amendment was *rejected*.

Messrs. Brewer and Tisei and Ms. Resor moved to amend the bill in section 2, in item 7000-9506, by striking out the figure “4,420,235” and inserting in place thereof the following figure:— “4,770,235”.

After remarks, the amendment was *rejected*.

Ms. Creem moved to amend the bill by inserting after section 299A (inserted by amendment) the following section:—
“SECTION 299B. A special commission is hereby established to study the creation of a statewide witness protection program. Said commission shall study all aspects of creating such witness protection program including, but not limited to, the protection currently offered witnesses, the amount currently spent on witness protection, the costs associated with such witness protection program, possible funding methods, the administration of the program and the types of witnesses who shall be given priority consideration for protection. The commission shall consist of the following members: the attorney general or his designee; the chair of the Massachusetts District Attorneys Association or his designee; the senate and house chairs of the joint committee on criminal justice, who shall act as co-chairs of the commission; three members of the senate, one of whom shall be appointed by the minority leader; and three members of the house of representatives appointed by the minority leader. The commission shall submit a report to the clerks of the Senate and the House of Representatives not later than December 1, 2000”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 7002-0100, by striking out the words “at the Massachusetts AFL-CIO”.

After remarks, the amendment was *rejected*.

Messrs. Lees, Knapik, Rauschenbach, Tarr and Hedlund moved to amend the bill in section 2, in item 0511-0000, by inserting after the words “for each employee;” the following words:— “provided further, that said report shall include a detailed description of each electronic or print advertisement of said office; provided further, that each said report shall include an account of the funds expended from this item for the purpose of the production of the advertisement or for the purchase of air time or print space, including, but not limited to, the total television air time or print space purchased and delivered;”.

Mr. Morrissey moved that the amendment be amended by substituting the following: inserting the following section:—
“SECTION 283B. Notwithstanding the provisions of any general or special law to the contrary, each statewide elected officer shall submit a report to the house and senate committees on ways and means annually on or before April 1 detailing the expenditures of public funds by each such officer on print or electronic advertising in which the name, voice or image of such officer occurs. The report shall include, but not be limited to, a detailed description of each electronic or print advertisement produced, purchased or sponsored and information on the purchase of air time or print space, specifying the total television air time or print space purchased or delivered and the costs thereof”.

After remarks, the further amendment was adopted.

The pending amendment (Lees, et al), as amended (Morrissey) was then adopted.

Ms. Tucker moved to amend the bill in section 2, in item 7002-0500, by adding the following words:— “; provided further, that the Lawrence satellite office shall be located in the central business district in the city of Lawrence”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 7002-0500, by striking out the figure “800,000” and inserting in place thereof the following figure:— “1,200,000”; and by striking out the figure “17,815,834” and inserting in place thereof the following figure:— “18,215,834”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 7002-0500, by adding the following words:— “; and provided further, that the treasurer may release to the division, subject to adequate and appropriate documentation of the need, to the workers’ compensation advisory council and the affirmative vote of at least seven members of the workers’ compensation advisory council, sufficient funds from the Special Fund Reserve account established in clause (c) of subsection (4) of section 65 of chapter 152 of the General Laws to pay for expenses associated with converting the agency’s computer system from Unify to Oracle”.

After remarks, the amendment was adopted.

Mr. Panagiotakos moved to amend the bill in section 2, in item 7003-0601 by adding the following item: “7003-0602 For the city of Lowell summer youth employment program, so-called, including the cost of administration and program enrichment costs 175,000”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7003-0603, by adding the following words:— “; and provided further, that not less than \$75,000 shall be made available to the Greater Gardner Chamber of Commerce for the Greater Gardner School to Career Partnership”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7003-0700, by striking out the words “provided further, that not less than \$216,000 shall be expended for a rapid response specialist at the Massachusetts AFL-CIO;”.

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7003-1000, by striking out the words “provided further, that not less than \$90,000 shall be expended for a workforce development coordinator at the Massachusetts AFL-CIO;”.

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7003-0700, by striking out the words “provided further, that not less than \$125,000 shall be allocated to Teamsters Local 25 for workforce development initiatives;”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7003-0700, by inserting after the words “Massachusetts afl-cio;” the following words:— “provided further, that said rapid response specialist shall work as supporting staff to the Massachusetts senate lawyer’s caucus under the supervision of the chair of the Senate AFL-CIO Senate Caucus, who shall report the activities and minutes of any meetings of said organizations to the senate president and senate minority leader;”.

After remarks, the amendment was *rejected*.

Mr. Creedon moved to amend the bill section 2, by striking out item 7003-0803 and inserting in place thereof the following item: “7003-0803 For the one-stop career centers; provided that not more than \$3,250,000, shall be made available for the eight one-stop career centers which are located in the Boston, Brockton, Hampden county, and Metro North service delivery areas, so called, and satellite offices thereof; and provided further, that no less than \$1,000,000 shall be 12 made available for one-stop career centers in the other service delivery areas, so called, which are certified by the commonwealth 4,250,000”.

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 7003-0803, by striking out the figure “3,750,000” and inserting in place thereof the following figure:— “5,750,000”; and in said item 7003-0803, by striking out the words “not less than \$1,000,000” and inserting in place thereof the following words:— “not less than \$3,000,000”.

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, in item 7003-0803, by striking out the figure “1,000,000” and inserting in place thereof the following figure:— “3,000,000”; and in said item by striking out the figure “3,750,000” and inserting in place thereof the following figure:— “5,750,000”.

The amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 7003-0803, by striking out the words “not less than \$1,000,000” and inserting in place thereof the following words:— “not less than \$3,000,000”.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7003-1000, by adding the following words:— “; and provided further, that not more than \$50,000 shall be provided to the vocational adjustment center in the Brighton section of the city of Boston for the purpose of assisting in the provision of employment opportunities for adults with developmental disabilities”.

After remarks, the amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7003-1000, by adding the following words:— “; and provided further, that not more than \$50,000 shall be expended in grants to the community technology centers at the commonwealth housing development and at the Jackson-Mann community center”.

After remarks, the amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 7003-1000, by adding the following words:— “; and provided further, that \$98,236 shall be expended for economic development activities of the breaking barriers program of the educational development center of Newton”.

Mr. Travaglini in the Chair, after remarks, the amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 7003-1000, in line 10, by inserting after the words “in fiscal 2001;” the following words:— “provided further, that each of the boards shall receive not more than \$20,000 for youth counseling, so-called”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 7003-1000, by striking out the words “provided further, that the Cape Cod, Martha’s Vineyard and Nantucket regional employment board shall oversee and make recommendations regarding said program”.

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, by inserting after item 7004-0003 the following item: “7004-0089 For the demolition and site remediation of the Photech site building, so-called, in the town of Williamstown, prior appropriation continued 750,000”.

The amendment was *rejected*.

Messrs. Tisei, Knapik and Tarr moved to amend the bill in section 2, by inserting after item 7004-0099 the following item: “7004-1000 For the playground initiative fund, so-called, a grant program for cities and towns of the commonwealth, to provide up to \$10,000 per grant for the acquisition, development, renovation of, or equipment for playgrounds or ball fields; provided, the grants shall be administered by the department of housing and community development and shall be awarded on a first-come-first-serve basis to municipalities submitting applications meeting program requirement 1,000,000”.

The amendment was *rejected*.

Messrs. Jajuga and Brewer moved to amend the bill in section 2, in item 7004-2025, by striking out the figure “114,455” and inserting in place thereof the following figure:— “120,072”.

The amendment was *rejected*.

Mr. Brewer, Ms. Resor, Ms. Creem, Ms. Wilkerson and Mr. Pacheco moved to amend the bill in section 2, in item 7004-3036, by adding the following words:— “; provided further, that not more than \$1,000,000 shall be expended as grants for the operation of nine regional housing consumer education centers by the regional non-profit housing agencies; provided further, that such grants shall be through a competitive application process pursuant to criteria created by the department; provided further, that said department shall report to the house and senate committees on ways and means no later than March 1, 2001 on possible savings

and efficiencies through consolidation of said services and counseling”; and by striking out the figure “406,000” and inserting in place thereof the following figure:— “1,406,000”.

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 7004-9005, by adding the following words:— “provided further, that not less than \$30,000 be expended for improvements made to the Julian Steele House, owned by the Melrose housing authority”.

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill by striking out item 7004-9024 and inserting in place thereof the following item: “7004-9024 For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers, so-called; provided, that rental assistance shall only be paid pursuant to a program to be known as the Massachusetts rental voucher program; provided further, that the income of said households shall not exceed 200 per cent of the federal poverty level; provided further, that said department may award mobile vouchers to such eligible households currently occupying project-based units, that shall expire due to the non-renewal of project-based rental assistance contracts; provided further, that said department, as a condition of continued eligibility for a voucher and voucher payments, may require disclosure of social security numbers by participants and members of participants’ households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices in the commonwealth; provided further, that any household in which a participant or member of a participant’s household shall fail to provide a social security number for use in verifying the household’s income and eligibility shall no longer be eligible for a voucher or to receive benefits from said voucher program; provided further, that said vouchers shall be in varying dollar amounts and shall be set by said department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding the provisions of any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of said mobile vouchers, or said project-based units; provided further, that any household which is proven to have caused intentional damage to their rental unit in an amount exceeding two month’s rent during any one year lease period shall be terminated from the program; provided further, that notwithstanding the provisions of any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be reassigned within 90 days; provided further, that said department shall pay agencies \$25 per voucher per month for the costs of administering said program; provided further, that said costs of administration shall not exceed six per cent of the appropriation provided herein; provided further, that said six per cent shall include, but not be limited to, all expenditures which may be made by said department to conduct or otherwise contract for rental voucher program inspections; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of said inspections; provided further, that notwithstanding the provisions of any general or special law to the contrary, there shall be no maximum percentage applicable to the amount of income paid for rent by each household holding a mobile voucher, or project-based voucher, but each household shall pay at least 30 per cent of its income as rent; provided further, that said department shall establish the amounts of the mobile vouchers, and the project-based vouchers, so that the appropriation herein is not exceeded by payments for rental assistance and administration; provided further, that said department shall not enter into commitments which will cause it to exceed the appropriation set forth herein; provided further, that ceiling rents, so-called, shall not be enforced by said department; provided further, that households holding mobile vouchers shall have priority for occupancy of said project-based dwelling units in the event of a vacancy; provided further, that said department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12 month contract which shall be executed by the participant and said department; provided further, that such obligations may include, but need not be limited to, job training, counseling, household budgeting, and education, as defined in regulations promulgated by said department and to the extent such programs are available; provided further, that each participant shall be required to undertake and meet any such contractually established obligation as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute any such 12 month contract on or before September 1, 2000 if his or her annual eligibility recertification date occurs between June 30, 2000 and September 1, 2000 and otherwise on or before his or her annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under his or her particular circumstances; provided further, that said department shall submit an annual report to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level, and the number and types of units leased that are funded from this item; and provided further, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees 41,434,329”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 7004-9108, by adding the following words:— “; provided further, that not more than \$100,000 shall be expended to the city of Brockton for a municipal incentive grant to improve the delivery of government services”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 7004-9108, by adding the following words:— “; provided further, that not less than \$750,000 shall be expended for the demolition and development of property within the city of Lawrence”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 7004-9108, by adding the following words:— “; provided further, that not more than \$250,000 shall be expended for the rehabilitation of property within the city of Lawrence”.

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 7004-9108, by striking out the words “and provided further, that no new commitments shall be entered into during fiscal year 2001” and inserting in place thereof the following words:— “ and provided further, that not less than \$2,416,667 shall be expended for Medical City, so-called, in the city of Worcester”; in said item 7004-9108 by striking out the figure “3,641,500” and inserting in place thereof the following figure:— “4,378,167”; and by inserting after section 138 the following section:—

“SECTION 138A. The third paragraph of section 57 of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out clause (d) and inserting in place thereof the following clause:—

(d) The total amount of urban revitalization and development grants to be paid under the provisions of this section shall not exceed \$3,200,000 in any one fiscal year or a total of \$60,900,000 in the aggregate, including amounts authorized by the department to be advanced for the estimated expenses as provided in the first paragraph”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 7004-9108, by adding the following words:— “; provided further, that not less than \$1.2 million shall be expended for a multi-story parking garage in the downtown area of the city of Brockton”; and in said item 7004-9108, by striking out the figure “3,641,500” and inserting in place thereof the following figure:— “4,841,500”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7006-0010, by striking out the figure “10,192,747” and inserting in place thereof the following figure:— “10,376,985”.

The amendment was *rejected*.

Messrs. Bernstein and Lees moved to amend the bill in section 2, in item 7006-0020, by striking out the figure “9,053,952” and inserting in place thereof the following figure:— “9,540,271”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 8 — nays 31):

YEAS.

Bernstein, Robert A.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 8.

NAYS.

Antonioni, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.

Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.

Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 31.

The yeas and nays having been completed at six minutes past nine o'clock P.M., the amendment was *rejected*.

Mr. Berry moved to amend the bill in section 2, in item 7006-0040, by striking out the figure "7,369,648" and inserting in place thereof the following figure:—"7,399,648".

The amendment was *rejected*.

Messrs. Bernstein, Glodis and Lynch and Ms. Tucker moved to amend the bill in section 2, by inserting after item 7007-0300 the following item:

"7007-0350 For manufacturing assistance services to be administered by the Massachusetts office of business development; provided, that said funds shall be expended to assist manufacturing extension services, alternative deployment pilot projects, total quality management projects, technology access programs, shop floor management projects, and other technology deployment programs; provided further, that said services shall include the operation of the Massachusetts manufacturing partnership; provided further, that said partnership shall provide written notification to the house and senate committees on ways and means within ten days of receiving confirmation of any federal or private funding for said partnership; provided further, that the amount expended on statewide oversight of said partnership by said office shall not exceed \$112,500 of the amount appropriated in this item; provided further, that the administrative expenses of the regional offices of said partnership shall not exceed 15 per cent of total operating expenses for said partnership; provided further, that manufacturing services funded by this item shall support the Massachusetts networks program of matching grants to industry associations for increased awareness and collaboration within manufacturing; provided further, that said network funding may be used for one-time grants for specific technical manufacturing assistance projects which shall be subject to a 100 per cent cash match; provided further, that any organization receiving network grants from this item shall not expend more than 15 per cent of any grant for the cost of administrative services; provided further, that the amount expended on statewide oversight of said manufacturing networks program by said office shall not exceed \$110,000 of the amount appropriated in item 7007-0300; and provided further, that said office shall establish rules and regulations relative to the award of said grants which shall encourage the self-sufficiency of said organizations after three years of receiving state financial assistance 1,740,000".

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 7007-0515, by striking out the words "July 1, 2001" and inserting in place thereof the following words:—"July 1, 2002".

After remarks, the amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, by inserting after item 7007-0515 the following item:

"7007-xxxx For a grant to the South Shore Tri-Town Development Corporation established pursuant to section 3 of chapter 301 of the acts of 1998 300,000".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 7007-0900, by striking out the words "provided further, that not more than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration;" and inserting in place thereof the following words:—"provided further, that not less than \$2,000,000 of the amount appropriated herein shall be expended for international marketing and tourism promotion and administration;".

The amendment was *rejected*.

Ms. Murray and Mr. Rauschenbach moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further that \$250,000 shall be expended for the National Marine Life Center in the town of Bourne”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further, that \$20,000 shall be expended to conduct a feasibility study for the Walter Baker Chocolate Walk in the town of Milton and the section of the city of Boston known as Dorchester Lower Mills”.

After remarks, the amendment was adopted.

Ms. Jacques moved to amend the bill in section 2, in item 7007-0950, by striking out the words “that not more than \$50,000 shall be expended to each of the towns of Millis and North Attleboro for the preservation of the Angle Tree Stone project;” and inserting in place thereof the following words:— “that not less than \$50,000 shall be expended to the town of Millis for the preservation of the Niagara Hall building and not less than \$50,000 shall be expended to the town of North Attleborough for the preservation of the Angle Tree Stone project;”.

After remarks, the amendment was adopted.

Mr. Havern, Ms. Fargo, Ms. Tucker, Messrs. Magnani and Panagiotakos, Ms. Resor, Messrs. Brewer and Knapik moved to amend the bill in section 2, in item 7010-0005, by striking out the word “100,000,” and inserting in place thereof the word “300,000”; and in said item 7010-0005, by inserting after the word “1993” the following words:— “; in view of the critical importance of vocational-technical education to the economic vitality of the commonwealth and the fact that the current student assessment system may not be appropriate for students enrolled in such programs, the sum of \$200,000 is appropriated from the Local Aid Fund for the board of education to hire, in consultation with the Massachusetts Association of Vocational Administrators, an independent expert or experts with nationally recognized credentials in assessment, learning styles and vocational education. The expert or experts shall report back to the board not later than October 1, 2000. The report shall address, at least, the following: (1) whether the current assessment system is appropriate for vocational school students in Massachusetts; (2) if not appropriate, whether the current system should be replaced or modified and how shall this be done; and (3) what the timelines should be if such modifications or revisions are deemed necessary”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 7010-0012, by inserting after the words “fiscal year 1997” the following words:— “provided further, that no participating district receives a grant award in fiscal year 2001 that is less than the grant award provided in fiscal year 2000;”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 7010-0012, by striking out the words “and provided further, that \$982,820 shall be made available for payment for services rendered by METCO, Inc. and Springfield Public Schools” and inserting in place thereof the following words:— “and provided further, that \$982,820 shall be made available for payment for services rendered by service providers and Springfield Public Schools”.

The amendment was *rejected*.

Messrs. Lees, Knapik, Tarr and Rauschenbach moved to amend the bill in section 2, in item 7010-0012, by striking out the figure “15,344,156” and inserting in place thereof the following figure:— 12,371,328”; in said item 7030-1002, by striking out the figure “13,150,000” and inserting in place thereof the following figure:— “16,122,828”.

After debate, the amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7010-0012, by striking out the figure “15,344,156” and inserting in place thereof the following figure:— “12,371,328”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7030-1000, by striking out the figure “119,546,957” and inserting in place thereof the following figure:— “120,546,957”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7030-1000, by striking out the words “provided further, that not less than \$1,500,000 shall be expended for early intervention individual tutorial literacy programs designed as a pre-special education

referral and short term intervention for children who are at risk of failing to read in the first grade” and inserting in place thereof the following words:— “provided further, that not less than \$2,500,000 shall be expended for early intervention individual tutorial literacy programs designed as a prespecial education referral and short-term intervention for children who are at risk of failing to read in the first grade“.

The amendment was adopted.

Messrs. Antonioni and Knapik moved to amend the bill in section 2, in item 7030-1000, in line 88, by inserting after the words “provided further, that not less than \$1,500,000 shall be expended for early intervention individual tutorial literacy programs designed as a prespecial education referral and short term intervention for children who are at risk of failing to read in the first grade” the following words:— “; provided further, that not less than \$340,000 shall be expended for a pilot program for language disadvantaged children in the Leominster and Fitchburg areas”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7030-1000, by adding the following words:— “; and provided further, that notwithstanding any provision of chapter 66A of the General Laws to the contrary, the department of education, the office for child care services, the department of transitional assistance, and community partnership lead agencies may disseminate to one another and access from one another personal data regarding the parents and children who receive services provided by the office for child care services or community partnership providers”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 7030-1000, by inserting after the words “provided further, that in addition to services provided by head start pursuant to this item in fiscal year 1999, not less than an additional \$2,000,000 shall be made available in grants to head start agencies for services provided by said head start agencies” the following words:— “, including but not limited to expansion of the number of days of service for the head start school year”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7030-1003, by striking out the figure “4,450,000” and inserting in place thereof the following figure:— “3,450,000”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 7030-1003, by adding the following words:— “; and provided further, that \$125,000 shall be expended for the WGBY girls in technology program, so-called, an enrichment program to provide technology skills and career preparation for middle school and high school girls in western Massachusetts;”.

The amendment was *rejected*.

Messrs. Clancy and Berry moved to amend the bill in section 2, in item 7035-0002, by inserting after the words “Methuen Adult Learning Center;” the following words:— “; provided further, that \$500,000 shall be expended for the operation of operation bootstrap, so-called, in the city of Lynn”.

The President in the Chair,— the amendment was adopted.

Mr. Jajuga moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; provided further, that not more than \$50,000 shall be expended as a grant to the city of Haverhill to maximize said city’s tourism industry; and provided further, that not more than \$25,000 shall be expended as a grant to the town of Salisbury to maximize said town’s tourism industry”.

The amendment was adopted.

Messr. Moore and Morrissey and Mrs. Sprague moved to amend the bill in section 2, by inserting after item 7053-1929 the following item:
“7053-1930 For the reimbursement of cities, towns and regional school districts for the difference and loss to school lunch and breakfast programs due to food contamination, according to a schedule approved by the senate committee on ways and means 5,000,000”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 7061-0008, by inserting after the words “chapter 70 aid, so-called in fiscal year 2001” the following words:— “; provided further, that in addition to the sum received through the local school aid

distribution formula of an additional sum of \$750,000 shall be designated to the town of Webster in school aid for educational purposes”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Rauschenbach, Mrs. Sprague and Mr. Hedlund moved to amend the bill in section 2, by inserting after item 7061-0009 the following item:

“7061-0010 For a reserve to meet deficiencies in the base chapter 70 aid that a community received at the inception of the education reform act as calculated pursuant to the communities which receive less than 15 per cent of their foundation budget through chapter 70 for such municipalities; provided, that a municipality seeking funds hereunder shall apply for money through the fund to the department of education; provided further, that the commissioner shall issue a finding concerning such applications, after consulting with the school district regarding the merits of such application; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall be available on a recurring basis; and provided further, that funds distributed from this item to a municipality shall be considered as base aid used in the calculation of the minimum required local contribution for fiscal year 2002 5,000,000 Local Aid Fund 100.0%”.

After remarks, the amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 7061-0011, by inserting after the words “non-recurring basis” the following words:— “provided further, that not less than \$1,500,000 shall be made available to the town of Bourne”; and in said item 7061-0011, by striking out the figure “2,000,000” and inserting in place thereof the following figure:— “2,500,000”.

The amendment was *rejected*.

Mr. Magnani, Ms. Resor and Mr. Tarr moved to amend the bill in section 2, in item 7061-0011, by adding the following words:— “(4) notwithstanding any other provision of this item to the contrary, to provide enrollment aid to any school district which is receiving minimum aid in the current fiscal year and for which the foundation enrollment used to calculate the fiscal year 2001 state education aid exceeds the foundation enrollment used to calculate the fiscal year 1994 state education aid by a percentage that exceeds by twice the statewide average for the same period; provided further, that said school districts shall receive a sum of \$20 per pupil in enrollment aid; provided further, that said enrollment shall be available on a one-time non-recurring basis and shall not be considered base aid or used in the calculation of minimum required local contribution in fiscal year 2002;”.

After remarks, the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7061-0011, by striking out the figure “2,000,000” and inserting in place thereof the following figure:— “5,000,000.”; and In section 2, in item 7061-0011, by adding the following words:— “provided further that not less than \$200,000 be expended from this item for the Mohawk Valley Regional School District to serve the needs of children with Down’s Syndrome who live in the Deerfield River Valley”.

The amendment was *rejected*.

Recess.

There being no objection, at eight minutes before ten o’clock P.M., the President declared a recess until the following day at ten o’clock A.M.

Wednesday, May 24, 2000.

[being the legislative session of Tuesday, May 23, 2000.]

At two minutes past ten o’clock A.M., the Senate reassembled, Mr. Travaglini in the Chair.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day the President introduced students from Wareham High School and Wareham Middle School. The students enabled their schools to receive national recognition as National Community Service Learning Leader Schools. They were the guests of Senator Murray.

There being no objection, during the consideration of the Orders of the Day, the President introduced, seated in the gallery, third grade students from the Timony School in Methuen. They were the guests of Senator Jajuga.

There being no objection, during the consideration of the Orders of the Day, the Chair (Mr. Rosenberg) introduced, seated in the rear of the Chamber, members of the Weymouth Veterans' Council. The members were in the State House for a wreath laying ceremony in memory of Ralph Talbot of Weymouth, a Medal of Honor recipient, who sacrificed his life on behalf of our nation during World War I. They were the guests of Senator Hedlund.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the gallery, 5th grade students from the Bernazzani School in Quincy. Among the students was the daughter of Representative Tobin of Quincy. The students were accompanied by Representative Tobin and were the guests of Senator Morrissey.

There being no objection, during the consideration of the Orders of the Day, the President introduced, seated in the gallery, the North Reading High Baseball Team. The team is the 2000 Cape Ann League Champions. The team was accompanied by their coach, Frank Carey, who in his 35 years of coaching the North Reading High School Baseball team, has compiled an impressive record of 508 wins and 188 losses. They were the guests of Senator Tarr.

There being no objection, during consideration of the Orders of the Day, the Chair (Ms. Jacques) introduced, in the rear of the Chamber, Brian Cirell, a senior at Westfield Vocational-Technical High School. Brian is participating in the school's Shadowing Day program with Senator Knapik.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Travaglini moved to amend the bill in section 2, in item 7061-0012 by striking out the words "provided further, that not less than \$300,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students" and inserting in place thereof the following words:— "provided further, that not less than \$350,000 shall be expended for the costs of borrowing audiotaped textbooks by special needs students".

After remarks, the amendment was adopted.

Ms. Creem moved to amend the bill in section 2, in item 7061-9404, by inserting after the words "1K of chapter 69" the following words:— "; provided further, that notwithstanding any preference or priority provided in this item, the department of education shall establish and provide a minimum grant amount to any city, town or regional school district, otherwise complying with the requirements of this section and provided that not more than 10 per cent of the funds provided herein shall be utilized to fund such minimum grants"; and

In section 23 by inserting after the words "chapter 69", in line 9, the following words:— "Notwithstanding any preference or priority provided in this item, the department of education shall establish and provide a minimum grant amount to any city, town or regional school district, otherwise complying with the requirements of this section, provided that not more than 10 per cent of the total funds provided for such grants shall be utilized to fund such minimum grants".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9404, by inserting after the words "local curriculum with state standards and assessment data" the following words:— "; provided further, that \$400,000 shall be expended in a contract to One With One, Inc. for a pilot demonstration program providing coaching and mentoring to teachers who are working or plan to work with disadvantaged students in urban schools".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9611, by adding the following words:— "; and provided further, that not less than \$60,000 shall be expended for after-school programs for low income residents of the Allston and Brighton sections of the city of Boston".

After remarks, the amendment was adopted.

Ms. Menard moved to amend the bill in section 2, in item 7061-9611, by inserting after the words "education's five year master plan" the following words:— "; provided, that \$250,000 shall be expended for a pilot program in the city of Fall River on preventing violence among youths".

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9611, by striking out the words “Gardener Extended Services School” and inserting in place thereof the following words:— “Gardner Extended Services School”.

After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Tarr and Shannon and Ms. Creem, Ms. Fargo and Ms. Tucker and Mr. Pacheco, Ms. Menard, Messrs. Lynch and Nucifero moved to amend the bill in section 2, in item 7061-9611, by adding the following words:— “; provided further, that \$2,500,000 shall be expended for voluntary in-school and after school service programs administered by the Massachusetts Service Alliance;”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 7061-9611, in line 9, by inserting after the word “council” the following words:— “; provided further, that not less than \$400,000 shall be expended for the Grover Cleveland middle school in the Dorchester section of the city of Boston to establish a comprehensive violence prevention and academic support program with a particular focus on at risk middle school female students;”.

The amendment was *rejected*.

Messrs. Berry and Antonioni moved to amend the bill in section 2, in item 7061-9611, by striking out the words “For after-school programs as approved in the board of education’s five year master plan” and inserting in place thereof the following words:— “For grants to cities, towns and regional school districts, educational collaboratives, after-school programs and licensed school-age child care programs, including grants to public and nonpublic entities, for after-school programs as approved in the board of education’s five year master plan”; and by striking out the words “the department of education shall consult the executive office” and inserting in place thereof the following words:— “the department of education shall collaborate with the executive office”; and by inserting after the words “variety of activities” the following words:— “, to support the social, emotional, physical and cognitive development of participating children and youth”.

The amendment was *rejected*.

Messrs. Antonioni and Tolman moved to amend the bill in section 2, in item 7061-9614, by striking out the words “For an alternative education grant program” and inserting in place thereof the following words:— “For an education grant program”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 7061-9614, by adding the following words:— “; provided further, that the corporation for business, work and learning shall select, on a competitive basis, three local workforce investment areas as demonstration sites that will design and implement a comprehensive youth development system; provided that, the chief elected officials and local workforce investment boards for each demonstration site support the effort by dedicating available local, state, federal, and other funds used to help prepare high-risk and low income youth for academic, career, and citizenship success; provided further, that at least \$90,000 shall be available for expenditure by each participating workforce investment area; provided further, that the corporation for business, work and learning furnish the state workforce development board with regular reports regarding the activities and outcomes within the demonstration sites”.

After debate, the amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 7061-9626, by inserting after the word “Lowell” the following word:— “, Malden”.

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7061-9634, by striking out the words “or federal”.

After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after item 7061-9634 the following item:
“7061-9635 For grants to cities, towns, and regional school districts for the education mentoring and training program, so-called; provided, that not more than \$35,000 shall be expended for the administration of said program; provided further, that the department shall establish mentoring grant programs to support beginning teachers in public school districts throughout the commonwealth; and provided further, that said grant awards shall be used for the purposes including, but not limited to, mentor stipends, release time for beginning teachers, substitute pay, professional development, and/or orientation programs 750,000”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, by inserting after item 7066-0005, the following item:
“7066-0009 For the New England board of higher education 714,835”.

After debate, the amendment was *rejected*.

Messrs. Lynch and Tarr moved to amend the bill in section 2, by inserting after item 7066-0005 the following item:
“7066-0015 For the community college workforce training incentive grant program established in section 15F of chapter 15A of the General Laws, as added by section 311 of this act 2,100,000”; and by inserting after section 23 the following section:
“SECTION 23A. Chapter 15A of the General Laws is hereby amended by inserting after section 15E, as appearing in the 1998 Official Edition, the following section:—
Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public community college training opportunities in order to promote workforce development, minimize the shortage of skilled workers and raise economic opportunity through a matching incentive grant program to be known as the community college workforce training incentive program. Subject to appropriation, the board of higher education shall establish guidelines for the distribution of community college workforce training incentive grants; provided that said guidelines shall provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in eligible revenues; and (ii) minimum requirements for the level of not-for-credit vocationally-oriented instruction which shall be provided by incentive grant recipients in the fiscal year in which such grant is awarded. For the purposes of this section, eligible revenues shall be defined as revenues received by a community college for one of the following purposes: tuition and fees paid by students enrolled in not-for-credit vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of employees enrolled in not-for-credit vocationally-oriented courses; and revenues from service contracts with Massachusetts employers to provide not-for-credit vocationally-oriented training. Revenues from contracts with public agencies, public grants or private gifts shall not be considered eligible revenues for the purposes of this section. Incentive grants shall be expended for the following purposes: to expand not-for-credit vocationally-oriented course offerings; to expand not-for-credit vocationally-oriented instruction provided through contracts with Massachusetts employers; and to otherwise promote not-for-credit vocationally-oriented instruction. The total aggregate amount of incentive grants awarded by the board shall not exceed \$2,500,000 in any fiscal year. Each community college campus shall report not later than December 31, annually, to the board of higher education and the house and senate committees on ways and means on the level of not-for-credit vocationally-oriented instruction provided in the preceding fiscal year and the anticipated level of such instruction in the current fiscal year. Said report shall detail enrollment levels, revenues received, sources of revenues, the number of service contracts established with Massachusetts employers and such other information as the board of higher education may require”.

The President in the Chair, after remarks, the amendment was *rejected*.

Mr. Resor, Messrs. Magnani, Lynch, Lees, Rauschenbach and Ms. Fargo moved to amend the bill in section 2, by inserting after item 7007-1000 the following item:
“7007-1200 For a program to create and maintain a more favorable and responsive environment for the attraction and retention of technology-intensive clusters, so-called; provided, that such clusters may be characterized by technological or market focus, geographic proximity or other shared interests; provided further, that cluster activities shall be deemed to be the exercise of an essential governmental function intended to: (1) foster increased collaboration among cluster organizations; (2) facilitate improved communication between the commonwealth and cluster organizations; (3) identify and respond to challenges and opportunities related to cluster organizations; (4) enhance the competitive position of cluster firms; (5) reduce the costs of doing business in the commonwealth through one or more purchasing cooperatives; and (6) generally improve the perception of the value and benefits of doing business in the commonwealth; provided further, that amounts appropriated herein shall be expended to the Massachusetts Technology Park Corporation to be held and applied thereby and administered through its Massachusetts Technology Collaborative as the successor in interest to the microelectronics center; provided further, that said corporation shall establish an independent advisory panel to advise said corporation relative to the most effective application of funds appropriated herein; and provided further, that the executive director shall file a report with the house and senate committees on science and technology and the house and senate committees on ways and means detailing the activities undertaken with the funds appropriated herein not later than January 15, 2001 1,200,000”.

After debate, the amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, by inserting after item 7066-0100 the following item:
“7066-0116 For an endowment incentive program for the state colleges of Massachusetts; provided that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth’s appropriation for any state college; provided further, that the amount appropriated herein may fund matching grants paid to any state college’s recognized foundation in an amount not to exceed 75 cents for every dollar privately contributed or contractually pledged to such state college’s board of trustees or such state college’s recognized foundation; provided further, that the provisions of the fifth paragraph of section 15E of chapter 15A of the General Laws shall apply to this program; and provided further, that the amount appropriated herein shall be in addition to any other amounts available for the endowment incentive program 1,500,000”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 7070-0031, by adding the following words:— “; provided, that not less than \$91,094 shall be expended for the purposes of the Casa del Sol program and that \$175,424 shall be expended for the purposes of the Adult Literacy Resource Institute”; and in said item 7070-0031 by striking out the figure “4,761,741” and inserting in place thereof the following figure— “5,028,259”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 7070-0065, by adding the following language:— “; provided further, that no less than \$350,000 shall be expended for a direct loan program or to be leveraged as a loan loss guaranty in conjunction with Sallie Mae’s direct funding, which should be greater than the Commonwealth’s initial investment by a factor of three times (\$1,500,000); provided further, that the Corporation for Business, Work, and Learning may substitute private lenders for Sallie Mae and make the same loan loss reserve available to them; provided further, that the commonwealth would establish an interest bearing escrow account to protect against private lender default or Sallie Mae’s potential loan losses, provided further, that the fund would build incrementally with investment income; provided further, that loans are offered by private lenders or Sallie Mae to finance the costs of certified short-term training and living expenses to transition qualified individuals into positions requiring high technology skills; provided further, that \$75,000 will be made available to the Corporation for Business, Work, and Learning to facilitate the development and organization of courses and course modules leading to skill sand skill clusters in demand by skills-based industries, to certify such courses as eligible to be financed through the loan fund, to provide technical assistance to public post secondary educational institutions in establishing continuous Learning Consultants to act as an intermediary between such institutions and businesses and to translate business’ skills needs to the institution, to develop methods to market the loan fund to potential customers, to organize Industry Sector Working Groups composed primarily of employers familiar with the changing technology and skill needs of their industry in order to communicate industry needs to educational institutions, such as identification of basic skills for entry-level jobs and career pathways, validating competencies and providing worksite externships; provided further, that \$100,000 be made available to the Corporation for Business, Work and Learning to provide to three or more community colleges on a matching basis to pilot the establishment of Continuous Learning Consultants; and provided further, that the Corporation for Business, Work and Learning will submit a report to the general court and the state workforce investment board on the financial and programmatic experience of the loan fund by April 1, 2001”.

After remarks, the amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, by striking out item 7077-1000 and inserting in place thereof the following item:
“7077-1000 For the tomorrow’s teachers program providing full scholarships to students who graduate in the top 25 per cent of their high school class, complete a bachelor’s degree at a Massachusetts public or independent institution of higher education, and agree to teach for four years at a public school in commonwealth upon successful completion of appropriate certification; provided, that for any students at a Massachusetts independent institution the amount of any such scholarship shall not exceed the maximum grant under this program of a scholarship to a student at the University of Massachusetts, prior to appropriation continued 1,090,739”.

After remarks, the amendment was adopted.

Mr. Panagiotakos moved to amend the bill in section 2, in item 7100-0200, by inserting after the word “Overseers”, the following words:— “; provided further, that not less than \$100,000 shall be expended for the purposes of hiring an apiculture specialist within the Umass Extension program to provide research and education to improve agricultural pollination throughout the commonwealth;” and in said section 2, in said item 7100-0200, by striking out the figure “481,272,165” and inserting in place thereof the following figure:— “481,372,165”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 7100-0200, by striking out the words “shall be expended for an outreach program at Martha’s Vineyard by the University of Massachusetts at Dartmouth in conjunction with Nathan Mayhew Seminars for the purpose of establishing a long distance learning center” and inserting in place thereof the following words:— “shall be expended for an outreach program on Cape Cod by the University of Massachusetts at Dartmouth in conjunction with the Cape Cod Commission and the Executive Office of Environmental Affairs’ Massachusetts Watershed Initiative for the purpose of establishing a comprehensive monitoring program for lakes and ponds on Cape Cod to be known as the Cape Cod Lakes and Pond Project”.

After remarks, the amendment was adopted.

Ms. Resor and Mr. Pacheco moved to amend the bill in section 2, in item 7100-0300, by striking out the figure “1,686,146” and inserting in place thereof the following figure:— “1,762,965”.

Toxics Use Reduction Fund 100.0%.

After debate, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7110-0100, in line 3, by adding the following words:— “; and provided further, that not more than \$530,000 shall be expended for the fiscal year 2001 operating costs of a new athletic facility”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 7115-0100, by striking out the figure “21,107,547” and inserting in place thereof the following figure:— “21,307,547”.

The amendment was *rejected*.

Messrs. Bernstein, Glodis and Moore moved to amend the bill in section 2, in item 7116-0100, by striking out the figure “20,455,403” and inserting in place thereof the following figure:— 21,410,403”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 7118-0100, by striking out the following words:— “; provided, that not less than \$228,000 shall be expended for the costs associated with the aquaculture program”

After remarks, the amendment was adopted.

Ms. Wilkerson and Messrs. Rosenberg, Joyce and Tolman moved to amend the bill in section 2, in item 4800-0018, by adding the following words:— “; and provided further, that \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for expansion of a year-round school based program in Boston high schools and middle schools for pregnant teens, young mothers and fathers and other youth at high risk for school drop out”.

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 7004-2027, by inserting after the words “Housing Assistance Corporation;” the following words:— “provided further, that on or before February 1, 2001, the department of housing and community development shall file with the house and senate committees on ways and means a report demonstrating the distribution of funds from this item among rural, suburban, and urban community-based organizations;”.

After remarks, the amendment was adopted.

Ms. Tucker moved to amend the bill in section 2, in item 7510-0100, by adding the following words:— “provided further, that \$200,000 shall be expended on the Access program at Northern Essex Community College”.

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, in item 7511-0100, by adding the following words:— “; provided further, that \$300,000 shall be expended for a study and an environmental analysis at the Lynn campus of North Shore Community College to determine the feasibility of constructing a facility to accommodate ‘high tech’ classrooms, so-called, lecture halls and a teleconferencing center as well as general purpose classrooms and all appropriate support spaces”; and in said item 7511-0100, by striking the figure “16,886,218” and inserting in place thereof the following figure:— “17,186,218”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7514-0100, by striking out the words “that \$100,000 shall be made available to the Springfield Technical College foundation for costs associated with the relocation of SpringBoard Technology, Inc. within the Digital Property, so called” and inserting in place thereof the following words:— “that \$282,840 shall be expended for the acquisition of a parcel of land, adjacent to the campus, to be used for student parking”; and by striking out the figure “606,920” and inserting in place thereof the following figure:— “706,920”.

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 8000-0010, by inserting after the word “Stoneham” the following word:— “Wakefield.”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 8000-0010, by striking out the words “provided further, that not less than \$250,000 shall be provided for community policing in the city of Lawrence in addition to the grant award to such city in

fiscal year 1998” and inserting in place thereof the following words:— “provided further, that not less than \$250,000 shall be provided for community policing in the city of Lawrence in addition to the grant award to such city in fiscal year 2000”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 8000-0010, by striking out the words “provided, that no such grants shall be awarded to the department of state police” and inserting in place thereof the following words:— “; provided, that grants may be awarded to the department of state police only for non-motorized bicycle patrols”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the words “town of Southborough” the following words:— “; provided further, that not less than \$25,000 shall be provided for community policing in the town of Charlemon”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 8000-0010, by adding the following words:— “; and provided further, that not less than \$363,794 shall be expended for the Central Massachusetts Law Enforcement Council Regional Special Operations Unit”.; and in said item 8000-0010, by striking out the figure “20,949,500” and inserting in place thereof the following figure:— “21,313,294”.

The amendment was *rejected*.

Mrs. Sprague moved to amend in section 2, by inserting after item 8000-0010 the following item:
“8000-0019 For a program of bulletproof vest reimbursement grants to be administered by the secretary of public safety; provided, that said program shall provide not less than 50 per cent reimbursement for the cost of bulletproof vests purchased on or after July 1, 2000 for police officers, full-time sworn personnel of the department of state police and certain personnel of other agencies within the executive office of public safety as determined by said secretary; provided further, that all applicants for grants under this item shall submit documentation as required by said secretary as a condition of reimbursement; provided further, that funds awarded under said program may be used as state or local matching funds for the purpose of application for additional reimbursement under the federal Bulletproof Vest Partnership Grant Act of 1998; and provided further, that the award of funds under this item shall be contingent upon the recipient having applied for reimbursement under said federal act 5,000,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past eleven o'clock A.M., on motion of Mrs. Sprague, as follows, to wit (yeas 7 — nays 32):

YEAS.

Hedlund, Robert L.

Knapik, Michael R.

Lees, Brian P.

Rauschenbach, Henri S.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R. — 7.

NAYS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at twenty-nine minutes past eleven o'clock A.M., the amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0105, by striking out the figure "3,123,647" and inserting in place thereof the figure:— "3,296,459".

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 8000-0105, by striking out the figure "3,123,647" and inserting in place thereof the following figure:— "3,296,459";
In item 8000-0000 by striking out the figure "1,647,095" and inserting in place thereof the following figure:— "1,741,472";
In item 8900-0001 by striking out the figure "317,355,950" and inserting in place thereof the following figure:— "317,477,920";
In item 8900-0009 by striking out the figure "5,332,434" and inserting in place thereof the following figure:— "5,576,321"; and
In item 8100-0008 by striking out the figure "87,000" and inserting in place thereof the following figure:— "95,295".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0010, by striking out the words "provided further, that not less than \$60,000 shall be provided for community policing in the city of Methuen in addition to the grant awarded to such city in fiscal year 1999;" and inserting in place thereof the following words:— provided further, that the city of Methuen shall receive an amount not less than hat awarded in fiscal year 2000 for the purpose of community policing;".

After remarks, the amendment was adopted.

Mrs. Sprague moved to amend the bill in section 2, in item 8000-0619, by adding the following words:— "; provided further, that not less than \$12,500 shall be expended to the town of Seekonk for a matching grant for the purchase of a fire safety mobile home".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, by inserting after item 8000-0010 the following item:
"8000-xxxx For a competitive grant program to be administered by the executive office of public safety to assist municipalities with meeting unanticipated or extraordinary personnel expenses for local public safety departments; provided, that applications shall be submitted by municipalities to and evaluated by the executive office of public safety; provided further, that guidelines for the awarding of such grants shall be determined by the executive office of public safety; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one-time non-recurring basis; and provided further, that no funds distributed from this item to a municipality shall be considered in the calculation of local aid for fiscal year 2002 10,000,000".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill, in section 2, in item 8100-0000, by striking out the figure "166,863,994" and inserting in place thereof the following figure:— "168,659,016".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, by inserting after item 0340-2100 the following item:
"0340-2101 For the overtime costs of state police officers assigned to the district attorneys; provided, that no such costs associated with such officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be made on or about after the effective date of this item which would cause the commonwealth's obligation for the purpose of this item to

exceed the amount appropriated in this item 3,349,698"; and, in said section 2, by inserting after item 0810-0004 the following item:

"0810-0007 For the overtime costs of state police officers assigned to the attorney general; provided, that no such costs associated with such officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be made on or after the effective date of this item which would cause the commonwealth's obligation for the purposes of this item to exceed the amount appropriated herein 640,770";

and, in section 2, by striking out them 8100-0007 and inserting in place thereof the following item:

"8100-0007 For overtime of state police officers including the operation of the drug enforcement task force 11,996,743
Highway Fund 88.20%
Local Aid Fund 9.50%
General Fund 2.30%".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8100-0008, by striking out the figure "87,000" and inserting in place thereof the figure:—"95,295".

The amendment was *rejected*.

Messrs. Panagiotakos, Creedon and Knapik moved to amend the bill in section 2, in item 8100-0301, by adding the following words:—""; and provided further, that \$150,000 shall be expended for the operation of the state police gang unit, including, but not limited to, cooperative educational initiatives with police departments in the cities of Brockton, Chelsea, Holyoke, Lawrence, and Lowell".

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill in section 2, in item 8100-0301, by striking out the words "provided further, that not less than \$22,000 shall be expended for the cost of increased patrols from November 1 to December 31, between the hours of 3:00 a.m. and 7:00 a.m. from the route 24 south ramp to route 140 in the City of Taunton" and inserting in place thereof the following words:—"provided further, that not less than \$22,000 shall be expended for the cost of increased patrols from November 1 to December 31, between the hours of 3:30 p.m. and 7:30 p.m. from the state route 24 south ramp to state route 140 in the city of Taunton".

After remarks, Mr. Hedlund moved that the amendment be amended by adding the following words:—""; provided further, that not less than \$232,704 shall be expended for the cost of increased state police patrols during the months of June to September, inclusive, for Nantasket beach in the Town of Hull".

The further amendment was considered; and it was *rejected*.

The pending amendment (Pacheco) was further considered; and it was adopted.

Ms. Resor moved to amend the bill in section 2, in item 8324-1000, by inserting after the word "communities" the following words:—" , \$25,000 of said \$500,000 shall be expended to the Town of Shirley for purchase of such equipment".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill in section 2, in item 8324-1000, by striking out the words "not less than \$75,000" and inserting in place thereof the following words:—"not less than \$100,000".

After remarks, the amendment was adopted.

Ms. Murray and Mr. Rauschenbach moved to amend the bill in section 2, in item 8400-0001, by adding the following words:—""; and provided further, that the registry shall establish and operate a license express office in the town of Falmouth".

The amendment was *rejected*.

Messrs. Moore and Brewer moved to amend the bill in section 2, in item 8400-0001, by adding the following words:—"provided further, that the registry shall operate a full service branch in Southbridge,".

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 8400-0001, by striking out the figure "49,185,751" and inserting in place thereof the following figure:—"56,588,970"; and in item 8400-0024, by striking out the figure "2,300,000" and inserting in place thereof the following figure:—"3,025,622".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 8 — nays 31):

YEAS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Rauschenbach, Henri S.	Tucker, Susan C. — 8.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Bernstein, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Jajuga, James P.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Lynch, Stephen F.	Magnani, David P.
Walsh, Marian	Melconian, Linda J.
Wilkerson, Dianne — 31.	

The yeas and nays having been completed at one minute past twelve o'clock noon, the amendment was *rejected*.

Mr. Tolman, Ms. Tucker, Ms. Resor and Ms. Wilkerson moved to amend the bill in section 2, in item 8400-0100, by inserting after the words "expenses of the merit rating board" the following words:— " ; provided, that not more than \$200,000 shall be expended to conduct a study on the automobile insurance system, pursuant to section"; and by inserting after section 299 the following section:—

"SECTION 299A. There is hereby established a special commission to study the rules, regulations, operations and laws relating to the system of automobile insurance in the commonwealth. The special commission shall not study issues related to property damage automobile insurance coverages.

The commission shall be chaired jointly by the house and senate chairpersons of the joint committee on insurance or their designees, and shall consist of the following: two members of the house of representatives to be appointed by the speaker of the house; one member of the house of representatives to be appointed by the house minority leader; two members of the senate to be appointed by the senate president; one member of the senate to be appointed by the senate minority leader; the attorney general or his designee; the registrar of motor vehicles, or his designee; and six persons to be appointed by the governor, one of whom shall be a member of the commonwealth Automobile Insurers, one of whom shall be a member of the Domestic Automobile Insurers, one of whom shall be a member of the Massachusetts Academy of Trial Attorneys, one of whom shall be a member of Massspig, one of whom shall be a member from the Massachusetts Association of Insurance Agents; and one of whom shall be a member from the Automobile Insurers Bureau, and three people who represent consumers.

Said commission shall study the equality and efficiency of the present system of automobile insurance in the commonwealth. Said study shall include, but not be limited to, the following issues: (i) the efficiency of the existing safe driver insurance plan,

including, but not limited to, the six-year experience period, so-called; the minor at-fault accident threshold, so-called; the clean slate rule, so called; and antiquated traffic law violations; (ii) the feasibility of moving the commonwealth from the present automobile insurance system to a competitive system; (iii) the accuracy and fairness of the territory rating system; (iv) the elimination of the present option of self-only coverage or passenger coverage; (v) the establishment of the combination plate; (vi) the impact of the present minimum insurance requirements on the uninsured driving population and the impact of eliminating the personal injury protection threshold; (vii) a choice/ no-fault automobile insurance system.

The commission shall submit the results of said study, along with drafts of legislation and a plan for the implementation of any recommendations to the house and senate committees on ways and means, the clerk of the house of representatives, the clerk of the senate, and the joint committee on insurance not later than six months after the effective date of this section”.

After debate, the amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8600-0600, by inserting after the words “sexual assault” the following words:— “and suspect”.

The amendment was *rejected*.

Messrs. Tisei and Tarr moved to amend the bill in section 2, in item 8700-0001, by adding the following words:— “; and provided further, that \$840,000 shall be awarded to Camp Curtis Guild for the purpose of matching 30 per cent of state funds to 70 per cent of federal funds, said money to be used for the implementation of the Minuteman Challenge Academy”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 8700-0001, by inserting after the words “aviation facilities;” the following words:— “provided, that said department shall expend not more than \$120,000 for a new hardwood floor at the armory located in the Dorchester section of the city of Boston;”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, by inserting after item 8800-0001 the following item:
“8800-0020 For the purpose of providing emergency relief to the town of Great Barrington for the costs relating to the severe weather on January 25, 2000 including, but not limited to, the extraordinary costs and expenses associated with the severe weather, excluding those costs associated with town-wide snow removal; provided further, that said emergency relief shall be available to the town of Great Barrington for both costs already incurred and those certified by the Massachusetts emergency management agency; provided further, that said assistance shall be in the amount of 100 per cent of the total cost as certified by said Massachusetts emergency management agency as part of the municipal state of emergency declared for January 25, 2000 66,232”.

After remarks, the amendment was adopted.

Mrs. Sprague moved to amend the bill in section 2, in item 8900-0001, by adding the following words:— “; and provided further, that not less than \$150,000 shall be provided for the town of Walpole for conflagration mitigation related to the Massachusetts Correctional Institute at Cedar Junction”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, by inserting after item 8900-0004 the following item:
“8900-0007 For the expenses of the community resource centers under contract to or operated by the department 950,000”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, by inserting after item 8900-0004 the following item:
“8900-0006 For the costs of new correctional officers to increase the relief factor, so called, to reflect staffing needs due to increases employment benefit levels 10,000,000”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 8910-0000, by adding the following words:— “; notwithstanding the provisions of this section, the treasurer of Norfolk county shall retain all revenue from telephone service provided to inmates or detainees”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 8910-0000, by adding the following words:— “; provided further, that not more than \$255,000 shall be expended to create a county correctional post-conviction victim and witness advocacy grant program to provide information, crisis intervention, safety planning, emotional support and referral services to victims of crime and other concerned parties whose offenders are in the custody of the county houses of correction; provided further, that said grant program shall be administered by the Massachusetts Sheriffs’ Association who shall distribute funds to counties submitting qualified applications to said association; provided further, that training and technical assistance shall be provided from said funds in an amount not to exceed \$10,000 and that the program shall be coordinated, monitored and evaluated by the Massachusetts Sheriffs’ Association”; and in said item by striking out the figure “155,341,357” and inserting in place thereof the following figure:— “155,596,357”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 8910-0000, by inserting after the word “Bedford” the following words:— “; provided further, that not less than \$300,000 shall be expended to expand the library capacity in the town of Middleton in order to better accommodate the inmates housed in the facility in said town”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 2, in item 8910-0000, by adding the following words:— “; provided further that additional funds from this account will be made available to cover the operating costs of the 18-bed modular corrections’ facility expansion in Dukes county”.

After remarks, the amendment was adopted.

Ms. Jacques moved to amend the bill by inserting after section 283B (inserted by amendment) the following section:— “SECTION 283C. The secretary of public safety shall submit a plan to the senate committee on ways and means detailing the plan of the executive office of public safety for establishing an electronic communication link to improve the tracking of weapons transfers as required by clause fifth of section 123 of chapter 140 of the General Laws, and the office’s plan for expenditure of funds contained in the Firearms Records Keeping Fund, as established by chapter 29 section 2SS, not later than December 1, 2000”.

After remarks, the amendment was adopted.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 8910-0102, by striking out the figure “47,260,452” and inserting in place thereof the following figure “47,909,510”.

The amendment was *rejected*.

Ms. Creem and Mr. Shannon moved to amend the bill in section 2, in item 8950-0001, by adding the following:— “and provided further, that the so-called Intensive Parole for Sex Offender’s program shall be expanded and implemented statewide”; and in said item 8950-0001, by striking out the figure “12,765,877” and inserting in place thereof the following figure:— “14,469,710”.

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 8950-0001, by striking out the figure “12,765,877” and inserting in the place thereof the following figure:— “13,350,101”; and in said item 8950-0001 by inserting after the word “agencies;” the following words:— “provided further, that not less than \$584,224 shall be expended to cover rent costs for the central headquarters of the parole board located at Wormwood street in the city of Boston”.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 9110-1636, by inserting after the words “elder-at-risk program” the following words:— “; provided that not less than \$575,000 be expended for guardianship services”.

After remarks, the amendment was *rejected*.

Recess.

There being no objection, at twenty-seven minutes before one o’clock P.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at one minute before one o’clock P.M., the senate reassembled, the President in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Creedon moved to amend the bill in section 2, in item 9110-1660, by adding the following words:— “; provided further, that not less than \$471,678 shall be allocated to the Ann L. Ward congregate home in Brockton”.

The amendment was *rejected*.

Ms. Walsh and Mrs. Sprague moved to amend the bill in section 2, by inserting after item 9110-1700 the following item: “9110-xxxx For a pilot program for visually impaired elders in New Bedford, Boston, Worcester, Springfield and Lowell 550,000”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 9110-1900, by adding the following words:— “; and provided further, that not less than \$30,000 shall be expended for furnishings and equipment for the Kennedy Senior Center in the town of Natick”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 9110-1900, by inserting after the words “elderly persons” the following words:— “; provided further, that not less than \$300,000 shall be obligated for the 15 retired and senior volunteer programs and not less than \$257,352 shall be obligated for all foster grandparent and senior companion programs”; and in said item 9110-1900, by striking out the figure “5,286,905” and inserting in place thereof the following figure:— “5,473,154”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 9110-1900, by inserting after the words “West Roxbury” the following words:— “; provided further, that not less than \$300,000 shall be expended for the 15 Retired and Senior Volunteer Programs.”; and in said item 9110-1900, by striking out the figure “5,286,905” and inserting in place thereof the following figure:— “5,586,905”.

The amendment was *rejected*.

Mr. Moore and Ms. Murray moved to amend the bill in section 2, in item 9110-9002, by striking out the figure “6,310,000” and inserting in place thereof the following figure:— “7,385,000”.

The amendment was *rejected*.

Messrs. Lees, Tisei and Knapik moved to amend the bill in section 2, in item 9110-9002, by adding the following words:— “provided further, that the executive office of elder affairs shall conduct a study to examine the financial situations of said councils on aging, which shall include but not be limited to the following: the uses of state funding, their inability or ability to support programs within existing allocations, the adequacy of the per diem reimbursement rate per elder to support existing programs, identified program funding needs for improved services, and an examination of inefficient practices and other financial strains experienced by said councils; and provided further, that said study shall include an analysis of the efficacy of the matching grant program established in item 9110-9003 that shall include a detail of uses of awarded state grants and matching councils’ grants”.

After remarks, the amendment was adopted.

Mrs. Sprague moved to amend the bill in section 2, in item 9110-9002, by striking out the figure “6,310,000” and inserting in place thereof the following figure:— “8,000,000”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 9110-9002, by adding the following words:— “; provided further, that \$35,000 be expended for an ADA approved stair-chair lift for improved access to the second floor of the Rowley Center School Town Hall Annex”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, by inserting after item 9110-1660 the following item: “9110-xxxx For the operation of Kit Clark Senior Services, a professionally staffed non-profit multi-service agency dedicated to enhancing the quality of life of older adults in the city of Boston 600,000”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 4120-0511, by inserting after the words “For the purposes of a federally funded grant entitled, Disability Determination Services” the following words:— “provided that not less than \$150,000 shall be expended on Project Nexus”.

The amendment was *rejected*.

Senator Creedon moved to amend the bill in section 4, by striking out the following words:—

Spending

Line Item Authorized FTE's

0330-0101 \$8,830,821 78
0330-0102 \$18,783,392 166
0330-0103 \$5,248,835 47
0330-0104 \$455,830 4
0330-0105 \$1,238,712 11
0330-0106 \$991,521 9
0330-0107 \$4,346,637 39
0330-0300 \$7,238,866 131.67
0330-0317 \$258,210 4
0330-2000 \$2,085,170 48.6
0330-2205 \$12,281,851 405.47
0330-2207 \$1,638,676 62.07
0330-2410 \$326,899 7
0330-3200 \$43,205,001 1012.4
0330-3700 \$556,699 14
0331-0100 \$7,544,646 176.6
0331-2100 \$491,961 11
0331-2200 \$281,118 6
0331-2300 \$1,053,192 20.5
0331-2400 \$177,795 3
0331-2500 \$1,686,346 40
0331-2600 \$329,671 8
0331-2700 \$1,533,728 35.8

Spending

Line Item Authorized FTE's

0331-2800 \$322,201 7
0331-2900 \$3,977,697 91
0331-3000 \$126,117 2
0331-3100 \$1,304,826 27
0331-3200 \$1,268,214 30.09
0331-3300 \$3,764,293 96.55
0331-3400 \$2,318,923 49.6
0331-3404 \$164,556 5
0331-3500 \$1,367,086 29
0332-0100 \$1,381,101 26
0332-1100 \$1,889,943 43
0332-1200 \$1,151,887 27
0332-1203 \$1,150,690 26
0332-1300 \$676,558 14
0332-1400 \$1,206,186 29
0332-1500 \$519,106 11
0332-1600 \$1,978,831 49
0332-1700 \$2,466,976 62.5
0332-1800 \$2,915,189 71.8
0332-1900 \$1,262,813 29
0332-2000 \$365,600 8
0332-2100 \$2,078,154 46
0332-2300 \$397,982 9

Spending

Line Item Authorized FTE's

0332-2400 \$1,902,238 42
0332-2500 \$875,530 20
0332-2600 \$3,348,371 85
0332-2700 \$2,872,099 68.5
0332-2800 \$1,492,987 32
0332-2900 \$1,180,921 26
0332-3000 \$1,258,713 30
0332-3100 \$469,222 16
0332-3200 \$1,139,137 28.4
0332-3300 \$1,287,156 34
0332-3400 \$780,943 17
0332-3500 \$4,128,385 103.7
0332-3600 \$817,540 20
0332-3700 \$1,698,899 41
0332-3800 \$611,740 13
0332-3900 \$3,409,265 87
0332-4000 \$2,636,500 63
0332-4100 \$1,034,145 22
0332-4200 \$1,147,463 26
0332-4300 \$771,005 16
0332-4400 \$2,128,282 49
0332-4500 \$1,460,061 34.8
0332-4600 \$3,321,256 76.74
0332-4700 \$2,195,024 53
0332-4800 \$1,175,772 27
0332-4900 \$2,125,803 48.03
0332-5000 \$1,274,504 29
0332-5100 \$282,631 7
0332-5200 \$2,027,345 47
0332-5300 \$4,700,186 114
0332-5400 \$1,438,338 33
0332-5500 \$1,417,464 33.5
0332-5600 \$834,140 17
0332-5700 \$3,147,345 78
0332-5800 \$1,866,461 46
0332-5900 \$1,993,486 44
0332-6000 \$1,900,236 42.5
0332-6100 \$1,234,914 27
0332-6200 \$786,290 15
0332-6300 \$2,321,277 53
0332-6400 \$4,487,801 105.5
0332-6500 \$1,639,358 38
0332-6600 \$3,502,776 80.14
0332-6700 \$1,152,574 25
0332-6800 \$2,136,147 48.6
0332-6900 \$4,135,451 104
0332-7000 \$1,295,047 30

Spending

Line Item Authorized FTE's
0332-7100 \$953,796 24
0332-7200 \$260,422 6
0332-7300 \$1,069,602 26
0332-7400 \$1,036,587 25
0332-7500 \$710,253 15.72
0332-7600 \$1,168,057 27
0332-7700 \$852,737 21
0332-7800 \$894,850 22
0332-7900 \$868,905 19
0333-0002 \$1,563,326 35
0333-0100 \$1,536,083 34
0333-0200 \$816,338 19.2

0333-0300 \$2,473,404 56.06
0333-0400 \$263,257 6
0333-0500 \$2,392,489 60.5
0333-0600 \$825,754 19
0333-0700 \$2,563,259 67.6
0333-0800 \$881,635 21
0333-0900 \$4,575,328 121.5
0333-0911 \$258,752 5.3
0333-1000 \$192,142 3
0333-1100 \$2,697,820 67
0333-1111 \$162,339 3
0333-1200 \$2,228,650 56
0333-1300 \$3,352,575 89
0333-1313 \$179,588 4.36
0333-1400 \$2,785,454 62.6
0334-0001 \$2,426,248 58
0335-0001 \$8,375,313 166
0336-0002 \$141,432 2
0336-0100 \$1,127,037 27
0336-0200 \$575,787 14
0336-0300 \$665,586 16
0336-0400 \$1,012,068 26
0336-0500 \$688,224 17
0337-0002 \$1,080,864 25
0337-0003 \$14,239,145 346.88
0337-0100 \$4,005,928 87
0337-0200 \$2,587,960 61
0337-0300 \$1,652,051 37
0337-0400 \$1,430,746 31
0337-0500 \$2,042,630 45
0339-1001 \$11,014,118 296.8
0339-1002 \$9,568,099 209.6
0339-1003 \$2,509,146 53
0339-2100 \$1,295,892 32

The amendment was *rejected*.

Messrs. Pacheco, Brewer, Nuciforo, Ms. Resor, Ms. Menard, Messrs. Tarr, Knapik, Antonioni, Ms. Fargo and Mr. Lees moved to amend the bill by striking out sections 17, 284, 285 and 305.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before three o'clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 17 — nays 22):

YEAS.

Antonioni, Robert A.	Pacheco, Marc R.
Brewer, Stephen M.	Rauschenbach, Henri S.
Fargo, Susan C.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Menard, Joan M.	Tolman, Steven A.
Moore, Richard T.	Tucker, Susan C. — 17.
Nuciforo, Andrea F., Jr.	

NAYS.

Bernstein, Robert A.	Magnani, David P.
Berry, Frederick E.	Melconian, Linda J.
Clancy, Edward J., Jr.	Montigny, Mark C.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Glodis, Guy W.	Panagiotakos, Steven C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tisei, Richard R.
Jajuga, James P.	Travaglini, Robert E.
Joyce, Brian A.	Walsh, Marian
Lynch, Stephen F.	Wilkerson, Dianne — 22.

The yeas and nays having been completed at fourteen minutes before three o'clock P.M., the amendment was *rejected*.

Ms. Jacques in the Chair, Mr. Lynch moved to amend the bill in section 28, by inserting after the word "enrollees.", in line 110, the following sentence:—"In making such determination, the secretary shall consider the impact of any such mail order program on the value of the retail pharmacy services in the communities".

After remarks, the amendment was adopted.

Messrs. Berry and Clancy moved to amend the bill in section 28, by striking out the words "with one," in line 42, and inserting in place thereof the following words:—"with two."; by striking the words "unless another prescription drug is available on said formulary that is therapeutically equivalent to the excluded prescription drug", in lines 48 to 50, inclusive, and inserting in place thereof the following words:—"provided the manufacturer of the drug has entered into a rebate agreement with the entities administering benefits under the program"; by inserting after the words "prescriptions of", in line 93, the following words:—"not more than"; in said section 28 by striking the figure "\$25", in line 94, and inserting in place thereof the following figure:—" \$15"; by striking the words "the greater of", in lines 94 and 95; and by striking out the words "or 50 percent of the cost", in line 95; by striking the figure "\$50", in line 97, and inserting in place thereof the following figure:—" \$40"; by striking the words "the greater of \$50 or 50 percent of the cost per prescription", in lines 97 and 98, and inserting in place thereof the following words:—" \$50 for each 90 day supply"; by inserting after the words "prescription of", in line 100, the following words:—"not more than"; by striking the words "the greater of \$25 or 50 percent of the cost per prescription", in line 102, and inserting in place thereof the following words:—" \$25"; by striking the words "the greater of \$50 or 50 percent of the cost per prescription", in lines 104 and 105, and inserting in place thereof the following words:—" \$50 for each 90 day supply"; by striking the words "and there is no therapeutically equivalent preferred drug available to the enrollees", in lines 145 and 146; and in said section 28 by inserting after line 198 the following section:—

Section 41. It shall be unlawful for any employer to terminate or reduce the level of prescription drug benefits or services provided or promised, as of May 1, 2000, to employees or retired employees of the employer, or to spouses, children, or other relatives of employees or retired employees of the employer, upon reaching 65 years of age, unless the department approves such termination or reduction based on a change in circumstances of the employer that the department deems to justify such termination or reduction. An employer who terminates or reduces prescription drug benefits or services to any individual in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a penalty not to exceed \$10,000 per individual whose benefits were terminated or reduced".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 69, by adding the following sentence:—"However, only contributions actually received during the taxable year by a Massachusetts non-profit corporation organized under chapter 180 or by a special act or a foreign non-profit corporation registered to do business in Massachusetts shall be eligible for the deduction authorized by this sub-paragraph".

After remarks, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 78, by striking out the words "public school", in line 10, and inserting in place thereof the following words:—"publicly operated day school program"; in section 86 by inserting after the words "reading and", in line 8, the words "provision of"; in section 89 by striking the words "34 CFR 300.7(b)(10)", in line 12, and inserting in place thereof the following words:—"24 CFR 300.7(c)(10)"; in section 89 by striking the words "emotional disturbance", in line 14,

and inserting in place thereof the following words:— “emotional impairment”; in section 89 by striking the words “emotional disability”, in line 15, and inserting in place thereof the following words:— “emotional disturbance”; and in section 88 by striking out the words “which include special education programs, assignments, instructions, classes, consultation and related services,” in lines 8 to 11, inclusive.

After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by striking out section 79.

The amendment was rejected.

Mr. Antonioni moved to amend the bill in section 79, by inserting after the word “programs”, in line 11, the following words:— “or phased-in, standards-based funding programs”.

After remarks, the amendment was adopted.

Messrs. Moore and Antonioni moved to amend the bill by inserting after the word “development”, in line 157, the following words:— “; the commissioner of public health”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill in section 80, by striking out, in line 395, the words “June 30, 2000” and inserting in place thereof the following words:— “January 1, 2001; provided, that any district which is racially imbalanced pursuant to section 37D of chapter 71 of the General Laws, by virtue of an individual public school report, so-called, on or before October 1, 1999 shall receive said approval”.

The amendment was *rejected*.

Messrs. Antonioni and Lynch moved to amend the bill in section 80, by inserting after the word “district”, in line 49, the following words:— “charter school”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 80, by inserting after the word “insure”, in line 11, the following words:— “health and”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 80, by inserting after the word “the”, in line 253, the following words:— “health and”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 80, by inserting after the word “the”, in line 264, the following words:— “health and”.

The amendment was adopted.

The President in the Chair, Mr. Antonioni moved to amend the bill in section 81, by adding the following sentence:— “The parent advisory council of the school district shall participate in the planning of the workshop and in the development of said written materials and shall assist in conducting the workshop”.

The amendment was rejected.

Subsequently, on motion of Mr. Antonioni, the Senate reconsidered the rejection of this amendment.

Mr. Antonioni then presented the following redrafted amendment.

Mr. Antonioni moved to amend the bill in section 81, by inserting after the words “district shall conduct”, in line 3, the following words:— “, in cooperation with the local parent advisory council.”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 81 the following section:

“SECTION 81A. Section 37G of chapter 71 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following subsection:—

(c) The board of education shall promulgate regulations regarding the use of physical restraint for students. Such regulations shall not preclude any teacher or employee or agent of the school from using reasonable force to protect pupils, other persons and themselves from an assault by a pupil as set forth above in section (b). Such regulations shall establish guidelines for required training of personnel authorized to administer any forms of restraint. Such regulations shall provide for procedures for notification to the department and to parents”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 92, by inserting after the word “require”, in line 10, the following words:— “; provided further, that determinations regarding eligibility for special education shall include, but not be limited to, at least one representative of the school committee who is certified in special education pursuant to section 38G of chapter 71 and knowledgeable regarding said eligibility requirements, the parent of the child, and other individuals required by the individual with disabilities education act and regulations promulgated pursuant to this chapter”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 96, by inserting after the word “placement.”, in line 14, the following paragraph:—

“Upon completion of said assessments the child’s special education team leader shall give the parents 2 written copies, in English and the native language of the parent when necessary, of a proposed education program based on the completed assessments with options for programs, services and placement to be discussed at the team meeting. The team leader shall conduct the team meeting and oversee the implementation of the child’s individual education plan for the duration of the child’s enrollment in the school, if said child is eligible for special education services; provided further, that a transition meeting shall be held between team leaders and the parent when a child with a disability transfers to a new school within the commonwealth. When a special education program has been approved by the parent, the parent and team leader shall meet with those persons delivering services to the child as soon as is practicable and quarterly thereafter to review progress. If it is determined at the team meeting that the child is not eligible for services, the special education team leader, principal and parent shall discuss appropriate modifications in the regular education program pursuant to a curriculum accommodation plan as set forth in section 38Q½ of chapter 71B.”

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 111, by inserting after the words “1C of chapter 71.”, in line 6, the following two sentences:—

“The department of education shall establish a Parent Advisory Committee to assist and advise in developing said workshop curriculum. The Parent Advisory Committee shall consist of representatives from the Federation for Children with Special Needs, the Massachusetts Association of Parent Advisory Councils, the Parent Professional Advocacy League, the Disability Law Center, and the Massachusetts Advocacy Center. “

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 112, by inserting after the word “health”, in line 9, the following words:— “but placement of any such child in an institution outside of the commonwealth shall be made only when no public or approved private facility which can reasonably provide an equal special education program is available in the commonwealth”.

The amendment was *rejected*.

Ms. Tucker, Ms. Resor and Mr. Nuciforo moved to amend the bill in section 139, by inserting after the word “corporations”, in line 74, the following words:— “the Massachusetts Nonprofit Housing Association”.

After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill by striking out section 138.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 138, by striking out the words “shall not be a public record as defined in section 7 of chapter 4, shall be confidential and shall not be subject to subpoena or discovery, except as otherwise specifically provided by law”, in lines 57 to 59, inclusive, and inserting in place thereof the following words:— “shall be a public record, however, confidential information, such as a patient’s identity, shall be redacted”; and by striking out, in line 61, the word “confidentially”; and by striking out, in lines 70 to 73, inclusive, the last sentence of subsection (f).

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill in section 139, by striking out, in line 65, the word “eleven” and inserting in place thereof the following word:— “twelve”; and in said section 139, by inserting after the word “Corporations,” in line 74, the following words:— “the Massachusetts Housing and Shelter Alliance,”.

After remarks, the amendment was adopted.

Messrs. Rosenberg and Brewer moved to amend the bill in section 157, by striking out, in lines 4 and 5, the words “at least one sitting each week in courthouse facilities in Berkshire county” and inserting in place thereof the following words:— “at least one sitting each week in courthouse facilities in Berkshire, Franklin and Hampshire counties”.

After remarks, the amendment was adopted.

Ms. Creedon moved to amend the bill by striking out section 160.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by striking out section 166.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 176, by inserting after the words “Worcester, 11 assistant clerks”, in line 17, the following words:— “Berkshire, 1 assistant; Franklin, 1 assistant clerk; Hampshire, 1 assistant clerk”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that \$50,000 shall be expended as a grant to the town of Maynard for the installation of historically accurate light fixtures in the town center”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not more than \$50,000 shall be expended for the North Central Massachusetts Plastics Council”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not more than \$20,000 shall be expended for the North Central Massachusetts Paper and Printing Council”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 7007-0400, by adding after the words “Central Massachusetts Economic Development Authority, so-called” the following words:— “; provided further, that said appropriation shall be expended, under the direction and approval of MassDevelopment for capital and related expenses for the Central Massachusetts Economic Development Authority established under the provisions of chapter 22 of the acts of 1995; provided further, that not more than 15 per cent of said total expenditures shall be allocated for administrative purposes”.

After remarks, the amendment was adopted.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not less than \$100,000 shall be expended as a grant to the Springfield Area Council For Excellence for outreach to Pioneer Valley businesses;”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “fisheries recovery commission” the following words:— “; provided further, that any federal funds provided directly to Massachusetts fishermen due to the efforts of said commission shall quality as matching funds under this section”.

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 7007-0400, by inserting after the word “Southbridge;” the following words:— “provided further, that not more than \$250,000 shall be expended for the economic development activities of the Berkshire council for growth;”.

The amendment was *rejected*.

Mr. Nuciforo and Ms. Tucker moved to amend the bill in section 2, in item 7007-0400, by striking out the words “\$100,000 shall be expended for the Massachusetts council for quality” and inserting in place thereof the following words:— “\$200,000 shall be expended for the Massachusetts council for quality”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Pioneer Valley Region;” the following words:— “provided further, that not more than \$100,000 shall be expended for a feasibility study to determine the costs of constructing a multi-use, recreational/entertainment facility in the city of Pittsfield to assist said city in its downtown development efforts; provided further, that said study shall be conducted by the Massachusetts development finance agency; provided further, that said study shall include recommendations on the need for local matching funds to finance said project; provided further, that said agency shall determine the demand, environmental impact; the optimal location; the traffic design and parking requirements for said facility; provided further, that said agency shall evaluate the potential impacts of said facility on the tourism industry within the Berkshire county; provided further, that said agency shall file said study with the clerk of house of representatives and the clerk of the city of Pittsfield by December 31, 2000;”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by striking out section 179.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 193, by striking out the words “or any other circumstance in line 12”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill in section 215, by adding the following sentence:— “Cities, towns and regional school districts which qualify for funding under the provisions of this section shall retain the option to receive reimbursement at the rate set forth in chapter 70B of the General Laws should said reimbursement rate be greater than the reimbursement rate in effect prior to the effective date of this act, as set forth in chapter 645 of the acts of 1948, as amended”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 215, by inserting after the word “2002”, in line 20, the following words:— “and (iii) capital school construction projects in cities, towns and regional school districts which are racially imbalanced pursuant to section 37D of chapter 71 of the General Laws, by virtue of an individual public school report, so-called, on or before October 1, 1999; provided, that said construction projects have received a favorable vote, for design or construction, by the city council and mayor or town meeting by September 15, 2000; provided further, that said districts shall be reimbursed in accordance with the provisions in effect prior to the effective date of this act, as set forth in section 11 of chapter 15 of the General Laws”.

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill in section 225, by inserting after the words “metrowest water supply tunnel, so called”, the following words:— “and the Walnut Hill water treatment plant, so called”.

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 256, by striking out, in line 6, the word “distinguished” and inserting in place thereof the following word:— “extinguished”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by striking out section 259 and inserting in place thereof the following section: “SECTION 259. Notwithstanding any general or special law to the contrary, a retirement board may grant a cost of living adjustment to a former employee of a county, city, town, district or authority or to a spouse or other beneficiary of such an employee who is receiving a noncontributory pension from such governmental unit under the provisions of chapter 32 or under corresponding provisions of earlier laws or any general or special law in an amount equal to a cost of living adjustment granted pursuant to section 103 of chapter 32 of the General Laws for fiscal year 2000 at any time during fiscal year 2001 and such cost of living adjustments shall be retroactive to July 1, 1999, if the legislative body of such governmental unit has accepted the provisions of paragraph (h) of said section 103 of said chapter 32 pursuant to the provisions of said paragraph (h)”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 60 the following section:

“SECTION 60A. Subsection (a) of section 15 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 9, each time it appears, the word “employees”, and inserting in place thereof, in each instance, the following words:— “active or retired employees.”; and by inserting after section 269 the following section:

“SECTION 269A. Notwithstanding the provisions of any general or special law to the contrary, the group insurance commission shall conduct an analysis of the cost of administering dental and vision insurance, beginning July 1, 2001, to retirees insured under sections 10, 10B, 10C, 12 and 14 of chapter 32A of the General Laws, and their dependents, including the surviving spouses of such retirees; provided, that the cost of the premium per month for such insurance coverage shall be borne by such retirees and their dependents and surviving spouses without contribution by the commonwealth. Within 90 days after the effective date of this act, the group insurance commission shall contract with a consultant to develop a plan for implementing said benefits, including the necessary costs of administering said benefits. The plan shall include, but not be limited to, a timeline for implementing coverage, the threshold of participation necessary to provide said benefits, the costs of negotiating contracts for said benefits, and premium rate costs”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 285, by striking out the words “four persons appointed by the president of the senate, and four persons appointed by the speaker of the house of representatives.”, in lines 14 to 16, inclusive, and inserting in place thereof the following words:— “three persons appointed by the president of the senate, one person appointed by the minority leader of the senate, three persons appointed by the speaker of the house of representatives and one person appointed by the minority leader of the house of representatives”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 286, by inserting after the word “senate,” in line 1, the following words:— “one of whom shall be appointed by the minority leader of the senate”; and by inserting after the word “representatives,” in line 2, the following words:— “one of whom shall be appointed by the minority leader of the house of representatives,”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 287, by inserting after the words “house and senate chairs of the joint committee on the judiciary,” in lines 2 and 3, the following words:— “one member appointed by the minority leader of the senate, one member to be appointed by the minority leader of the house of representatives,”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 292, by inserting after the word “senate,” in line 9, the following words:— “one of whom shall be appointed by the minority leader of the senate,” and, in said section 292, by inserting after the word “representatives,” in line 10, the following words:— “one of whom shall be appointed by the minority leader of the house of representatives,”.

The amendment was adopted.

Mr. Tisei moved to amend the bill in section 292, by inserting after the word “representatives,” in line 10, the following words:— “, the director of the office of consumer affairs or her designee,”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 293, by striking out, in lines 9 to 12, inclusive, the words “three members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation; three members of the senate, one of whom shall be the senate chairman of the joint committee on taxation;” and inserting in place thereof the following words:— “four members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation and one of whom shall be appointed by the minority leader of the house of representatives; four members of the senate, one of whom shall be the senate chairman of the joint committee on taxation and one of whom shall be appointed by the minority leader of the senate;”.

The amendment was adopted.

Mr. Berry moved to amend the bill in section 293, by striking out the second paragraph and inserting in place thereof the following paragraph:

“The commission shall consist of 15 members, including three members of the house of representatives, one of whom shall be the house chairman of the joint committee on taxation: three members of the senate, one of whom shall be the senate chairman of the joint committee on taxation: the commissioner of revenue: the state treasurer and receiver general or her designee: and seven members to be appointed by the Governor, one of whom shall be a representative of the Retailers Association of Massachusetts,

one of whom shall be a representative of the Massachusetts Taxpayers Foundation, two of whom shall be independent merchants each operating at least one retail store in Massachusetts, two of whom shall be representatives from companies engaged in internet sales and e-commerce, and one of whom shall be a representative of a multi-state chain retail operation in the commonwealth”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 294, by inserting after the word “committee” in line 7, the following words:— “and one of whom shall be appointed by the minority leader of the house of representatives” ,and by inserting after the word “committee”, in line 8, following words:— and one of whom shall be appointed by the minority leader of the senate.

The amendment was adopted.

Messrs. Antonioni and Lees moved to amend the bill in section 112, by inserting , in line 14, after the word “ commonwealth.”, the following sentence:— “Placement in another state shall be made only when no public or private facility which can provide the services in the student’s individualized education plan, consistent with requirements of state and federal law, is available in the commonwealth; but no child in an out of state placement as of June 1, 2000 shall be required to transfer to a facility located within the commonwealth unless the transfer is in accordance with the child’s individualized education plan and is not based solely upon this section”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 295, by inserting after the word “affairs;”, in line 6, the following words:— “a member of the senate appointed by the minority leader of the senate; a member of the house of representatives appointed by the minority leader of the house of representatives;”.

The amendment was adopted.

Mr. Panagiotakos moved to amend the bill in section 295 by inserting after the word “corporations”, in line 15, the following words:— “the Massachusetts Housing and Shelter Alliance”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 296, by inserting after the word “affairs”, in line 6, the following words:— “and one of whom shall be appointed by the minority leader of the house of representatives;” and by inserting after the word “affairs”, in line 7, the following words:— “, and one of whom shall be appointed by the minority leader of the senate”.

The amendment was adopted.

Mr. Lees moved to amend the bill in section 297, by inserting after the word “senate;”, in line 2, the following words:— “one of whom shall be appointed by the minority leader of the senate;” and by inserting after the word “house;” , in line 3, the following words:— “, one of whom shall be appointed by the minority leader of the house;”.

The amendment was adopted.

Ms. Tucker moved to amend the bill in section 299, by adding the following words:— “the commission may expend up to \$100,000 for expenses including, but not limited to, staff, administration, and support for carrying out its investigation and study”.

After remarks the amendment was *rejected*.

Mr. Lees moved to amend the bill by striking out section 305.

The amendment was *rejected*.

Messrs. Creedon and Joyce moved to amend the bill by inserting after section 269 the following section: “SECTION 269A. Notwithstanding any general or special law to the contrary, chief court officers of the trial court shall receive not less than 90 per cent of the salary of a chief probation officer”.

The amendment was *rejected*.

Mr. Creedon, Ms. Tucker and Mr. Clancy moved to amend the bill by inserting after section 269 the following section: “SECTION 269A. In order to define the market area for purposes of qualifying for the transitional adjustment, as defined in 114.3 CMR section 3.07, concerning home health agency services, the market for such services shall be as follows: for the Brockton Visiting Nurse Association, the market area shall be defined as Plymouth county only; for the Southeastern

Massachusetts VNA (Fall River), the market area shall be defined as Bristol county only; for the All Care VNA (Lynn), the market area shall be defined as Essex county only; for the Home Health VNA (Lawrence), the market area shall be defined as Essex county only”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 9 the following two sections:

“SECTION 9A. Section 411 of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the words ‘chapter 6A’, in line 11, the following words:— , section 13 of chapter 22C.

SECTION 9B. Said section 411 of said chapter 7, as so appearing, is hereby further amended by inserting after the word ‘one’, in line 15, the following four sentences:— Notwithstanding the provisions of any general or special law to the contrary, a member of collective bargaining unit 5A punished by a departmental trial board shall have the right to a de novo evidentiary hearing before an administrative magistrate of the division of administrative law appeals. Notice of said appeal to the division of administrative law appeals shall be given within 30 days of receipt of the trial board’s decision. A member of collective bargaining unit 5A aggrieved by a final order of the administrative magistrate may institute proceedings for judicial review in accordance with the chapter 30A in the superior court within 30 days after receipt of such order of decision. The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the administrative magistrate’s order or decision”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 293, by inserting after the word “sales.”, in line 6, the following sentence:— “The commission shall also investigate the extent of e-commerce, so called, being conducted in Massachusetts, the competitive advantage to Massachusetts merchants provided by the absence of a sales tax on internet service and the potential negative impacts on the creation, retention or relocation to the commonwealth of e-commerce connected business which may result from any change in relevant tax policy”.

After remarks, the amendment was *rejected*.

Messrs. Travaglini and Tolman moved to amend the bill by insert -ing after section 194 the following new section:

“SECTION 194A. Chapter 1078 of the acts of 1973, as amended by chapter 333 of the acts of 1988, is hereby further amended by striking out section 8A”.

After remarks, the amendment was adopted.

Messrs. Tisei and Hedlund moved to amend the bill by inserting after section 153 the following section:

“SECTION 153A. The second paragraph of section 54 of chapter 183 of the General laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the fifth sentence the following sentence:— A mortgage shall be considered discharged 25 years after the date of maturity of said mortgage”.

The amendment was *rejected*.

Messrs. Tisei, Knapik, Tarr and Rauschenbach moved to amend the bill by inserting after section 87 the following section:

“SECTION 87A. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘commonwealth’, in line 87, the following words:— except that siblings of children enrolled in a commonwealth charter school shall be excluded from the 2 per cent limit, if an executive officer of the city or town notifies the commissioner of education on or before August 1st of each year of its intent to exclude siblings from said 2 per cent limit”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik and Tarr, Mrs. Sprague and Messrs. Hedlund and Rauschenbach moved to amend the bill by inserting after section 153 the following ten sections:

“SECTION 153A. Section 108 of chapter 175 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the words ‘hospital expense’, in line 462, the following words:— , medical expense.

SECTION 153B. Said section 108 of said chapter 175, as so appearing, is hereby further amended by striking out, in lines 469 and 470, the words ‘for any claims relating to dental services’.

SECTION 153C. Section 110 of said chapter 175, as so appearing, is hereby amended by inserting after the words ‘hospital expense’, in line 198, the following words:— , medical expense.

SECTION 153D. Said section 110 of said chapter 175, as so appearing, is hereby further amended by striking out, in line 205, the words ‘for any claim relating to dental services’.

SECTION 153E. Section 8 of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out, in lines 38 and 39, the words ‘for any claims relating to dental services’.

SECTION 153F. Section 7 of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the word ‘sixty’ and inserting in place thereof the following figure:— 45.

SECTION 153G. Said section 7 of said chapter 176B, as so appearing, is hereby further amended by striking out, in lines 81 and 82, the words 'for any claim relating to dental services'.

SECTION 153H. Said section 7 of said chapter 176B, as so appearing, is hereby further amended by striking out, in line 84, the word 'sixty' and inserting in place thereof the following figure:— 45.

SECTION 153I. Section 6 of chapter 176G of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:—

No contract between a participating provider of health care services and a health maintenance organization shall be issued or delivered in the commonwealth unless it contains a statement that within 45 days after the receipt by the organization of completed forms for reimbursement to the provider of health care services, the health maintenance organization shall (i) make payments for such services provided, (ii) notify the provider in writing of the reason or reasons for nonpayment, or (iii) notify the provider in writing of what additional information or documentation is necessary to establish entitlement to such reimbursement. If the health maintenance organization fails to comply with the provisions of this paragraph for any claims related to the provision of health care services, said health maintenance organization shall pay, in addition to any reimbursement for health care services provided, interest on such benefits, which shall accrue beginning 45 days after the health maintenance organization's receipt of request for reimbursement at the rate of 1.5 per cent per month, not to exceed 18 per cent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which the health maintenance organization is investigating because of suspected fraud.

No contract between a health maintenance organization and a health care provider licensed under chapter 112 for the provision of services to patients may require the provider to indemnify the health maintenance organization for any expenses and liabilities, including, without limitation, judgments, settlements, attorneys' fees, court costs and any associated charges, incurred in connection with any claim or action brought against the health maintenance organization based on the health maintenance organization's management decisions, utilization review provisions or other policies, guidelines or actions.

SECTION 153J. Section 2 of chapter 176I of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

No organization may enter into a preferred provider arrangement with one or more health care providers unless said written arrangement contains a statement that within 45 days after the receipt by the organization of completed forms for reimbursement to the provider of health care services, the organization will (i) make payments for such services provided, (ii) notify the provider in writing of the reason or reasons for nonpayment, or (iii) notify the provider in writing of what additional information or documentation is necessary to establish entitlement to such reimbursement. If the organization fails to comply with the provisions of this paragraph for any claims related to the provision of health care services, said organization shall pay, in addition to any reimbursement for health care services provided, interest on such benefits, which shall accrue beginning 45 days after the organization's receipt of request for reimbursement at the rate of 1.5 per cent per month, not to exceed 18 per cent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim which the organization is investigating because of suspected fraud".

After remarks, the amendment was adopted.

Mr. Morrissey and Ms. Tucker moved to amend the bill in section 2, by striking out item 0511-000 and inserting in place thereof the following items:

0511-0000 Administration \$7,091,359
0511-0200 Archives Division \$559,012
0511-0230 Record Center \$174,091
0511-0250 Archives Facility \$608,693
0511-0260 Commonwealth Museum \$247,764
0517-0000 Printing of documents \$1,205,869
0521-0000 Elections Division \$5,996,877
0521-0001 Central Voter Registry \$4,705,566
0521-0006 Census \$300,000
0524-0000 Info to Voters \$1,710,716 "

Mr. Morrissey moved that the amendment be amended by striking out the text contained therein and inserting in place thereof the following:

In section 2, by striking out item 0511 -0000 and inserting in place thereof the following nine items:

"0511-0000 For the operation of the office of the secretary; provided, that not less than \$13,440 shall be encumbered to provide a copy of the most recent edition of the state building code, as promulgated by the board of building regulations and standards, to each community in the commonwealth; provided further, that such copies shall be mailed to one public library in each community, or to the city or town hall in communities where no public library exists; provided further, that such copies shall be available during the hours such facilities are open to the public; provided further, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that the report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; and provided further, that said office shall submit the report not later than February 1, 2001 to the house and senate committees on ways and means 7,091,359

0511-0200 For the operation of the state archives division 559,012

0511-0230 For the operation of the records center 174,091
0511-0250 For the operation of the archives facility 608,693
0511-0260 For the operation of the commonwealth museum 247,764
0517-0000 For the printing of public documents 1,205,869
0521-0000 For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield and Worcester; provided further, that such registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that said secretary shall submit a report to the house and senate committees on ways and means not later than February 1, 2001 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town 4,968,877
0521-0001 For the operation of the central voter registration computer system; provided that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than December 1, 2001; and provided further, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before February 1, 2001 4,705,566.
0524-0000 For providing information to voters 1,280,323”.

The further amendment was considered; and it was adopted.

The pending amendment (Morrissey-Tucker), as amended (Morrissey) was considered; and it was adopted.

Mr. Tolman moved to amend the bill in section 26, by inserting after the word “workers”, in line 11, the following words:— “recommended by the president of the Massachusetts AFL-CIO”.

After debate, Mr. Lees moved that the amendment be amended by striking out the words “Massachusetts AFL-CIO” and inserting in place thereof the following:— “Massachusetts Teachers Association”.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-six minutes past four o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 33):

YEAS.

Knapik, Michael R.

Lees, Brian P.

Rauschenbach, Henri S.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R. — 6.

NAYS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Lynch, Stephen F.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Magnani, David P.
Melconian, Linda J.

Wilkerson, Dianne — 33.

Ms. Melconian in the Chair, the yeas and nays having been completed at twenty-nine minutes before five o'clock P.M., the further amendment was *rejected*.

The pending amendment (Tolman) was further considered.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before five o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., the pending amendment was adopted.

Messrs. Lees, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, by inserting after item 7061-0019 the following item:

“7061-0023 For grants to school districts to promote respect, integrity, responsibility, civility and tolerance through the professional development of educators and the integration of texts and materials to further character education in public schools 300,000”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 10 — nays 29):

YEAS.

Hedlund, Robert L.

Panagiotakos, Steven C.

Knapik, Michael R.
Lees, Brian P.
Murray, Therese
Pacheco, Marc R.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 10.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.

Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Nuciforo, Andrea F., Jr.
Resor, Pamela
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 29.

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the amendment was *rejected*.

Ms. Murray moved to amend the bill by inserting after section 269A (inserted by amendment) the following section:

“SECTION 269B. (a) As used in this section, the following words shall have the following meanings:

‘County’, Plymouth county, acting through its duly elected commissioners or other duly authorized representatives, or any governmental-unit or body succeeding to the rights, properties, powers, duties and responsibilities of such county.

‘Registry of deeds’, the Plymouth county registry of deeds, or any successor to the rights, powers, duties and responsibilities thereof, acting through and by the register of deeds or his designee.

‘Project’, the new land records management facility to be constructed on a site located in the town of Plymouth on a portion of land owned by the county situated on the southeasterly side of Obery street in the town of Plymouth, as shown on land court plan 2161B entitled ‘Subdivision Plan of Land in Plymouth, Massachusetts’ dated March 14, 1995, filed with certificate title no. 225 in the Plymouth land court division, being a subdivision of the land appearing on land court plan 2161A, also filed with certificate of title no. 225.

(b) The county may plan, design, construct, equip and furnish a new land records management facility, hereinafter referred to as the project, to provide suitable and adequate facilities for the registry of deeds.

(c) For the purpose authorized by subsection (b), notwithstanding subsection (d) of section 28 of chapter 35 of the General Laws, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, \$4,500,000, and may issue bonds or notes of the county therefore, which shall bear on their face Plymouth County Lands Records Management Facility Act of 1999. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell the securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but for not less than their par value. The county may annually dedicate revenue received by the registry of deeds in the course of its operations for purposes of meeting debt obligations payable upon issuance of such bonds or notes. Such revenues will be derived from leased office space to title examiners, from postage and handling fees and from dedicated deeds excise receipts from the registry of deeds. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter 35 of the General Laws.

(d) No contracts may be entered into for the design, construction, development, financing, management or operation of the project, or any part of the project, without the approval of the county. The county shall contract with a qualified individual or

firm, hereinafter called the designated technical representative, to (1) assist in the negotiation of all contracts for construction and development of the project, and (2) perform the functions hereinafter described. The county shall not approve any contracts in excess of \$100,000 until it receives from the designated technical representatives written findings that (i) the terms of any contracts covered by the foregoing provision are fair and competitive; (ii) the contracting parties have the necessary qualifications to perform their contractual obligations in a timely and satisfactory manner; and (iii) the materials to be used in the performance of the contract are appropriate for their intended use.

(e) The county and the registry of deeds shall jointly prepare a report of the operations and procedures undertaken by the registry of deeds and the county under this section and file the report with the clerk of the house of representatives and clerk of the senate, who shall forward the same to the house and senate chairs of the committees on counties within 60 days after completion of construction”.

After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 269B (inserted by amendment) the following section:
“SECTION 269C. Notwithstanding the provisions of section 28K of chapter 32 of the General Laws, or any other general or special law to the contrary, any member of the state teachers’ retirement system, established under section 16 of chapter 15 of the General Laws, who was a teacher, as defined under section 1 of said chapter 32, and served as the full-time representative of the Massachusetts Association of School Superintendents, shall be considered as having been on leave of absence, without pay, for the period of his assignment as a full-time representative of said organization. Such member may, before the date of any retirement allowance become effective for him, pay into the annuity savings fund of said system, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to the that which would have been withheld as regular deductions from his regular compensation for such previous period had such service been rendered in service of said city and had he been a member of said system during the period the service was rendered, plus regular interest thereon”.

After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill by inserting after section 133 the following section:
“SECTION 133A. Section 95 of said chapter 112 is hereby amended by adding the following sentence:— Notwithstanding the foregoing, nothing in this section shall prohibit a student, duly enrolled in a school or college of chiropractic accredited by the Council of Chiropractic Education, from performing chiropractic services if such services are performed in a clinic which is owned or operated by the chiropractic school or college and if such services are performed under the supervision of a chiropractor duly registered with the board”.

After remarks, the amendment was adopted.

Messrs. Tolman and Havern moved to amend the bill by inserting after section 129 the following section:
“SECTION 129A. Section 40A of chapter 82 of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:—
omit from any city, town or political subdivision, for any work requiring excavation, an individual shall provide certification of compliance with this section.
The designation markings required by this section shall be performed by a trained utility employee unless otherwise authorized by a collective bargaining agreement. If no such trained employees are available, the department of telecommunication and energy may certify and license outside companies to perform such designation markings”.

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill by inserting after section 192 the following section:
“SECTION 192A. The third sentence of subparagraph (i) of paragraph (a) of subsection (1) of section 4A of chapter 1078 of the acts of 1973, as appearing in section 1 of chapter 589 of the acts of 1987, is hereby amended by inserting after the words ‘three police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO’, the words ‘, the Massachusetts Coalition of Police, IUPA, AFL-CIO and the Boston Police Patrolmens’ Association, AFL-CIO”.

After remarks, the amendment was adopted.

Mr. Tolman and Ms. Fargo moved to amend the bill by inserting after section 269 the following section:—
“SECTION 269A. (a) The purpose of this section shall be to alleviate regional flooding conditions in the towns of Arlington, Belmont and Lexington and the city of Waltham.
(b) Notwithstanding any general or special law to the contrary, the commissioner of the metropolitan district commission shall construct the Beaver brook flood mitigation project, including an extension of a culvert system across Beaver brook, construction of a relief culvert and related work in the vicinity of Linden street and Waverly Oaks road in the city of Waltham, construction at Beaver brook flood mitigation project - reach II in the vicinity of Mill street and the reconstruction of the Duck pond dam and Mill pond dam and related work in the city of Waltham and the town of Belmont.
(c) To meet the expenditures necessary to carry out this section, the state treasurer, upon request of the governor, shall issue and

sell bonds of the Commonwealth, in amounts specified by the governor from time to time, not exceeding in the aggregate the sum of \$7,200,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Beaver Brook Flood Control Program Loan, Act of 2000 and shall be issued for such maximum term of years not exceeding 20 years as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2020. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this section, be general obligations of the commonwealth.

(d) The state treasurer may borrow from time to time on the credit of the commonwealth such sums in an amount not to exceed \$7,200,000 as may be necessary for the purpose of making payments authorized by this section and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and such rates as shall be fixed by said treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, but the final maturity date of such notes, whether original or renewal, shall be not later than June 30, 2005. Notwithstanding any other provisions of this section, notes and interest issued thereon issued under the authority of this section shall be general obligations of the commonwealth”.

The amendment was *rejected*.

Ms. Menard moved to amend the bill by inserting after section 51, the following section:

“SECTION 51A. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:

(r) Any member in service, or any member inactive on authorized leave of absence of the state employees retirement system, who is employed to teach nursing in a public institution of higher education and who was previously engaged in teaching nursing in diploma schools of nursing, may, before any retirement allowance becomes effective for such member, establish up to ten years of such pre-1975 service as creditable service by depositing into the annuity savings fund of the state employees retirement system in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from such diploma school service for such previous period, or most recent portion thereof, as the member may elect, as if such service had been rendered in a public institution of higher education and had the member been a member of the state employees retirement system during the period such service was rendered. Payment shall not be made and no credit shall be allowed for service in diploma schools in excess of the total Massachusetts service to which the member would be entitled to receive credit if the member remained in service to age 65 with a maximum credit for service in diploma schools not to exceed ten years. In addition to the payment of such sum, or installments thereof, such members shall also pay into the annuity savings fund an amount of interest such that at the completion of such payments the value of the member’s accumulated payments, together with regular interest thereon, actually made on account of such diploma school service, shall equal the value of the member’s accumulated regular deductions which would have resulted if regular deductions had been made when regular compensation for such service was actually received. Upon the completion of such payments, such member shall receive the same credit for such period of the member’s previous diploma school service, or portion thereof elected, as would have been allowed if such service had been rendered by the member in a public institution of higher education. The member shall furnish the board with such information as it shall require to determine the amount to be paid and the credit to be allowed under this subdivision. At the time a retirement allowance becomes due to a member or to a beneficiary under option (d) of subdivision (2) of section 12, if the Massachusetts service on the date either retirement allowance becomes effective, or on the date the member attained the age of 65, whichever occurs first, is less than the service in the diploma schools for which the member has paid, credit shall be allowed only for the most recent service rendered in diploma schools equal to such Massachusetts service and the amount paid for additional service shall be refunded with accumulated interest, refund only to be made when the retirement allowance becomes due to the member or to the beneficiary under option (d) of subdivision (2) of section 12, and if it is found that the payment has been accepted for any service for which the member is entitled to a retirement allowance from any diploma school, the amount paid for such service with accumulated interest shall also be funded with no retirement credit allowed”.

The amendment was *rejected*.

Ms. Menard, Mr. Travaglini and Ms. Murray moved to amend the bill by inserting after Section 299B (inserted by amendment) the following section:

“SECTION 299C. (a) There is hereby established a special commission to study and report on the use of the Health Care Security Trust and interest for the purposes of making available grants for cancer-related research to be conducted in different locations throughout the commonwealth by public and private research laboratories, academic medical centers, medical schools and schools of public health.

(b) The commission shall consist of: three members of the senate, two of whom shall be appointed by the president of the senate and one of whom shall be appointed by the minority leader of the senate; three members of the house of representatives, two of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader of the house of representatives; two representatives appointed by the commissioner of public health; one representative from each of the following institutions: Dana-Farber Cancer Institute, University of Massachusetts Medical School, Boston University School of Medicine, Tufts University School of Medicine and Harvard Medical School, all of whom shall be appointed by the governor; and one representative to be appointed by the attorney general.

(c) The commission may request officials of the commonwealth, or its various subdivisions, for such information as it may desire in the course of its investigation and study. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than February 28, 2001, with the clerks of the senate and house of representatives”.

After remarks, the amendment was adopted.

Messrs. Tisei, Lees, Knapik, Tarr, and Rauschenbach, Mrs. Sprague and Mr. Hedlund moved to amend the bill by inserting after section 69 the following sections:

“SECTION 69A. Section 6 of chapter 62 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 67, the word ‘one’ and inserting in place thereof the following word:— two.

SECTION 69B. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 78, the word ‘five’ and inserting in place thereof the following figure:— 15.

After debate, the amendment was rejected.

Mr. Antonioni moved to amend the bill by inserting after section 76 the following section:

“SECTION 76A. Clause (i) of the fourth paragraph of section 1D of chapter 69, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The ‘competency determination’ shall be based on the academic standards and curriculum frameworks for tenth graders in the areas of mathematics, science and technology, history and social science, foreign languages, and English; and shall represent a determination that a particular student has demonstrated mastery of a common core of skills, competencies and knowledge in such of these areas as may be designated by the board, as measured by the assessment instrument described in section 1I”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 86, the following section:

“SECTION 86A. The second paragraph of section 41 of said chapter 71, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following three sentences:— School principals shall enter into individual employment contracts with the districts that employ them concerning the terms and conditions of their employment. Such contracts, after the expiration of the initial contract not to exceed three years, shall be for a minimum of three years, unless both parties agree to a shorter term of employment. In cases where both parties agree to a shorter term of employment, all subsequent contracts shall be for a minimum of three years but shall not exceed five years”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 81A (inserted by amendment) the following section:

“SECTION 81B. The first paragraph of section 38G of said chapter 71, as so appearing, is hereby amended by striking out the definition of ‘Provisional educator with advanced standing’ and inserting in place thereof the following definition: ‘Provisional educator with advanced standing’, a person who holds a provisional educator certificate with advanced standing, a provisional educator certificate with advanced standing shall be valid for five years of employment as an educator in the schools of the commonwealth. The provisional educator certificate with advanced standing may be renewed for an additional five years of employment in accordance with regulations adopted by the board”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 81 the following section:

“SECTION 81A. Section 38G of said chapter 71, as so appearing, is hereby amended by inserting after the definition of ‘Standard educator certificate’ the following definition:

‘Temporary certificate,’ a license to teach that the commissioner of education may, at his discretion, issue to a person who holds a valid teaching certificate from another state and who has been employed under such certificate for a minimum of three years but has not satisfied the certification testing requirements contained in this section. The temporary certificate shall be valid for one year and shall be nonrenewable. Service under a temporary certificate shall be counted as service in acquiring professional teacher status, contingent upon the teacher passing the applicable certification tests”.

The amendment was rejected.

Messrs. Tissei, Lees, Knapik and Tarr, Mrs. Sprague and Mr. Hedlund moved to amend the bill by inserting after section 135 the following two sections:

“SECTION 135A. Section 1 of chapter 117A of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:

All persons eligible for public assistance, as determined under this chapter, who are not maintaining their own homes but are receiving care in a licensed nursing home, licensed chronic hospital, licensed rest home or an approved public medical institution, shall retain the first \$70 of their monthly income for clothing, personal needs and leisure time activities. If there is no such income or if it is less than \$70, the recipient shall be paid monthly in advance the difference between such income and \$70.

Section 2. Section 15 of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:

All persons eligible for public assistance, as determined under this chapter, who are not maintaining their own homes but are receiving care in a licensed nursing home, licensed chronic hospital, licensed rest home, or an approved public medical institution, shall retain the first \$70 of their monthly income for clothing, personal needs and leisure time activities. If there is no such income or if it is less than \$70, the recipient shall be paid monthly in advance the difference between such income and \$70”.

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill by inserting after section 175 the following section:

“SECTION 175A. Section 5 of chapter 221 of the General Laws, as amended by section 177 of the acts of 1999, is hereby further amended by adding the following two paragraphs:

All other counties having no permanent assistant clerks, assistant clerk pro tempore or for a term of one year.

Assistants pro tempore or for the term of one year appointed under this section shall be paid by the commonwealth”.

After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 53 the following section:

“SECTION 53A. Chapter 28K of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:

An employee who fulfills the requirements of the preceding paragraph shall be credited with creditable service for any period after January 1, 1975 and shall contribute to the retirement fund an amount which he would have contributed had such employee remained in the service of the commonwealth or a political subdivision thereof, together with regular interest thereon, under the terms and conditions defined by the retirement system of which he is a member. This paragraph shall take effect for the members of retirement system by majority vote of the board of such system, subject to the approval of the legislative body. For the purposes of this section, ‘legislative body’ shall mean the town meeting for the purposes of a town system, the city council subject to the provisions of its charter in a city system, the district meeting in a district system, the county commissioners in a county system and the governing body of an authority in an authority system. Acceptance shall be deemed to have occurred upon the filing of a certificate of acceptance with the commission”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 86, by inserting after the words “interfere with learning”, in line 9, the following words:— “, or who do not qualify for special education services under chapter 71B.”

After remarks, the amendment was adopted.

Mr. Jajuga moved to amend the bill by inserting after section 139 the following four sections:

“SECTION 139A. Section 1 of chapter 127 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the definition of ‘commissioner’, in line 3, the following definition:

‘Community work crew’, a team of prisoners who, while in the care and custody of correctional personnel, provide services for patients in residential care at facilities of the department of mental health, the department of mental retardation or the department of public health or who provide care of public lands or buildings and grounds.

SECTION 139B. Section 49 of said chapter 127, as so appearing, is hereby amended by inserting after the word ‘facility,’ in line 18, the following sentence:— This section shall not apply to prisoners participating in a community work crew.

SECTION 139C. Said section 49 of said chapter 127, as so appearing, is hereby further amended by inserting after the word ‘48’, in line 28, the following words:— , any community work crew,.

SECTION 139D. Section 49B of said chapter 127, as so appearing, is hereby amended by inserting after the word ‘grounds.’ in line 7, the following sentence:— This section shall not apply to prisoners participating in a community work crew”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 41 the following section:

“SECTION 51A. Subdivision (5) of section 7 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding at the end thereof the following paragraph:

The pension portion of an allowance paid for a disability retirement granted to a member under this section shall, upon the petition of the retirement board paying such allowance, be prorated by the actuary if he determines 50 per cent of such allowance to be attributable to an injury suffered while a member of a different retirement system. Such proration shall apply to all such petitions filed on or after June 1, 1999”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 29 the following section:

“SECTION 29A. Paragraph (a) of section 3D of chapter 23A of the General Laws, as appearing in the 1998 Official Edition, is

hereby amended by inserting after subclause (J) of clause (ii) the following subclause:
(K) any municipality contiguous to the New Hampshire border”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 218 the following section:

“SECTION 218A. Chapter 82 of the Acts of 2000 is hereby amended, in item 8100-0063, by striking out the words ‘class of 160’ and inserting in place thereof the following words:— class of 180; and

In said item 8100-0063 by adding the following words:— ; and provided further, that the funds in this item shall be available for expenditure until June 30, 2001”.

After remarks, the amendment was adopted.

Mr. Jajuga moved to amend the bill by inserting after section 269 the following three sections:

269A. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance shall enter into an intergovernmental agency agreement with the city of Haverhill Hale hospital and expend from the Uncompensated Care Trust Fund an amount necessary for the intergovernmental funds transfer component of Medicaid payments to the Hale hospital for services and costs incurred for the purpose of improving health care services in the city of Haverhill and surrounding communities. Said intergovernmental agency transfer agreement shall take effect July 1, 2000.

SECTION 269B. Notwithstanding the provisions of any general or special law to the contrary, the division of health care finance and policy shall establish a rate to reimburse any facility that is owned by the city of Haverhill, and provides specialized care to Alzheimer’s patients, whose employees belong to the public employees retirement administrative commission pension system, for the base year costs of all pension contributions beginning in rate year 2000 without being subject to ceilings or standards established by the division of health care finance and policy.

SECTION 269C. The governor shall designate the Hale hospital in the city of Haverhill as a critical access hospital as defined by federal law, by means of an exception for a municipal and only safety net hospital for the city of Haverhill. The governor shall develop and incorporate into the state plan, if necessary, any standards and criteria needed in order to attain critical hospital status for Hale hospital”.

Mr. Moore moved that the amendment be amended by striking out section 269C and inserting in place thereof the following section:

“SECTION 269C. The governor shall designate the Hale hospital in the city of Haverhill and Hubbard hospital in the town of Webster as critical access hospitals as defined by federal law, by means of an exception for a municipal and only safety net hospital for the city of Haverhill and the town of Webster. The governor shall develop and incorporate into the state plan, if necessary, any standards and criteria needed in order to attain critical hospital status for Hale hospital and Hubbard hospital”.

The further amendment was considered; and it was *rejected*.

The pending amendment (Jajuga) was further considered; and it was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 207 the following section:

“SECTION 207A. Section 1 of chapter 289 of the acts of 1998 is hereby amended by striking out the words ‘June 30, 2000’ and inserting in place thereof the following words:— June 30, 2001”.

After remarks, the amendment was adopted.

Messrs. Bernstein, Jajuga, Glodis and Ms. Tucker, Mr. Tarr, Mrs. Sprague, Messrs. Hedlund, Tisei and Knapik moved to amend the bill by inserting the following section:

“SECTION 203A. Item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by adding the following words:— ; and provided further, that not less than \$10,000,000 shall be deposited in the Firefighter Safety Equipment Fund, for a grant program to be administered by the secretary of the executive office of public safety for the purposes of assisting the fire department of each city, town, fire district and authority to purchase firefighter safety equipment”; and by inserting after section 269C (inserted by amendment) the following section:

“SECTION 269D. (a) There shall be a grant program to be administered by the secretary of the public safety for the purposes of assisting the fire departments of every city, town, fire district and authority of the commonwealth to purchase firefighter safety equipment. The fire chief of the cities, towns, fire districts and authorities of the commonwealth shall submit all grant applications to the secretary of public safety on or before January 1, 2001. The secretary shall process such applications by February 1, 2001, and the funds shall be distributed by March 1, 2001. The secretary of public safety shall establish a firefighter safety equipment advisory board to consist of: the state fire marshal, the president of the Professional, Firefighters Association of Massachusetts, one chief to be selected from a list of three submitted by the Fire Chiefs’ Association of Massachusetts, one of which must be a chief from a call volunteer fire department, and the house and senate chairs of the public safety committee, to evaluate existing and new technology, and make recommendations thereon to the secretary for the purpose of assisting her in developing and overseeing the application process. An amount of not more than \$200,000 shall be made available for the Massachusetts Firefighting Academy to administer and provide a series of fire training programs relative to firefighter survival. The remaining funds shall be available for firefighter safety equipment grants that the secretary shall deem appropriate. Eligible fire safety equipment shall include, but not be limited to: turnout gear, handheld power lights, communication devices,

telephones, personal alert safety systems, so called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but firefighter apparatus and vehicles shall be excluded.

(b) There is hereby established on the books of the commonwealth a separate fund, to be known as the Firefighter Safety Equipment Fund, consisting of revenue collected by state appropriations, gifts, grants and donations from public and private sources, federal reimbursements, bond revenues and all other monies credited to or transferred thereto from any other fund or source pursuant to law for the purpose of awarding grants for the purchase of fire safety equipment. The state treasurer shall be the custodian of the fund, shall receive and deposit all monies transmitted to him under the provisions of this section, shall credit interest and earnings on the fund to the fund, and shall make payments from this fund pursuant to this act. Monies in the fund shall first be used to pay for any bond or bonds for the purposes of funding the Firefighter Safety Equipment Fund and any remaining funds shall be used to make payments pursuant to this act; but the sums necessary shall be determined each year no later than June 1 by the secretary of public safety in consultation with the secretary of administration and finance and the house and senate ways and means committees. The books and records of the Firefighter Equipment Fund shall be subject to an annual audit by the state auditor”.

The President in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes past five o'clock P.M., on motion of Mr. Bernstein, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Magnani, David P.

Melconian, Linda J.

Menard, Joan M.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Walsh, Marian

Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at half past five o'clock P.M., the amendment was adopted.

Messrs. Bernstein, Jajuga, Joyce, Brewer, Lees, Ms. Walsh, Mrs. Sprague and Ms. Resor moved to amend the bill by inserting after section 51 the following section:

“SECTION 51A. Section 3 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 338 and 339, the words ‘and the chief fire warden and district fire wardens in the executive office of environmental affairs’ and inserting in place thereof the following words:— the chief fire warden and the district fire wardens in the executive office of environmental affairs and the fire marshal of the department of fire services in the executive office of

public safety; but the fire marshal shall have been a member of group 4 for ten years or have had ten years or more employment at the department of fire services or its predecessor agencies, the division of fire prevention and the Massachusetts firefighting academy, before being eligible for benefits under this section”.

After remarks, the amendment was adopted.

Mr. Bernstein moved to amend the bill by inserting after section 269D (inserted by amendment) the following section: “SECTION 269E. Notwithstanding the provisions of any general or special law or regulation to the contrary, the personnel administrator of the department of personnel administration shall classify Francis Garrity, a correctional maintenance worker at MCI-Lancaster as a permanent employee as defined in section 1 of chapter 31 of the General Laws”.

After remarks, the amendment was adopted.

Messrs. Moore and Tisei, Ms. Resor and Ms. Tucker moved to amend the bill by inserting after section 129 the following section: “SECTION 129A. Section 19E of chapter 78 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:—
For the establishment and development of grants to public libraries for the improvement of library service. The board shall adopt regulations to provide for the administration of this program”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, by inserting after section 71 the following section: “SECTION 71A. Section 2 of chapter 64H of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following three sentences:— Vendors of boats or vessels requiring registration shall not be required to collect such sales tax at the time of sale. The vendee shall pay such tax when the boat or vessel is titled and registered as required by law. Sales taxes shall continue to be collected by the vendor for chandlery items or vessels not requiring registration”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 217 the following section: “SECTION 217A. Item 1100-7985 of section 1B of chapter 152 of the acts of 1997 is hereby amended by adding the following language:— ; provided further, that \$12,500,000 shall be expended for a stadium-conference center located in the city of Brockton”.

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 78 the following section: “SECTION 78A. Section 2 of chapter 90 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘registration.’, in line 339, the following sentence:— The registrar may, upon payment of the fee required in section 33, furnish to owners of private motor vehicles owned and operated by individuals who are members of a Lions’ Club Organization, special distinctive number plates”.

The amendment was *rejected*.

Mr. Brewer moved to amend the bill by inserting after section 299C (inserted by amendment) the following section: “SECTION 299D. There is hereby established a special commission to evaluate the status of Massachusetts’ veterans long term care services, the need of such veterans for long term care services and the feasibility of establishing comprehensive long term care services for such veterans. The study shall include, but not be limited to, an examination of the following factors: 1) an exhaustive analysis of the number of veteran’s who may need institutional care and community-based long term care services in the commonwealth; 2) the extent and nature of long term care services currently available to such veterans; 3) an itemized list by location and size of any and all federally owned facilities or spaces that may serve as long term care facilities for such veterans; 4) a detailed evaluation of the number of existing long term care facilities that may provide such services to such veterans, including the number of empty beds, so-called, per facility that may be available for the provision of such services; 5) a cost-benefit analysis of the number of beds required to serve any and all veterans that may not currently have access to such long term care services; 6) the commonwealth’s liability for subsidizing any and all long term care services that the commission deems necessary to provide quality care to such veterans; and 7) a detailed and actuarially-sound assessment of the costs associated with establishing an independent program of long term care for such veterans who may be in need of long term care in Massachusetts; and 8) the availability of federal financial participation in establishing or expanding long term care services to such veterans. The commission shall consist of the secretary of administration and finance, the commissioner of medical assistance, the commissioner of health care finance and policy, the commissioner of public health, the secretary of elder affairs, the commissioner of the veterans services, and the commandants of the Chelsea and Holyoke soldiers’ homes, a representative of the extended care federation, a representative of health care for all, and two citizens who shall represent the interests of such veterans. The commission shall file a report on the results of its study, together with recommendations and any legislation

necessary to carry out its recommendations with clerks of the house of representatives and the senate, and the house and senate committees on ways and means, not later than March 25, 2002.

After remarks, the amendment was adopted.

Messrs. Brewer, Moore and Glodis moved to amend the bill by inserting after section 269 the following section:
“SECTION 269A. The commissioner of the division of capital asset management and maintenance in consultation with the department of the state police, notwithstanding any general or special law, rule or regulation to the contrary, shall convey by a deed a certain parcel of land and structure(s) located in the town of Grafton, currently being utilized by the department of state police, at the time it is deemed surplus by the department of state police, to the Massachusetts state police museum committee. The consideration to be paid by the Massachusetts state police museum committee to the commonwealth shall be \$1 for the land and structure(s).

The amendment was *rejected*.

Ms. Fargo, Mr. Tarr and Ms. Creem moved to amend the bill by inserting after section 60A (inserted by amendment) the following section:
“SECTION 60B. Section 3 of chapter 40A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:— For the purposes of this chapter, the term public service corporation shall not include commercial mobile radio service providers”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes before six o'clock P.M., on motion of Ms. Walsh, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 39.
Menard, Joan M.	

NAYS — 0.

Ms. Melconian in the Chair, the yeas and nays having been completed at seven minutes before six o'clock P.M., the amendment was adopted.

Recess.

There being no objection, at seven minutes before six o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at eight minutes before seven o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Ms. Fargo, Messrs. Lynch, Nuciforo, Ms. Tucker, Messrs. Joyce and Brewer, Ms. Resor, Ms. Wilkerson, Messrs. Knapik, Magnani, Shannon and Glodis moved to amend the bill by inserting after section 269E (inserted by amendment) the following section:

“SECTION 269F. The department of housing and community development shall administer the federal low-income home energy assistance program in accordance with regulations promulgated under the federal Low-Income Home Energy Assistance Act of 1981, or any amendments or successor acts thereto. The fuel assistance shall be made available to elders and families whose income is not more than 200 per cent of the federal poverty level. The commonwealth shall not be obligated to provide any additional funds for such increase in household eligibility for the federal low-income home energy assistance program pursuant to this section. Resources from the program shall be administered by community action agencies and other appropriate community-based organizations, as determined by the department”.

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting after section 192A (inserted by amendment) the following three sections:

“SECTION 192B. The first paragraph of chapter 700 of the acts of 1972 is hereby amended by inserting after the words ‘sanitary landfill site’, inserted by chapter 783 of the acts of 1975, the following words:— or other solid waste facility.

SECTION 192C. Said chapter 700 is hereby further amended by striking out the last paragraph, as amended by chapter 783 of the acts of 1975, and inserting in place thereof the following paragraph:

This conveyance shall be subject to a provision that title to the aforesaid premises shall revert to the commonwealth if the property is ever used for purposes other than a sanitary landfill or other solid waste facility.

SECTION 192D. Said chapter 700 of the acts of 1972, as amended by chapter 783 of the acts of 1975, is hereby amended by adding the following paragraph:

The trustees of the Taunton state hospital shall execute and deliver to the town of Raynham an amended deed that conforms to this act”.

After remarks, the amendment was adopted.

Messrs. Lees and Knapik move amend the bill by inserting after section 269 the following section:

“SECTION 269A. Notwithstanding any general or special law to the contrary, no inmate of any of the commonwealth’s correctional facilities, jails, or houses of corrections shall be permitted to smoke inside or outside of said facility. The superintendent, keeper, or sheriff of such facilities shall promulgate appropriate rules and regulations to enforce this section”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague moved to the bill by inserting after section 34 the following section:

“SECTION 34A. Chapter 30 of the General Laws is hereby amended by inserting after section 9H the following section:

Section 9I. Any employee of the commonwealth who chooses to participate in a bone marrow donor program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but said leave shall not exceed five days.”

After remarks, the amendment was adopted.

Suspension of Senate Rule 38A.

Mr. Rosenberg moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o'clock P.M.; and, there being no objection, on further motion of the same Senator, the rule was suspended without a recorded yea and nay vote.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 72 the following section:

“SECTION 72A. Section 6 of chapter 64H of the General Laws, as amended by section 93 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:
(ss) Sales of children’s books, so called”.

After debate, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 66 the following three sections:

“SECTION 66A. Said section 5 of said chapter 59, as so appearing, is hereby amended by striking out, in line 747, the words ‘five hundred dollars’ and inserting in place thereof the following figure:— \$1,000”.

SECTION 66B. Clause forty-first of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out subclause (B) and inserting in place thereof the following subclause:—

(B) that such person’s income does not exceed that required to qualify under subsection (a) of section 5 of chapter 62.

SECTION 66C. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 934, the words ‘five hundred dollars’ and inserting in place thereof the following figure:— \$1,000”.

After debate, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 71 the following section:

“SECTION 71A. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after section 31G the following section:

Section 31H. A corporation shall be allowed a credit as hereinafter provided against its excise due under this chapter for its taxable year ending on or after December 31, 2000. The amount of the credit shall be equal to 50 per cent of the qualifying child care expenses. Qualifying child care expenses are employer-provided or employer-sponsored expenses for the care in Massachusetts of children of employees which expenses are not reimbursed by tuition, government grant or otherwise and do not include expenses for the construction, acquisition or maintenance of equipment or facilities used for child care purposes.

The credit allowed under this section shall not reduce the excise to less than the amount due under subsection (b) of section 32 or subsection (b) of section 39 or any other law. The provisions of section 32C shall not apply to the credit allowed by this section.

A corporation claiming a credit under this section shall furnish such information relative to the credit as may be requested by the commissioner of the department of revenue in a form approved by him. Said commissioner shall promulgate regulations necessary to implement this section.”; and by inserting after section 309A the following section:—

“SECTION 309B. Section 71A shall take effect for taxable years ending on or after December 31, 2000”.

The amendment was rejected.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 67 the following section:—

“SECTION 67A. Paragraph (e) of section 21C of said chapter 59, as so appearing, is hereby amended by adding the following paragraph:

The provisions of this paragraph shall not apply to a person 70 years of age or older provided that such person has owned the real estate subject to such tax increase for a period of at least ten years”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 69 the following section:

“SECTION 69A. Section 4 of said chapter 62, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) For taxable years commencing on or after January 1, 2001 and before January 1, 2002, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.60 percent. For taxable years commencing on or after January 1, 2002 and before January 1, 2003, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.30 percent. For taxable years commencing on or after January 1, 2003, Part B taxable income shall be taxed at the lowest rate otherwise set by law for such years or portion thereof but not to exceed 5.00 percent”.

After debate, Mr. Pacheco moved to amend the amendment by striking the proposed text and inserting the following new section:

“SECTION 299A. A special commission is hereby established to study the effects and implications that a tax reduction would have on services such as transportation, education and health and human services throughout the commonwealth. The commission shall consist of the following members: the senate and house chairs of the joint committee on taxation, who shall act as co-chairs of the commission; three other members of the senate, two appointed by the senate president and one appointed by the minority leader; and three other members of the house of representatives, two appointed by the speaker of the house and one appointed by the minority leader. The commission shall submit a report to the clerks of the senate and house of representatives by December 1, 2000”.

Mr. Pacheco requested a call of the yeas and nays on the adoption of the further amendment. An insufficient number of members joining with him in this request a call of the yeas and nays was not ordered.

After debate, the further amendment (Pacheco) was rejected by a vote of 1 to 13.

The question on adoption of the pending amendment (Lees, et al) was determined by a call of the yeas and nays, at a quarter before nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 8 — nays 31):

YEAS.

Glodis, Guy W.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tucker, Susan C. — 8.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Clancy, Edward J., Jr.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tisei, Richard R.
Walsh, Marian
Wilkerson, Dianne — 31.

The yeas and nays having been completed at eleven minutes before nine o'clock P.M., the amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 139 the following section:—

“SECTION 139A. Section 117 of chapter 127 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

No medical services shall be provided at state or personal expense to an inmate in a state correctional facility, jail or house of correction that are not certified to be medically necessary for the inmate by the physician at the facility. The physician at the facility shall send to the commissioner, for his approval, a certification that the medical services to be provided pursuant to the previous paragraph are medically necessary. If the commissioner so approves, he shall order the removal of the inmate to a hospital or medical facility to receive treatment”.

The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 87 the following section:

“SECTION 87A. Said chapter 71 is hereby further amended by adding the following section:

Section 90. A charter school, regardless of designation, may be physically located outside the community to which the charter was granted”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 76 the following section:

“SECTION 76A. Subparagraph (i) of the fourth paragraph of section 1D of said chapter 69, as so appearing, is hereby amended by adding the following two sentences:— The competency determination and graduation eligibility of high school students in approved chapter 74 vocational programs shall be determined by a combination of vocational, technical and appropriate academic assessments implemented not earlier than grade eleven. The competency determination and graduation eligibility shall apply only after the assessment system for each approved chapter 74 vocational program has been in place for three years”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 269F (inserted by amendment) the following section:

“SECTION 269G. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall submit an annual report to the senate committee on ways and means which shall provide a detailed analysis of the dollar amount paid by any of the commonwealth’s departments or agencies for the services of individuals who are not considered employees of the commonwealth. The report shall include the names of the organizations or companies for which the individuals work and a detailed summary of the services rendered by the individuals. The report shall be submitted to the senate committee on ways and means on or before April 1 of each year”.

After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 71 the following three sections:—

“SECTION 71A. Paragraph (a) of section 31A of chapter 63 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

A manufacturing corporation or business corporation engaged primarily in research and development, which has been deemed to be such under section 38C or 42B, or a corporation primarily engaged in agriculture or commercial fishing, shall be allowed a credit against its excise due under this chapter for tangible personal property and other tangible property, including buildings and structural components of buildings, leased pursuant to an operating lease as hereinafter provided. The amount of such credit afforded to a lessee corporation with respect to such tangible personal property, shall be 1 percent of the lessor’s adjusted basis in the property for federal income tax purposes at the beginning of the lease term. When determining adjusted basis, useful life shall be the same as that used by the lessor for depreciation purposes under section 168 (c) of the Code, using the straight line method of depreciation with a half-year convention. An operating lease shall be any contract or agreement to lease or rent, or for a license to use such property provided that: (i) said lease does not constitute a purchase; (ii) such property is not taxable under chapter 60A; (iii) such property is used by the lessee corporation in the commonwealth; (iv) such property is situated in the commonwealth on the last day of the taxable year; and (v) such property is either: (1) depreciable by the lessor under section 167 of the Code and has a useful life of four years or more; or (2) considered property under section 168 of the Code. The commissioner shall by regulation require such documentation of the lessor and lessee as to substantiate the credit claimed by this section.

SECTION 71B, Said section 31A of said chapter 63, as so appearing, is hereby further amended by striking out paragraph (e) and inserting in place thereof the following paragraph:—

(e) With respect to property which is disposed of or ceases to be in qualified use prior to the end of the taxable year in which the credit is to be taken, the amount of the credit shall be that portion of the credit provided for in paragraph (a) which represents the ratio which the months of qualified use bear to the months of useful life. If property on which credit has been taken is disposed of or ceases to be in qualified use prior to the end of its useful life the difference between the credit taken and the credit allowed for actual use must be added back as additional taxes due in the year of disposition; provided, however, if such property is disposed of or ceases to be in qualified use after it has been in qualified use for more than 12 consecutive years, it shall not be necessary to add back the credit, as provided in this paragraph. The amount of the credit allowed for actual use shall be determined by multiplying the original credit by the ratio which the months of qualified use bear to the months of useful life. For purposes of this paragraph, useful life of property shall be the same as that used by the corporation for depreciation purposes when computing federal income tax liability. For purposes of this section, leased property is disposed of or ceases to be in qualified use when the property is removed from Massachusetts, the lease term expires or the lease is terminated by the lessor or lessee. When leased property is disposed of or ceases to be in qualified use, the difference between the credit taken and the credit allowed for actual use must be added back as additional taxed due in the year of disposition by the lessee in accordance with the provisions of this section. The amount of tax added back will be computed by reference to the adjusted basis of the property, using the straight line method of depreciation with a half-year convention under the useful life prescribed by Internal Revenue Code section 168(c).

SECTION 71C. Paragraph (I) of said section 31A of said chapter 63, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

A manufacturing corporation, or a business corporation engaged primarily in research and development, which has been deemed to be such under section 38C or 42B, or a corporation engaged primarily in agriculture or commercial fishing, shall be allowed a credit against its excise due under this chapter for tangible personal property and other tangible property, including buildings and structural components of buildings leased pursuant to an operating lease as hereinafter provided. The amount of such credit afforded to a lessee corporation with respect to such tangible personal property shall be 3 per cent of the lessor's adjusted basis in the property for federal income tax purposes at the beginning of the lease term. When determining adjusted basis, useful life shall be the same as that used by the lessor for depreciation purposes under section 168(c) of the Internal Revenue Code using the straight line method of depreciation with a half-year convention. An operating lease shall be any contract or agreement to lease or rent, or for a license to use such property provided that: (i) said lease does not constitute a purchase; (ii) such property is not taxable under chapter 60A; (iii) such property is used by the lessee corporation in the commonwealth; (iv) such property is situated in the commonwealth on the last day of the taxable year; and (v) such property is either: (1) depreciable by the lessor under section 167 of said code and has a useful life of four years or more; or (2) considered recovery property under section 168 of the Internal Revenue Code. The commissioner shall by regulation require such documentation of the lessor and lessee as to substantiate the credit claimed by this section.”; and by inserting after section 309A the following section:—
“SECTION 309B. Sections 71A to 71C, inclusive, shall apply to tax years beginning on or after January 1, 2001”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Hedlund, Tarr and Mrs. Sprague moved to amend the bill by inserting after section 269 the following section:

“SECTION 269A. Notwithstanding the provisions of section 14 of chapter 151A of the General Laws, the experience rate of the employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated ‘A’ for calendar year 2001”.

Mr. Lynch moved that the amendment be amended by striking the text contained therein and inserting after section 269G (inserted by amendment) the following section:

“SECTION 269H. Notwithstanding the provisions of chapter 151A of the General Laws, the experience rate of the employer qualifying therefor under subsection (b) of said section 14 of said chapter 151A shall be the rate which appears in the column designated ‘B’ for calendar year 2001”.

After remarks, the question on adoption of the further amendment (Lynch) was determined by a call of the yeas and nays, at nine o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.

Bernstein, Robert A.

Berry, Frederick E.

Brewer, Stephen M.

Clancy, Edward J., Jr.

Creedon, Robert S., Jr.

Creem, Cynthia Stone

Fargo, Susan C.

Glodis, Guy W.

Havern, Robert A.

Hedlund, Robert L.

Jacques, Cheryl A.

Jajuga, James P.

Joyce, Brian A.

Knapik, Michael R.

Lees, Brian P.

Lynch, Stephen F.

Montigny, Mark C.

Moore, Richard T.

Morrissey, Michael W.

Murray, Therese

Nuciforo, Andrea F., Jr.

Pacheco, Marc R.

Panagiotakos, Steven C.

Rauschenbach, Henri S.

Resor, Pamela

Rosenberg, Stanley C.

Shannon, Charles E.

Sprague, Jo Ann

Tarr, Bruce E.

Tisei, Richard R.

Tolman, Steven A.

Travaglini, Robert E.

Tucker, Susan C.

Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Walsh, Marian
Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at four minutes past nine o'clock P.M., the further amendment was adopted. The pending amendment (Lees, et al), as amended, was further considered; and it was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund, Mrs. Sprague and Mr. Glodis moved to amend the bill by inserting after section 71 the following two sections:

“SECTION 71A. Section 1 of chapter 64A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 70 to 73, inclusive, the words ‘nineteen and one-tenth per cent of the average price, as determined by the commissioner for each calendar quarter, computed to the nearest tenth of a cent per gallon; provided however, that such tax shall not be less than twenty-one cents per gallon’ and inserting in place thereof the following words:— shall be 21 cents per gallon. SECTION 71B. Section 4 of chapter 64E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Notwithstanding the foregoing, the tax per gallon payable upon each gallon of liquified gas shall be separately determined by the commissioner, utilizing the same procedures as those used for fuel under chapter 64A, at a rate of 19.1 per cent of the average price computed to the nearest tenth of one per cent per gallon and such tax per gallon as so determined shall apply to each gallon of liquified gas sold or used by a licensee in the commonwealth during the calendar month covered by the return”.

Ms. Melconian in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes past nine o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at a quarter past nine o'clock P.M., the amendment was adopted.

The President in the Chair, Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 71 the following section:

“SECTION 71A. Section 4 of chapter 64E of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:— Notwithstanding the foregoing all diesel fuel sold or used within the commonwealth shall have a tax imposed at a rate of not more than 17 cents upon each gallon”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 299 the following section:

“SECTION 299A. A special commission is hereby established for the purpose of conducting an investigation and study of the commonwealth's deferred compensation program. The commission shall investigate the deferred compensation program, which will include but is not limited to the operation, fees, charges, administration, investment opportunity and reporting. The members of said commission shall consist of three members of the senate to be appointed shall by the senate president of which one shall be from the minority party, three members of the house of representatives to be appointed by the house speaker of which one shall be from the minority party, the state auditor or his designee, the secretary of state or his designee, the governor or his designee and the state treasurer or her designee. the special commission shall also file recommendations together with any drafts of legislation necessary to carry out its recommendations by December 31, 2000. All recommendations and legislation shall be filed with the clerk of the house of representatives, the clerk of the senate, the house committee on ways and means, the senate committee on ways and means, and the joint committee on public service”.

After remarks, the amendment was *rejected*.

Messrs. Morrissey and Tolman, Mrs. Srague, Ms. Creem, Messrs. Shannon and Lynch moved to amend the bill by inserting after section 20 the following section:—

“ SECTION 20A. Said Section 14 of chapter 13 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘responsibilities’, in line 19, the following words:— Except for emergency regulations adopted pursuant to section 2 of chapter 30A, any regulation, as defined in section 1 of said chapter 30A, or any amendment or repeal of any regulation adopted by the board pursuant to this section, shall after compliance with all applicable provisions of said chapter 30A, except section 5, be submitted to the director of consumer affairs and business regulations. The board shall file the proposed regulation, amendment or repeal with the director of consumer affairs and business regulations, together with a statement that the pertinent provisions of said chapter 30A, except section 5, have been complied with. The director of consumer affairs and business regulation shall have authority to review and approve rules and regulations proposed by the board of registration in nursing. Such regulations shall be deemed approved unless disapproved within 15 days of submission to the director; but any such disapproval shall be in writing setting forth the reasons for such disapproval.”.

After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 269H (inserted by amendment) the following section:—
“SECTION 269I. The superintendent of state office buildings shall, subject to the approval of the art commission pursuant to section 20 of chapter 6 of the General Laws, as to size and content, install a plaque for the Doric Dames on the second floor in the Bulfinch section of the state house. The plaque is to be provided and maintained by the Doric Dames, Inc.”.

After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 9 the following section:

“SECTION 9A. Chapter 6A of the General Laws is hereby amended by inserting after section 18G the following section:—
Section 18H. Notwithstanding the provisions of any general or special law to the contrary, or chapter 291 of the acts of 1990, any city, town, district or authority shall be permitted to modify, change or alter telephone company equipment utilized in the enhanced emergency 911 telephone system of such city, town, district or authority. Such modifications, changes or alterations of equipment shall permit monitoring of emergency 911 communications by respective fire departments at a secure location staffed at all hours by fully trained fire department personnel. The relevant telephone company shall identify a point of demarcation to which any city, town or authority shall be responsible or liable for the maintenance, repair and operation of any modifications made pursuant to this section”.

The amendment was *rejected*, by a vote of 8 to 17.

Mr. Pacheco moved to amend the bill by inserting after section 209 the following section:

“SECTION 209A. Section 12 of chapter 85 of the acts of 2000 is hereby amended in subsection (b) of section 7A by inserting after the word ‘dealer’ the following words:— , one certified arborist.”.

After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 153 the following section:—

“SECTION 153A. Section 47D of chapter 164 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 7 to 10, inclusive, the words ‘when such municipal lighting plant board determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy pursuant to this chapter’.”

The amendment was *rejected*.

Mr. Travaglini, Ms. Wilkerson and Mr. Lynch moved to amend the bill in section 2, by inserting after item 7004-0002, the following item:

“7004-0003 For the provision of certain tenant services; provided, that \$50,000 shall be provided for the Archdale tenants on the move, so-called; provided further, that \$50,000 shall be provided for the Fairmount tenant task force, so-called; provided further, that \$50,000 shall be provided for the Faneuil tenant organization, so-called; provided further, that \$50,000 shall be provided for the Gallivan boulevard tenant task force, so-called; provided further, that \$50,000 shall be provided for the Orient Heights neighborhood organization, so-called; provided further, that \$50,000 shall be provided for the South street task force, so-called; and, provided further, that the \$50,000 shall be provided for the West Broadway task force, so-called 350,000”.

After remarks, the amendment was *rejected*.

Messrs. Berry, Rosenberg, Travaglini, Lees, Tisei, Nuciforo, Tolman and Ms. Fargo and Mr. Clancy moved to amend the bill in section 2, in item 4000-0500, by adding the following words:— “provided further, that \$13,100,000 shall be committed toward increasing the rate of payment for services rendered by outpatient mental health, outpatient substance abuse, methadone counseling and psychiatric day treatment providers effective July 1, 2000”.

The amendment was *rejected*.

Messrs. Berry, Rosenberg, Travaglini, Lees, Tisei, Nuciforo, Tolman and Ms. Fargo and Mr. Clancy moved to amend the bill in section 2, in item 4000-0700, by adding the following words:— “provided further, that \$3,600,000 shall be committed toward increasing the rate of payment for services rendered by outpatient mental health, outpatient substance abuse, methadone counseling and psychiatric day treatment providers effective July 1, 2000”.

The amendment was adopted.

Messrs. Morrissey, Joyce, Lees, Tarr, Creedon, Hedlund, Lynch, Ms. Tucker and Mr. Magnani moved to amend the bill by inserting after section 72 the following section:—

“SECTION 72A. Section 6 of chapter 64H of the General Laws, as amended by section 92 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:—

(ss) Sales of machinery and equipment if its operation, function or purpose is an integral or essential part of a continuous production flow or process of manufacturing printed material to be sold and such machinery and equipment is used exclusively for that purpose; and sales of prepress items which are used exclusively as part of a continuous production flow or process of manufacturing printed material to be sold”.

After remarks, the amendment was adopted.

Messrs. Tarr, Lees, Tisei, Knapik, Mrs. Sprague and Messrs. Hedlund and Rauschenbach moved to amend the bill by inserting after section 72 the following section:—

“SECTION 72A. Section 6 of chapter 64H of the General Laws, as amended by section 92 of chapter 127 of the acts of 1999 is hereby further amended by adding the following paragraph:—

“(ss) Sales of machinery and equipment if its operation, function, or purpose is an integral or essential part of a continuous production flow or process of manufacturing printed material to be sold and sales of prepress item which are part of a continuous production flow or process of manufacturing printed material to be sold”.

After remarks, the amendment was adopted.

Subsequently, Mr. Tarr and others presented the following redrafted amendment.

Messrs. Tarr, Knapik, Tisei, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 69 the following three sections:—

“SECTION 69A. Section 4 of chapter 62 of the General Laws, as amended by section 73 of chapter 127 of the acts of 1999, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5.85 percent for taxable years beginning on or after January 1, 2000 and before January 1, 2001 and 5.75 percent for taxable years beginning on or after January 1, 2001 and before January 1, 2002. For

taxable years beginning on or after January 1, 2002, Part B taxable income shall be taxed at the lesser of (i) the rate of 5.75 percent minus .10 percent for each 2.50 percent of cumulative growth in personal income or (ii) the rate in effect for the prior year.

For purposes of determining the rate of tax for a taxable year beginning on or after January 1, 2002 as provided by subsection (b), cumulative growth in personal income shall be the percentage increase in total Massachusetts personal income as reported by the federal bureau of economic analysis for the second quarter of the second preceding calendar year and adjusted for inflation since July, 1999 using the consumer price index for all urban consumers for Boston, or successor index thereto, as reported by the federal bureau of labor statistics, relative to total Massachusetts personal income for the second quarter of 1999.

Part B taxable income shall be taxed at a rate of no less than 5 percent.

SECTION 69B. Subsection (e) of said section 4 of said chapter 62, as amended by section 76 of chapter 127 of the acts of 1999, is hereby further amended by adding the following two clauses:—

(5) Class F net gain or net loss multiplied by the rate of one per cent.

(6) Class G net gain or net loss multiplied by the rate of zero per cent.

SECTION 69C. Said subsection (c) of said section 4 of said chapter 62, as amended by section 77 of chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:—

If such sum is a negative amount, such negative amount shall be a Part C credit and shall be applied against any Part A tax imposed on any capital gain as determined under subsection (a) of this section before any credits in section six. If there remains any excess Part C credit after offsetting any such Part A tax, such excess Part C credit shall be carried over without limitation, and in any tax year may first offset any Part C tax as calculated under this subsection (c) before any credits in section six, with any excess Part C credit applied-against any Part A tax imposed on any capital gain as determined under subsection (a) of this section before any credits in section six. For purposes of this subsection, capital gain determined under subsection (a) of this section, shall be capital gain reduced by any capital losses in subsection (c).”; and by inserting after section 209 the following section:—

“SECTION 209A. Sections 372, 373 and 374 of chapter 127 of the acts of 1999 are hereby repealed”.

Ms. Walsh arose to a point of order, which, being stated was that the proposed redrafted amendment (relative to taxation) was beyond the scope and not germane to the initial amendment filed by Mr. Tarr, et al.

The President stated that the redrafted amendment does go beyond the scope of the original amendment filed by Mr. Tarr, et al.

The President ruled that the point of order was well taken; and, accordingly the redrafted amendment was laid aside.

Mr. Lees thereupon appealed the ruling of the Chair. His motion was seconded by Mr. Tisei.

The question before the Senate was “Shall the ruling of the President stand as the judgement of the Senate?”

The ruling of the President was sustained.

The original amendment, filed by Mr. Tarr, et al (relative to the competitiveness of the printing industry), was then considered; and it was *rejected*.

Mr. Morrissey, Ms. Tucker, Mr. Joyce, Ms. Creem, Ms. Murray and Mr. Hedlund moved to amend the bill by inserting after section 61 the following four sections:—

“SECTION 61A. Section 4 of chapter 51 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 38, 40, 47, 70 and 72, the word ‘may’, each time it appears, and inserting in place thereof, in each instance, the following word:— shall.

SECTION 61B. Said section 4 of said chapter 51, as so appearing, is hereby further amended by inserting after the word ‘occupation’, in line 41, the following words:— veteran status,.

SECTION 61C. Section 47C of said chapter 51, as so appearing, is hereby amended by inserting after the word ‘occupation’, in line 5, the following words:— veteran status,.

SECTION 61D. Said section 47C of said chapter 51, as so appearing, is hereby further amended by inserting after the word ‘commissioner’, in lines 12 and 13, the following words:— , adjutant general”; and inserting after section 269I (inserted by amendment) the following section:—

“SECTION 269J. Notwithstanding any general or special laws to the contrary, the annual street list, so-called, as provided for by section 4 of chapter 51 of the General Laws shall be maintained by cities and towns until such time that a viable and cost-effective alternative is approved by the general court”.

The amendment was adopted.

Messrs. Morrissey, Shannon, Pacheco, Tisei and Knapik moved to amend the bill by inserting after section 51 the following section:—

“SECTION 51A. Subdivision (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after paragraph (h) the following paragraph:—

(h½) A member in service of the teachers retirement system or teacher who is a member of the State-Boston retirement system or formerly employed in a vocational-technical school or program approved by the department of education pursuant to chapter 74 may receive creditable service for any period or periods of work experience in the occupational field in which the member teaches, and which was required as a condition of the member’s employment pursuant to regulations of the department of education, on a proportionate basis which the board shall determine according to rules and regulations adopted by the board and approved by the commission. No credit shall be allowed until such member has paid into the annuity savings fund of the system

before any retirement allowance becomes effective for such member, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount that is equal to the regular deductions that would have been withheld from the member's regular compensation had such service been rendered in a public school of the commonwealth and had he been a member of the teachers' retirement system during the period the service was rendered, plus regular interest. No credit shall be allowed and no payment shall be accepted under this paragraph until the member shall have completed ten or more years of membership service. The maximum creditable service allowable under this paragraph for any member shall not exceed four years".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes before ten o'clock P.M., on motion of Mr. Morrissey, as follows, to wit (yeas 12 — nays 25):

YEAS.

Creedon, Robert S., Jr.	Morrissey, Michael W.
Glodis, Guy W.	Pacheco, Marc R.
Hedlund, Robert L.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Moore, Richard T.	Tolman, Steven A. — 12.

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Bernstein, Robert A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Rauschenbach, Henri S.
Fargo, Susan C.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Travaglini, Robert E.
Jajuga, James P.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
Lynch, Stephen F.	Wilkerson, Dianne — 25.
Magnani, David P.	

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

VOTED "PRESENT."

Murray, Therese — 1.

The yeas and nays having been completed at twelve minutes before ten o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 269 the following section:—

"SECTION 269A. Notwithstanding the provisions of chapter 160 of the General Laws or any other general or special law to the contrary, no railroad corporation including any locomotive engine operated by or on behalf of the Massachusetts Bay Transportation Authority commuter rail line routes shall permit a locomotive engine passing on its railroad in the town of

Newbury to sound whistles at any grade crossing which has the following safety features: flashing lights in each direction which are automatically activated by the approaching train; two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extended across approximately half the width of the lanes of traffic so that the entire width of the lanes of traffic are blocked when the gates are lowered; a bell that is automatically activated by the approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for traffic of not more than forty miles per hour; and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the provisions of this paragraph, a train shall be required to sound its whistle in the event of an emergency.

The department of public utilities shall require that whistle markers on the railroad right-of-way on the approach to each crossing shall be replaced with bell markers within 90 days of the effective date of this act.

The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the town of Newbury of the provisions of this section within 30 days of its effective date.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding the provisions of chapter 160 of the General Laws or any other general or special law to the contrary, no railroad corporation including any locomotive engine operated by or on behalf of the Massachusetts Bay Transportation Authority commuter rail line routes shall permit a locomotive engine passing on its railroad in the town of Rowley to sound whistles at any grade crossing which has the following safety features: flashing lights in each direction which are automatically activated by the approaching train; two gates, one on each side of the crossing, both of which are automatically lowered by the approaching train and both extended across approximately half the width of the lanes of traffic so that the entire width of the lanes of traffic are blocked when the gates are lowered; a bell that is automatically activated by the approaching train; overhead street lights; signs posted before the grade crossing in each direction warning motorists and pedestrians of the crossing ahead; posted speed limits for traffic of not more than forty miles per hour; and not more than two lanes of vehicular traffic in each direction at the grade crossing. Notwithstanding the provisions of this paragraph, a train shall be required to sound its whistle in the event of an emergency.

The department of public utilities shall require that whistle markers on the railroad right-of-way on the approach to each crossing shall be replaced with bell markers within 90 days of the effective date of this act.

The department of public utilities shall notify the Massachusetts Bay Transportation Authority and all other railroad corporations operating locomotive engines in the Town of Rowley of the provisions of this section within 30 days of its effective date”.

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill by inserting after section 269 following section:—

“SECTION 269A. (a) The Massachusetts development finance agency shall expend an amount not to exceed \$10,000,000 for the purpose of establishing a revolving loan fund to make interest-free or low interest loans to rehabilitate existing infrastructure in waterfront areas and encourage and assist industrial and commercial development and activities.

(b) To meet expenditures necessary in carrying out this section, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of \$10,000,000. All bonds issued by the commonwealth shall be designated on their face, Waterfront Rehabilitation Capital Loan, Act of 1998, and shall be issued for such maximum term of years not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of article LXII of the amendments to the Constitution of the Commonwealth; but all such bonds shall be payable not later than June 30, 2005. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 29 the following section:—

“SECTION 29A. Section 11 of chapter 22 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘forty-three’, in line 14, the following words:— and one a representative of the division of fire services within the executive office of public safety”.

After remarks the amendment was *adopted*.

Messrs. Knapik, Lees, Tisei, Tarr, Rauschenbach, Mrs. Sprague and Mr. Hedlund moved to amend the bill by inserting after section 72 the following four sections:—

“SECTION 72A. Section 1. Section 6 of chapter 64H of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out paragraph (rr), as added by section 92 of chapter 127 of the acts of 1999 and inserting in place thereof the following paragraph:—

(rr) Sales and repair or replacement parts exclusively for use in aircraft or in significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis. This paragraph shall take effect for taxable years beginning on or after January 1, 2001 but shall not be available for the taxable year beginning on or after January 1, 2006.

SECTION 72B. Said section 6 of said chapter 64H as amended by section 92 of said chapter 127 of the acts of 1999, is hereby further amended by adding the following paragraph:—

(ss) Sales of aircraft. This paragraph shall take effect for taxable years beginning on or after January 1, 2001 but shall not be available for the taxable year beginning on or after January 1, 2006.

SECTION 72C. Section 7 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:—

(d) Storage, use or other consumption of repair or replacement parts exclusively for use in aircraft or in the significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis. This paragraph shall be available only for the taxable years beginning on or after January 1, 2001, but shall not be available for the taxable years beginning on or after January 1, 2006.

(e) Storage, use or other consumption of aircraft.”; and

By inserting after section 283 the following section:—

“SECTION 283B. The department of revenue and the Massachusetts aeronautic commission shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the sales and use tax exemptions provided in this act. Such report shall include, but not be limited to, an analysis of any increases to the Commonwealth in airplane maintenance and aviation related employment, any increase in hangaring, and any increases in revenues associated with any increases in economic activity resulting from this act. The department of revenue and the Massachusetts aeronautic commission shall report their findings to the joint committee on taxation on or before January 1, 2005”.

After remarks, the amendment was *rejected*.

At six minutes before ten o'clock A.M., the President declared a recess until the following day at ten o'clock A.M.

Thursday, May 25, 2000.

[being the legislative session of Tuesday, May 23, 2000.]

At two minutes past ten o'clock A.M., the Senate reassembled, the President in the Chair.

Distinguished Guests.

There being no objection, during the consideration of the Orders of the Day, the President introduced Mr. Charles Young, Executive Director of the Board of Registration in Pharmacy. He was the guest of Senator Montigny.

There being no objection, during the consideration of the Orders of the Day, the Chair (Ms. Melconian) introduced, seated in the gallery, 3rd grade students from the Tucker School in Milton. The students, accompanied by both teachers and parents, were the guests of Senator Joyce.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Moore) “supporting the observance of a National Moment of Remembrance on Memorial Day Two Thousand”;

Resolutions (filed by Mr. Rauschenbach) “in honor of the retirement of John Kayajan”;

Resolutions (filed by Mr. Travaglini) “honoring Joseph V. Ferrino”; and

Resolutions (filed by Ms. Walsh and Mr. Hedlund) “honoring Peter M. Smith upon his retirement from the Dedham Public Schools.”

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 5196) of Eric Turkington and Henry S. Rauschenbach (by vote of the town) relative to the Nantucket Island Land Bank transfer fee,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Taxation.**

Engrossed Bill.

An engrossed Bill providing for the annual observance of the month of June as Portuguese-American Month (see Senate, No. 2073, amended) (which originated in the Senate), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

Report of a Committee.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing the town of Bolton to borrow money for the cleanup of gasoline contamination and related costs (printed in House, No. 5136).

There being no objection, the rules were suspended, on motion of Mr. Rosenberg, and the bill was read a second time ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Shannon moved to amend the bill by inserting after section 129 the following section:—

“SECTION 129A. Section 113 of Chapter 92 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words ‘one hundred’, in lines 3 and 4, and inserting in place thereof the following figure:— 50”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 283C (inserted by amendment) the following new section:—
“SECTION 283D. The division of medical assistance shall compile a report containing data on the number of Massachusetts seniors currently receiving health care benefits through the Medicare buy-in program, along with the number of otherwise qualified individuals who are not currently receiving these benefits. The report shall also include information on the average number of qualified seniors enrolled in the buy-in program through the division each year. The report shall be presented to the general court by December 31, 2000 along with recommendations on how the commonwealth can more effectively raise awareness of the buy-in program and make it easier for seniors to apply for benefits”.

After remarks, the amendment was adopted.

Messrs. Knapik and Tarr moved to amend the bill by inserting after section 116 the following section:—

“SECTION 116A. Chapter 74 of the General Laws is hereby amended by inserting after section 2B the following section:—
Section 2C. Notwithstanding any general or special law to the contrary, the board of education shall promulgate rules and regulations establishing the criteria for matching grant programs for approved vocational-technical programs under this chapter for improving and replacing vocational-technical school manufacturing equipment. Such rules and regulations shall: limit the total amount of grants to be made to vocational schools over a period of three years to \$5 million; require cities, towns or school districts to receive no more than \$150,000 per year; require cities, towns or school districts to match the grant awarded by said board; and require that all grants be used only for the repair, upgrade or replacement of manufacturing technology equipment”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 169 the following new section:—

“SECTION 169A. Section 6 of chapter 218 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words ‘provided that in no event shall the total number of justices and special justices in the district court department hereby exceed 172’, in lines 24 to 26, inclusive, and inserting in place thereof the following words:— provided, that in no event shall the total number of justices and special justices in the district court department hereby exceed 175”.

The amendment was *rejected*.

Messrs. Tarr, Jajuga, Lees, Knapik, Hedlund, Rauschenbach, Tisei and Mrs. Sprague moved to amend the bill by inserting after section 60 the following section:—

“SECTION 41A. Section 98A of chapter 41 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word ‘warrant.’, in line 5, the following sentence:— A police officer of a city or town may, on fresh and continued pursuit, stop a motorist and issue a citation in any other city or town for any motor vehicle law violation committed in the officer’s presence within his jurisdiction”.

After remarks, the amendment was *rejected*.

Messrs. Lees, Knapik, Tisei, Tarr, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 269J (inserted by amendment) the following section:—

“SECTION 269K. Notwithstanding any general or special law to the contrary, any electronic answering service in use by a department, board, commission, authority or agency of the commonwealth for the purpose of receiving telephone calls shall present all callers with the option of speaking with a live operator”.

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 283D the following section:—

“SECTION 283E. Beginning in fiscal year 2001, the department of education shall compile data on class size by grade and, where applicable, program and subject matter for each school and school district in the commonwealth. For purposes of this section, ‘class size’, shall be defined as the number of students in a teachers classroom for which the teacher is responsible and accountable, and shall be distinguished from ‘pupil-teacher ratio’ as currently reported by the department”.

After remarks the amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section 283E (inserted by amendment) the following section:—

SECTION 283F. Notwithstanding any general or special law to the contrary, the alcoholic beverage control commission, the department of public health and the secretary of consumer affairs shall conduct a study as to the feasibility of a state-wide program aimed at reducing instances of adults procuring alcohol for minors. Said study shall explore bar coding and product labeling in conjunction with a purchase registration system identifying purchasers of alcoholic beverages so as to provide law enforcement agencies with means of tracing purchases of alcohol which result in possession by minors. A report of said study shall be filed with the clerks of the senate and the house of representatives no later than December 31, 2000.

The amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 269K (inserted by amendment) the following section:—

“SECTION 269L. (a) Pursuant to section 32 of chapter 184 of the general laws and notwithstanding the provisions of any other general or special law to the contrary, the commissioner of food and agriculture may release a portion of that agricultural preservation restriction dated March 29, 1982, recorded at Book 7568, Page 179, Worcester County Registry of Deeds, said portion being more particularly bounded and described as follows: A certain parcel of land of approximately 1.857 acres, located on the northerly side of Woodside Road in Spencer, Worcester County, Massachusetts, shown as ‘Lot 1’ on a plan of land entitled: ‘Plan of Land in Spencer, Mass., prepared for Roger Keith,’ By Andrysick Land Surveying, Inc., dated December 1, 1999; said plan to be recorded in Worcester County Registry of Deeds; said parcel being more particularly bounded and described on exhibit A attached which is incorporated by reference.

(b) The above-described land (‘Lot 1’) to be released, which has located on it a dwelling structure, pool, shed and two barns, is the personal residence of the owner of the entire land subject to the current APR — Roger and Mildred Keith, hereinafter referred to as owner. In consideration of the release of Lot 1 and the ‘special permit’ authorization described herein, owner has agreed to, and shall execute a new, current Agricultural Preservation Restriction and an Option to Purchase at Agricultural Value, to be recorded at the Worcester Registry of Deeds, prohibiting the construction of the future dwellings on the remaining APR land and granting the commonwealth an option to purchase the remaining APR land at Agricultural Value. The within legislative authorization shall also permit the Commissioner to insert in the new APR to be executed by Owner the APR Program’s standard ‘special permit’ provisions for nonagricultural purposes. In the event that Owner does not execute the said new, current Agricultural Preservation Restriction and Option to Purchase at Agricultural value, the existing agricultural preservation restriction shall be reimposed on said released parcel, unless the said restriction is released or discharged by the commonwealth in its entirety in the interim.

(c) Except as partially released by this section, the referenced agricultural preservation restriction shall remain in full force and effect”.

After remarks, the amendment was adopted.

Messrs. Jajuga, Hedlund and Magnani moved to amend the bill by inserting after section 130 the following section:—

“SECTION 130A. Section 295C of chapter 94 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

No signs, advertising materials or other displays or products that are placed upon or above the pump or dispenser shall be placed closer than four inches from the signs referred to in the preceding paragraph, and no such signs, materials or other displays shall directly or indirectly obscure said price signs”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 283a the following section:—

“SECTION 283B. The department of education shall conduct a study of ‘out of field teaching,’ so-called. The study shall include

a survey of all school districts in the state to ascertain the total number of teachers teaching in a field for which they do not have certification, along with the percentage of the total number of 'out of field teachers', so-called, teaching in each curriculum area. The report shall include any legislative and budgetary recommendation needed to address this problem, as well as a study on the potential impact of early retirement and shall be submitted to the house and senate chairs on the joint committee on education, arts and humanities, and the chairs of the house and senate ways and means committees, no later than one year after the effective date of this act".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 22 the following section:—

“SECTION 22A. Said chapter 15, as so appearing, is hereby further amended by striking out section 55A and inserting in place thereof the following section:—

Section 55A. (a) There shall be established an office of educational quality and accountability, hereinafter referred to as ‘the Office,’ within the department of education. The purpose of the office shall be to provide an independent mechanism to verify the efforts of schools and school districts to promote a higher level of academic achievement by students.

(b) The governor shall appoint a five-member council, known as the Educational Management Audit Council, hereinafter referred to as ‘The Council’. One member shall be designated by the governor to serve as chairperson of The Council. Members shall not be compensated for their service but may be reimbursed for necessary expenses incurred in the performance of their duties. No member of The Council shall be employed by or receive regular compensation from the department of education, or from any school committee or any board of trustees of a charter school. Not more than two members of The Council may be employed on a full-time basis by any agency of the commonwealth, including a public college or the University of Massachusetts. Members shall be appointed for terms of five years; provided, however, that of the first members appointed, one shall be appointed for one year, two for two years, and two for three years. Members may be re-appointed but no person shall be appointed to serve more than two full terms. Prior service on The Council for a term of less than three years, resulting from an initial appointment or an appointment for the remainder of an unexpired term, shall not be counted as a full term. If a member is absent from any three regularly scheduled meetings in any calendar year, his position on The Council shall be deemed vacant. The chairperson of The Council shall forthwith notify the governor that such vacancy exists.

The Council shall meet not less than quarterly on a date set by the chairperson and at such other times at the call of the chairperson; provided, however, that the first meeting of The Council shall be convened within 30 days after the members have been appointed. The Council shall:

- (1) establish the annual goals for the office;
- (2) review and approve the protocols for the audit and inspection of schools and school districts, including regional school districts;
- (3) review the findings of audits and inspections undertaken by the director pursuant to this section;
- (4) review the performance of the director of the office;
- (5) make recommendations to facilitate the improvement of schools to the governor, the board of education, the General Court, and the local school committee or board of trustees, when appropriate,

(c) Subject to appropriation, the council shall employ a director and establish the salary for the director. Pursuant to the office’s appropriation, the director shall employ such inspectors, auditors, professional assistants, attorneys, consultants and other staff as he deems necessary to fulfill the responsibilities of the office and shall determine their salaries and duties. The provisions of section 45 of chapter 30, chapter 31 and chapter 150E shall not apply to employees of the office.

The request for the annual appropriation required to carry out the mandate of the office shall be submitted by the chairperson of The Council to the governor, the secretary of administration and finance, and the chairperson of the board of education.

(d) The office shall act as an independent auditing body verifying educational measurements and tests conducted by or for the department of education in implementing the mandates and directives of chapter 71 of the acts 1993. Specifically, the office shall have the following duties:

- (1) verify the accuracy of reports and schools and districts by conducting or contracting for periodic program and fiscal audits as necessary;
- (2) investigate allegations of any breach of academic integrity in the administration of any assessments administered by the department of education;
- (3) undertake inspections of schools and school districts to determine the quality of instruction, the performance of administrative, instructional, and other staff, and make recommendations about the school and school district goals and performance.

(e) For the purposes of any inspection, investigation, or audit, the director shall have access to all necessary papers, vouchers, books, and records pertaining to a school, including a charter school, district school, and regional school district. The director may require the attendance of witnesses and the production of books and documents and may examine witnesses under oath in the same manner as in the superior court. The council shall ensure that any instance of noncompliance, misfeasance or malfeasance with law shall be referred to the attorney general of the commonwealth and the commissioner of education for appropriate action.

(f) All records of the office of educational quality and accountability shall be confidential unless it is necessary for the director to make such records public in the performance of his duties, and shall not be public records as defined by section 7 of chapter 4.

(g) The Council shall transmit its findings and any resultant recommendations to the governor, the board of education, the

attorney general, the president of the senate, the speaker of the house of representatives and the clerks of the senate and the house of representatives who shall forward the same to the joint committee on education, arts and the humanities. The council shall compile these audits and inspections into annual reports due each year on the anniversary date of the meeting of the council”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 12 the following section:—

“SECTION 12A. Section 38G of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following two subsections:—

(d) Notwithstanding the provisions of any act or general law to the contrary, all public entities within the commonwealth, agencies and authorities of the commonwealth, or municipal entities within the commonwealth including departments, boards, committees or commissions shall be entitled to withhold up to 5 per cent of contract fees earned and invoiced as part of professional service contracts during the life of the contract. Withheld fees shall be held for no longer than two invoice periods when the contractor is permitted to invoice monthly, or until successful completion of the next contract phase or state when the contractor is permitted to invoice by project phase or stage. When the work covered by the contract is completed, all remaining withheld fees shall be paid to the contractor within two months from the date of completion. If said withholdings are not paid to the contractor within the stipulated time limit, the amount of the withholding in arrears shall be increased at a 12 per cent annual rate. Not later than January 1, 2001, all public entities within the commonwealth shall submit a detailed report to the executive office of administration and finance specifying the total amount of retainage currently being held against professional service contracts.

(e) Notwithstanding the provisions of any act or general law to the contrary, agencies and authorities of the commonwealth or municipal entities within the commonwealth including departments, boards, committees or commissions, shall pay all outstanding withheld fees on professional service contracts, when said withholding has been held for longer than two invoice periods for active contract or that remains withheld on contracts which have been completed or for which the work of the contractor has been completed. All such fee withholdings shall be paid to contractors not later than July 1, 2003. Amounts withheld from contractor fees not paid in total within six months of the date of enactment of this bill shall increase at 12 per cent annual rate. Public entities may submit requests to the executive office of administration and finance for reimbursement of withheld fees paid to contractors under this statute”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Hedlund and Tisei moved to amend the bill by inserting after section 129A (inserted by amendment) the following section:—

“SECTION 129B. Section 14 of chapter 91 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:—

The department shall provide a written response to each application for licensure made pursuant to this section not later than 120 days following the receipt of such application. The response shall either indicate whether the application has been approved or denied, or in the alternative certify a date certain by which such decision shall be granted to the applicant”.

After remarks, the amendment was adopted.

Messrs. Tarr, Lees, Knapik, Tisei and Mrs. Sprague moved to amend the bill by inserting the following section:—

“SECTION . Chapter 76 of the General Laws is hereby amended by adding after section 20 the following section:—

Section 21. A police officer, during the course of duty, may apprehend and take to school without a warrant any truant or absentee found wandering in the street or public places of the city or town in which the police is employed or to which the police officer is assigned”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 61 the following section:—

“SECTION 61A. Section 72 of chapter 44 of the General Laws, as amended by section 55 of chapter 127 of the acts of 1999 is hereby further amended by inserting after the words ‘entity’s revenue’ the following words:— ; provided, however, that a city shall deposit in a separate account for expenditure by the school committee not less than 50 per cent of any such amount; provided further, that no school committee shall receive a smaller percentage of such amount than it received during fiscal year 1998; provided, further, that a school committee may make expenditures from said separate account for any lawful educational purpose without further appropriation; provided further, that any expenditure from said account on items qualifying as net school spending shall supplement, and not substitute for, the net school spending requirement of the district; and provided, further, that the receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 125 the following section:—

“SECTION 125A. Section 20 of said chapter 76, as so appearing, is hereby amended by adding the following sentence:— Supervisors of attendance with the approval of the school principal may require a child failing to attend school for five day sessions or ten half-day sessions within any period of six months, to perform a reasonable term of community service, the length and nature of which shall be specified by the supervisor of attendance, but shall not exceed 20 total hours”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 283F (inserted by amendment) the following section:—

“SECTION 283G. The group insurance commission, in consultation with the public employee retirement association commission, shall study the feasibility and desirability of establishing a fund for the purpose of offsetting future state and local obligations to provide health care for retired employees. The group insurance commission shall, in consultation with an actuary, assess future unfunded health care liabilities of the commonwealth and its municipalities and report on how municipalities have addressed the problem, if at all. The public employee retirement association commission shall provide information related to the use of trust funds to offset unfunded pension liabilities. The study shall be filed with the house and senate committees on ways and means not later than January 1, 2001”.

After remarks, the amendment was adopted.

Messrs. Joyce and Panagiotakos moved to amend the bill by inserting after section 61 the following section:—

“SECTION 61A. Section 111F of said chapter 41, as so appearing, is hereby amended by adding the following sentence:— This section shall also apply in all respects to all employees of the Boston municipal police department, the Boston housing police department and the University of Massachusetts police department who exercise police powers”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 52 the following two sections:—

“SECTION 52A. Section 12 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 159, the words ‘two-thirds of’.

SECTION 52B. Said section 12 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 163, the words ‘two-thirds of’”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Knapik, Rauschenbach, Tisei and Mrs. Sprague moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. The secretary of elder affairs and the commissioner of the department of housing and community development shall, in conjunction with other agencies of the commonwealth as necessary, develop a state wide plan for the development and maintenance of assisted living facilities, so-called. The plan shall include an assessment of existing and projected need for such facilities across all income levels, available capacity of existing facilities for tenant at all income levels, and projected development of additional capacity in the next twenty-five years. The plan shall also assess any and all means being utilized for payment by individuals for residence in assisted living facilities and the projected availability of such means in the future for individuals at all income levels from public and private sources, including but not limited to: medicare, medicaid and private insurers.

The plan, based on the assessments, shall include strategies to meet the needs identified in such assessments and to facilitate the availability of assisted living facilities for individuals of all income levels throughout the commonwealth, including the development and maintenance of capital infrastructure, program services and public and private sources of financing assisted living residence for the citizens of the commonwealth.

Subject to appropriation, not less than \$200,000 shall be expended for the purposes of this section. The plan prescribed herein, together with any recommendations for legislation necessary to the plan, shall be filed with the clerks of the senate and house of representatives not later than two years following the effective date of this act”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 299D (inserted by amendment) the following section:—

“SECTION 299E. A special commission is hereby established to investigate and study the calculation of superannuation retirement allowances for members classified as Group I under chapter 32 of the General Laws. The investigation and study shall include, but not be limited to, an analysis of alternative calculations of the allowances, including comparison of member eligibility, vesting, portability, the contribution rate of members, other benefits, and the effects on accrued liabilities and costs attributable to such alternative calculations. The commission shall consist of 11 members as follows: the house and senate chairman of the joint committee on public service, who shall serve as co-chairs of the commission, the chairmen of the house and senate committees on ways and means, or their designee, the governor or his designee, a representative of the Massachusetts Municipal Association, a representative of the Massachusetts Association of Contributory Retirement Systems, a representative

of the American Federation of State, County and Municipal Employees, the chairman of the State Teachers' Retirement Board, or his designee, the chairman of the state retirement board, or his designee, and the chairman of the Public Employee Retirement Administration Commission, or his designee. The commission shall report to the general court the results of its study, together with its recommendations and draft legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before June 1, 2001”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 51A (inserted by amendment) the following section:—
“SECTION 51B. Section 3 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the words ‘state retirement system’, in line 477, the following words:— or the State-Boston retirement system”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by adding the following section:—
“SECTION . Section 17 of chapter 90 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in line 12, the word ‘thirty’ and inserting in place thereof the following figure:— 25”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 283G (inserted by amendment) the following section:—
“SECTION 283H. The public employee retirement administration commission shall conduct an actuarial analysis of the costs of calculating the retirement benefits of public safety employees, based on such employees’ last 12 months of creditable service. The commission shall examine other privately-funded studies of the issue, including an assessment of the actuarial data used to conduct such other studies. The commission shall file its report of the study with the joint committee on public service and the house and senate committees on ways and means not later than January 1, 2001”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 73 the following section:—
“SECTION 73A. Subsection (d) of section 10 of chapter 66 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the last paragraph and inserting in its place the following paragraph:—
The home address and home telephone number of law enforcement, judicial, prosecutorial, department of youth services, correctional and any other public safety and criminal justice system personnel shall not be public records in the custody of the employers of such personnel or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed; but such information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or to a criminal justice agency as defined in section 167 of chapter 6. The name and home address and telephone number of a family member of any such personnel shall not be public records in the custody of the employers of the foregoing persons or the public employee retirement administration commission or any retirement board established under chapter 32 and shall not be disclosed. The home address and telephone number, or place of employment or education of victims of adjudicated crimes and of persons providing or training in family planning services and the name and home address and telephone number, or place of employment or education of a family member of any of the foregoing shall not be public records in the custody of a government agency which maintains records identifying such persons as falling within such categories and shall not be disclosed”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 60B (inserted by amendment) the following two sections:—
“SECTION 60C. Section 10 of chapter 32A of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘employee’ in line 2 the following words:— ‘who has resigned or voluntarily terminated his service, or failed of nomination or re-election, or failed of reappointment, or whose office or position was abolished, or was removed or discharged from his office or position without moral turpitude on his part,’.
Section 60D. Section 9 of chapter 32B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘employee’ in line 2 the following words:— ‘who has resigned or voluntarily terminated his service, or failed of nomination or re-election, or failed of reappointment, or whose office or position was abolished, or was removed or discharged from his office or position without moral turpitude on his part,’”.

After debate, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 60 the following two sections:—
“SECTION 60A. Chapter 41 of the General Laws is hereby amended by inserting after section 49A, as appearing in the 1998 Official Edition, the following section:—
Section 49B. In any city that accepts this section, a city auditor or the officer performing the duties of the city auditor, including the assistant city auditor, who has completed the necessary courses of study and training, and has been awarded a certificate by

the Massachusetts Municipal Auditors and Accountants Association as a certified Massachusetts city auditor, shall receive as compensation from such city, in addition to the regular annual compensation paid by such city for services in such office, an amount equal to 10 per cent of such regular compensation. In order to qualify for such additional compensation, a city auditor shall submit to the mayor or city manager of such city, proof of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of city auditor for 12 consecutive months. The additional compensation shall be discontinued when certification is discontinued or withdrawn or is maintained by participation in a continuing education program as provided in the Certification requirements of the Massachusetts Municipal Auditors and Accountants Association.

SECTION 60B. Said chapter 41 is hereby amended by inserting after section 61A, as appearing in the 1998 Official Edition, the following section:—

Section 61B. In any town that accepts this section, a town accountant, or other officer performing the duties of town accountant, who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Municipal Auditors and Accountants Association as a certified Massachusetts town accountant, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount up to 10 per cent of such regular annual compensation, but in no case less than \$1,000. In order to qualify for such additional compensation, a town accountant shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. The additional compensation shall discontinue when certification is discontinued or withdrawn or is maintained by participation in a continuing education program as provided in the Certification requirements of the Massachusetts Municipal Auditors and Accountants Association”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 53 the following section:—

“SECTION 53A. Subdivision (2) of section 23 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 38 to 40, inclusive, the words: ‘(i) In securities other than mortgages or collateral loans, which are legal for the investment funds of savings banks under the laws of the commonwealth; provided that:—’; and inserting in place thereof the following:

‘(i) In securities, other than directly in mortgages or collateral loans, which are legal for investment of funds of savings banks under the laws of the commonwealth, provided, that a board may, in accordance with guidelines established by the commission, purchase or lease real property for the sole purpose of the use of said property for the administrative office of the board; provided, further, that:—’; and

By inserting after section 60 the following section:—

“SECTION 60A. Section 19 of chapter 34B of the General Laws, inserted by section 53 of chapter 127 of the acts of 1999, is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:—

(e) Notwithstanding any general or special law to the contrary, a regional retirement board may, in accordance with guidelines established by the Public Employee Retirement Administration Commission, purchase or lease real property for the sole purpose of the use of said property for the administrative offices of the board, and may purchase or lease equipment and employ any such personnel necessary for the proper administration and transaction of business of the retirement system”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 60D (inserted by amendment) the following section:—

“SECTION 60E. Chapter 32A of the General Laws is hereby amended by inserting after section 17F, as appearing in the 1998 Official Edition, the following section:—

Section 17G. Any person, who is dispensed a non-formulary or non-preferred brand name prescription drug, as determined under a pharmaceutical drug program established by the commission or through a pharmacy benefit manager contracted by the commission, may obtain a non-preferred drug at the co-payment level of a preferred drug upon a separate written certification by the enrollee’s physician, satisfactory to the commission, that the non-preferred drug is medically necessary and there is no therapeutically equivalent preferred drug available to the enrollee”.

After debate, the amendment was adopted.

Ms. Melconian and Mr. Knapik moved to amend the bill by inserting after section 139A (inserted by amendment), the following section:—

“SECTION 139B. Section 1 of chapter 125 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘Monroe,’ in line 36, the following words:— or any correctional facility owned by the commonwealth which accepts inmates from more than one county or former county”.

The amendment was adopted.

Ms. Melconian moved to amend the bill by inserting after section 269L (inserted by amendment) the following section:—

“SECTION 269M. Notwithstanding the provisions of any general or special law to the contrary, the employees of State Veteran

Memorial Cemetery in Agawam shall be exempt from the provisions of chapter 31 of the General Laws, further preference in hiring at said cemetery shall be given first to veteran's as defined in section 1 of Chapter 115 of the General Laws and second to residents of the former Hampden county".

The amendment was adopted.

Mr. Tisei moved to amend the bill by inserting after section 198 the following section:—

"SECTION 198A. Subsection b of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the words 'provided, however, that the fair market value of any licensed motor vehicle does not exceed five thousand dollars' and inserting in place thereof the following words:— provided, however, that the fair market value of any licensed motor vehicle does not exceed an amount determined by the commissioner in consultation with the secretary of the executive office of transportation and construction and the equity value of any licensed motor vehicle does not exceed \$5,000".

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 81 the following section:—

"SECTION 81A. Chapter 71 of the General Laws is hereby amended by inserting after section 10, as appearing in the 1998 Official Edition, the following section:—

Section 10A. Every city, town, or regional school district, acting through its school committee, shall seek federal reimbursement for medical services provided as part of special education services to medicaid eligible students to be distributed pursuant to section 72 of chapter 44".

The amendment was *rejected*.

Ms. Creem moved to amend the bill by inserting after section 183 the following two sections:—

"SECTION 183A. Chapter 265 of the General Laws is hereby amended by striking out section 13A, as appearing in the 1998 Official Edition, and inserting in place thereof the following section:—

Section 13A. (a) Whoever commits an assault or an assault and battery upon another shall be punished by imprisonment for not more than two and one-half years in a house of correction or by a fine of not more than \$1,000.

(b) Whoever commits an assault or an assault and battery: (i) upon another and causes serious bodily injury; or (ii) upon another who is pregnant at the time of such assault or assault and battery; or (iii) upon another who he knows has an outstanding temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5, of chapter 209A, or section 15 or 20 of chapter 209C, in effect against him at the time of such assault or assault and battery, shall be punished by imprisonment in state prison for not more than five years or in the house of correction for not more than two and one-half years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) For the purposes of this section, 'serious bodily injury' means bodily injury that results in a permanent disfigurement; protracted loss or impairment of a bodily function, limb or organ; or that poses a substantial risk of death.

SECTION 183B. Section 15A of said chapter 265, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following three paragraphs:—

(b) Whoever commits assault and battery upon another by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than ten years or in the house of correction for not more than two and one-half years, or by a fine of not more than \$5,000, or by both such fine and imprisonment.

(c) Whoever, by means of a dangerous weapon, commits an assault and battery: (i) upon another and causes serious bodily injury; or (ii) upon another who is pregnant and who knows or should have reason to know is pregnant at the time of such assault and battery; or (iii) upon another who he knows has an outstanding temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209A, or sections 15 or 20 of chapter 209C, in effect against him at the time of such assault and battery, shall be punished by imprisonment in state prison for not more than 15 years or in the house of correction for not more than two and one-half years, or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(d) For the purposes of this section, 'serious bodily injury' means bodily injury that results in a permanent disfigurement; protracted loss or impairment of a bodily function, limb or organ; or that poses a substantial risk of death".

After remarks, the amendment was adopted.

Ms. Creem

"SECTION 135A. Chapter 118 of the General Laws is hereby amended by adding the following section:—

Section 12. Under section 115(d)(1)(A) of the Federal Personal Responsibility and Work Opportunity Reconciliation Act, 21 U.S.C. section 862a(d)(1)(A), the commonwealth hereby exempts all individuals domiciled in the commonwealth from section 115(a) of Act 21, U.S.C. section 862(a). Benefits under said section 115 shall not be provided to any individual who fails to comply with the terms of a sentence, parole or probation".

After remarks, the amendment was adopted.

Ms. Creem and Mr. Joyce moved to amend the bill by inserting after section 269M (inserted by amendment) the following section:—

“SECTION 269N. Notwithstanding the provisions of any general or special law to the contrary, the personnel administrator shall certify any active employee who served in a civil service position in the town of Brookline as a provisional employee for a period of at least one year immediately prior to January 1, 1999 to permanent civil service status in that position. This section shall not apply to police officers or firefighters”.

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting after section 29 the following section:—

“SECTION 29A. Chapter 20 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out section 14 and inserting in place thereof the following section:—

Section 14. Notwithstanding the provisions of chapter 7, or any other general or special law, rule or regulation to the contrary, the department of food and agriculture, acting through and by its bureau of land use, and its successor agencies, may lease, or issue a permit to use, available public land for garden, arbor or farm purposes; provided, however, that no such lease or permit issued pursuant to this section shall be for a period exceeding 10 years. Any person may make application to the bureau of land use on a form to be furnished by the bureau for such a lease or permit. Applicants shall submit a plan for said use and shall agree to maintain the land in a condition consistent with said land use plan, and shall agree to abide by the rules and regulations promulgated by said bureau. Failure to carry out the conditions of agreement shall result in forfeiture of the garden, arbor, or farm lease or permit. Any person who is granted the use of garden, arbor or farm land shall indemnify and save harmless the commonwealth, the department of food and agriculture and all of its officers, agents, and employees against suits and claims of liability of each name and nature arising out of, or in consequence of the use of, vacant public land. All money acquired pursuant to this section shall be credited to the General Fund”.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 51 the following three sections:—

“SECTION 51A. Section 4 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words ‘selectman, alderman, city councilor or school committee member’, in lines 207 and 208, and inserting in place, inclusive, thereof the following words:— selectman, alderman, city councilor, school committee member, town moderator, public library trustee, redevelopment authority member, or board of park commissioners member.

SECTION 51B. Said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after the word ‘people’, in line 209, the following words:— or as the result of being appointed.

SECTION 51C. Said section 4 of said chapter 32, as so appearing, is hereby further amended by striking out the words ‘nineteen hundred and seventy-six’, in line 216, and inserting in place thereof the following figure:— 1996”.

The amendment was *rejected*.

Ms. Jacques and Mr. Jajuga moved to amend the bill by inserting after section 140 the following sections:

“SECTION 140B. Subsection (12) of section 129B of chapter 140 of the General Laws, as so appearing, is hereby amended by adding the following words:— Actions to recover civil fines for violations of this subsection may be commenced by any of the following methods:

(i) by indictment or complaint in a court having criminal jurisdiction over the place where such civil violation occurred, pursuant to the usual procedure for criminal cases; provided that there shall be no right to trial by jury for such civil violation. Such civil violation may be prosecuted in the same indictment or complaint as any related criminal offenses. Such civil violation shall not be deemed a criminal offense and no record of such civil violation shall be entered in the probation records of any court. Payment of any civil fine assessed by the court shall operate as a final disposition of such civil violation. The defendant’s failure to appear as required or to pay any civil fine as ordered by the court may be treated as a civil or criminal contempt of the court, and a judge may authorize an arrest warrant for the defendant, which may be served by any officer authorized to serve civil or criminal process;

(ii) by a civil tort action in the name of the commonwealth brought by the attorney general, the district attorney or the city solicitor or town counsel, in a court having civil jurisdiction over-the place where such civil violation occurred; provided that there shall be no right to trial by jury for such civil violation; or

(iii) by issuance by a police officer of a noncriminal citation for such civil violation pursuant to the procedures for the issuance, hearing and payment of noncriminal citations under section 21D of chapter 40. The defendant’s payment of a civil fine of \$1,000 shall operate as a final disposition of such civil violation. The defendant’s failure to respond timely to such noncriminal citation, to appear in court as required or to pay any civil fine as ordered by the court may be treated as a civil or criminal contempt of the court, and a judge or a clerk-magistrate may issue a summons, or a judge may authorize an arrest warrant, which may be served by any officer authorized to serve civil or criminal process. In the case of such citations issued by the state police, the superintendent of the state police may print and distribute to state police officers the citation form required by said section 21D and may designate a payment clerk within the department of state police to collect such civil fines in the same manner as a city or

town clerk under said section 21D.

Civil fines collected under any of the methods in this subsection shall be paid over to the state treasurer; provided that only 50 per cent of civil fines collected by a city or town clerk under clause (iii) of this subsection shall be paid over to the state treasurer and the remaining 50 per cent shall be paid over to the treasury of the city or town.

SECTION 140D. Subsection (m) of section 131 of said chapter 140, as so appearing, is hereby amended by adding the following words:— Actions to recover civil fines for violations of this subsection may be commenced by any of the following methods:

(i) by indictment or complaint in a court having criminal jurisdiction over the place where such civil violation occurred, pursuant to the usual procedure for criminal cases; provided that there shall be no right to trial by jury for such civil violation. Such civil violation may be prosecuted in the same indictment or complaint as any related criminal offenses. Such civil violation shall not be deemed a criminal offense and no record of such civil violation shall be entered in the probation records of any court. Payment of any civil fine assessed by the court shall operate as a final disposition of such civil violation. The defendant's failure to appear as required or to pay any civil fine as ordered by the court may be treated as a civil or criminal contempt of the court, and a judge may authorize an arrest warrant for the defendant, which may be served by any officer authorized to serve civil or criminal process;

(ii) by a civil tort action in the name of the commonwealth brought by the attorney general, the district attorney or the city solicitor or town counsel, in a court having civil jurisdiction over the place where such civil violation occurred; provided that there shall be no right to trial by jury for such civil violation; or

(iii) by issuance by a police officer of a noncriminal citation for such civil violation pursuant to the procedures for the issuance, hearing and payment of noncriminal citations under section 21D of chapter 40. The defendant's payment of a civil fine of \$1,000 shall operate as a final disposition of such civil violation. The defendant's failure to respond timely to such noncriminal citation, to appear in court as required or to pay any civil fine as ordered by the court may be treated as a civil or criminal contempt of the court, and a judge or a clerk-magistrate may issue a summons, or a judge may authorize an arrest warrant, which may be served by any officer authorized to serve civil or criminal process. In the case of citations issued by the state police, the superintendent of the state police may print and distribute to state police officers the citation form required by said section 21D and may designate a payment clerk within the department of state police to collect such civil fines in the same manner as a city or town clerk under said section 21D.

Civil fines collected under any of the methods in this subsection shall be paid over to the state treasurer; provided that only fifty per cent of civil fines collected by a city or town clerk under clause (iii) of this subsection shall be paid over to the state treasurer and the remaining 50 per cent shall be paid over to the treasury of the city or town”.

Messrs. Moore, Brewer, Antonioni and Lees moved that the amendment be amended by adding the following two sections:—

“Section 140A. Said subsection (12) of section 129B of said chapter 140, as so appearing, is further amended by inserting after the word ‘denied.’, in line 215, the following sentence:— No fines shall be imposed on any person who has applied for renewal of said card prior to the expiration date of said card, and whose renewed card has not been granted or denied by the appropriate licensing authority, provided, that said person is in possession of a receipt from the licensing authority indicating that they have submitted an application for such license prior to the expiration date and paid the appropriate licensing fee.

SECTION 140C. Subsection (m) of said section 131 of said chapter 140, as so appearing, is hereby further amended by inserting after the word ‘denied.’, in line 288, the following sentence:— No fine shall be imposed on any person who has applied for renewal of said license prior to the expiration date of said license, and whose renewed license has not been granted or denied by the appropriate licensing authority, provided, that said person is in possession of a receipt from the licensing authority indicating that they have submitted an application for such license prior to the expiration date and paid the appropriate licensing fee”.

The further amendment was considered; and, after remarks, it was adopted.

The pending amendment (Jacques-Jajuga), as amended (Moore, et al) was then considered; and, after remarks, it was adopted.

Mr. Panagiotakos moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Any employee of the commonwealth who has successfully completed a police training school as described in section 96 of chapter 41 of the General Laws shall be entitled to all rights and benefits, including but not limited to bulletproof vests, under state and federal grants, if said employee is employed by a municipality in the commonwealth”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved amend the bill by inserting after section 71 the following sections:—

“SECTION . Section 6 of said chapter 64H, as so appearing, is hereby amended by inserting after the word ‘sold’, in line 234, the following words:— or to satisfy local, state or federal worker safety or pollution control requirements.

SECTION . Said section 6 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word ‘machinery,’ in line 259, the following words:— including necessary worker safety and pollution control machinery and equipment,.

SECTION . Said section 6 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word ‘sold’, in line 281, the following words:— or to satisfy local, state or federal worker safety or pollution control requirements”.

Messrs. Montigny and Magnani and Ms. Walsh moved that the amendment be amended by striking the text contained therein and inserting after section 283H (inserted by amendment) the following section:—

“SECTION 283I. The department of revenue shall conduct a study the revenue impact of exempting from the sales tax equipment

and machinery used to satisfy local, state or federal worker safety or pollution control requirements. Said study shall (i) examine the impact of similar sales tax exemptions in other states; (ii) investigate, using census bureau statistics and other statistics concerning current purchase levels of worker safety and pollution abatement equipment, including, if necessary, from surveys conducted by business and trade associations, the revenue impact of such a sales tax exemption; (iii) assess the probable impact of such a sales tax exemption on future business purchases of worker safety or pollution abatement equipment; and (iv) examine other tax-related methods of defraying the costs of purchasing or maintaining required pollution control and worker safety equipment. The department shall report the results of the study by filing the same with the joint committee on taxation and to the house and senate committees on ways and means no later than February 1, 2001”.

The further amendment was considered; and, after remarks, it was adopted.

The pending amendment (Lees, et al), as amended (Montigny, et al) was then considered; and it was adopted.

Mr. Lees moved to amend the bill by inserting after section 9 the following section:—

“SECTION 9A. Section 4I of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the following paragraphs:—

Only persons with training and experience in conducting legal or administrative hearings shall be eligible for appointment or reappointment as a commissioner.

SECTION 9B. The second paragraph of said section 4I of said chapter 7, as so appearing, is hereby amended by adding the following four sentences:— The secretary of administration and finance shall make an annual report to the governor on the operation of the commission. The report shall include an analysis of the rulings of each commissioner, the overall operation of the commission and recommendations for assuring compliance with the statutory standards of reviewing appeals from the decisions of municipal appointing authorities. The secretary shall also establish regulations for receiving and reviewing complaints from appointing authorities which claim that one or more commissioners are not complying with the statutory standards for reviewing appeals from the decisions of municipal appointing authorities. The secretary may suspend or remove any commissioner that repeatedly is found to have failed to comply with such statutory standards”.; and by inserting after section 51 the following section:—

“SECTION 51A. Section 8 of chapter 31A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

In reviewing the actions of a municipal appointing authority, the commission shall not substitute its judgment but shall confine its decision to a review of whether the aggrieved employee received due process and the commission shall modify or reverse such appointing authority’s action only where the same was arbitrary, capricious or demonstrative of a clear abuse of discretion”.

Mr. Lynch moved that the amendment be amended by striking out the text contained therein and inserting after section 9 the following two sections:—

“SECTION 9A. Section 4I of chapter 7 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:

Only persons with (1 skills in fact-finding; (2 demonstrated basic understanding of civil service law; and (3 a bachelor’s degree or demonstrated writing ability as evidenced by four or more years in positions in which writing skills are a major job responsibility shall be eligible for appointment as a commissioner.

SECTION 9B. The second paragraph of said section 4I of said chapter 7, as so appearing, is hereby amended by adding the following four sentences:— The secretary of administration and finance shall make an annual report to the governor, the house and senate committees on ways and means and the joint committees on commerce and labor and public service on the operation of the commission. The report shall include an analysis of the rulings of each commissioner and the overall operation of the commission. Said secretary shall include in the report any recommendations for reforming the commission and ensuring the impartiality of hearings before said commission and compliance with applicable statutory standards. The secretary shall also establish regulations for receiving and reviewing complaints from appointing authorities or other parties appearing before the commission about conduct of any commissioner”.

The further amendment was considered; and, after remarks, it was adopted.

The pending amendment (Lees), as amended (Lynch), was then considered; and it was adopted.

Mr. Pacheco moved to amend the bill by inserting after section 75 the following section:—

“SECTION 75A. Section 1A of chapter 69 of the General Laws, as so appearing, is hereby further amended by inserting after the seventh paragraph the following paragraph:—

The commissioner shall collect and analyze data reported by school districts regarding educational programs offered pursuant to the provisions of chapter 71A”.

After remarks, the amendment was adopted.

Ms. Resor and Messrs. Glodis, Moore, Bernstein and Antonioni moved to amend the bill by inserting after section 60 the following section:—

“SECTION 60A. Subsection (c) of section 8 of chapter 34B of the General Laws, as inserted by section 53 of chapter 127 of the acts of 1999, is hereby amended by striking out clause (3) and inserting in place thereof the following clause (3):—

(3) the value of real estate of the county transferred to the commonwealth pursuant to this chapter and the value of real estate transferred to the trial court of the commonwealth prior to the abolition of the county, net of amounts provided to a county by the commonwealth for construction, reconstruction or improvements of such real estate and payments by the commonwealth for debt service; provided, that solely for the purpose of determining a value to include on a schedule of assets and liabilities required by this section any such real estate shall be valued at 75 per cent of the value assessed by the city or town in which it is located as of the transfer date, subject to adjustment if the commonwealth appraises such property at a greater value in fiscal year 2001; provided, further, that the county treasurer or, in the absence of such treasurer, the executive director of the regional retirement system shall collect and provide said secretary local assessment information from each municipality in which the abolished county owned property as of the transfer date, within 60 days of such transfer date or February 1, 2000, whichever is later”.

Ms. Melconian in the Chair, after debate, the amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill by inserting after section 205 the following section:—

“SECTION 205A. Section 1 of chapter 60 of the acts of 1997 is hereby amended by striking out the words ‘two of whom shall be physicians’ and inserting in place thereof the following words:— one of whom shall be a physician”.

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting after section 140 the following section:—

“SECTION 140A. Section 97 of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following two sentences:— Public hearings shall be held at least once between January 1 and June 30 and at least once between July 1 and December 31 during each calendar year, at locations determined by the board, and at such other times and places as the board may determine, to consider petitions for such amendments. Petitions shall be submitted to the board no less than 90 days prior to the public hearing”.

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. (a) The commissioner of insurance shall, in consultation with the commissioner of public health, the secretary of health and human services, the commissioner of medical security, the director of consumer affairs and business regulations and the secretary of administration and finance, establish a system of uniform and standardized billing and payment to be utilized by every medical provider, hospital, insurer, health maintenance organization and any other entity making payment of any type for health care goods or services of any type in the commonwealth.

(b) Not later than 60 days following the effective date of this section, said commissioner of the division of insurance shall convene a planning group to assist in the development of said uniform payment system, hereinafter referred to as ‘UPS’. Said planning group shall be comprised of the persons listed in subsection (a) or their designees, together with the following: three representatives of the Massachusetts Hospital Association, one of which shall represent a community hospital; one representative of a health maintenance organization doing business in the commonwealth, one of which shall represent a commercial insurer doing business in the commonwealth; one representative of the commonwealth’s insurer of last resort; one representative of a preferred provider organization doing business in the commonwealth; one representative of the Massachusetts Nurses Association; three representatives of the Massachusetts Medical Society; three member of the senate, at least one of whom shall represent the minority party; and three members of the house of representatives, at least one of whom shall represent the minority party. Said planning group shall, in the discretion of the commissioner of the division of insurance assist in the development and implementation of a UPS having the characteristics prescribed by subsection (c).

(c) The UPS developed pursuant to this section shall employ a single, standardized format for the making and payment of claims between any provider and any payer of health care goods and services rendered to any citizen of the commonwealth. Said system shall include, but not be limited to, a universal format for the identification by code of particular conditions, treatments and goods, which format shall be maintained by any entity, including Medicaid, which delivers a contract for the payment of health care costs in the commonwealth. Said format shall be designed so as to be usable in electronic or printed media, shall be simplified and straightforward, shall be expendable to cover future health care developments, shall be modifiable to adapt to any changing circumstances, shall facilitate the timely making, processing, and payment of claims, and shall be commercially practicable.

(d) Said UPS shall provide for the prompt notification of a claimant by a payer that a claim has been received, and that the information necessary to process the claim is either complete or incomplete.

(1) In the event that the claim is in complete, then such notification shall include any and all remaining information necessary to the payment of the claim. Such information shall, in turn, be provided on a supplementary claim form which shall bear its date of submission, which shall not be later than 30 days after the original notification of the receipt of the claim. Payment shall be issued by the payer not later than 45 days following the receipt of the supplementary claim form.

(2) In the event that all claim information is complete, then payment shall be issued within 45 days.

(3) The planning group prescribed in subsection (b) shall be authorized to develop the specific details of this notification process, including any appeals and further allowances for defective claim information.

(e) Said UPS shall be developed in a state suitable for implementation and reported to the clerk of the house of representatives, the clerk of the senate and to the governor not later than 18 months following the effective date of this section. Following said

reporting, the general court shall have 90 days to make recommendations to the commissioner of the division of insurance, or take legislative action to delay implementation of said UPS.

(f) Not later than 24 months following the effective date of this section, the commissioner of the division of insurance shall implement the UPS developed pursuant to this section, unless otherwise directed by the general court.

(g) The commissioner of the division of insurance shall maintain the planning group prescribed by subsection (b) for the purposes of monitoring the implementation of the UPS developed herein making recommendations to said commissioner for any necessary changes to enhance or maintain the effectiveness of the UPS, and to assist in the issuance of reports relative to the UPS prescribed by subsection (g).

(h) The commissioner of the division of insurance shall, for the three year period commencing upon the implementation of the UPS, issue quarterly reports relative to the operating effectiveness of the UPS, which shall include, but not be limited to:

(1) the costs of implementation and operation of the system, both to the private and public sectors;

(2) problems or difficulties encountered in implementing or operating the system;

(3) public comment received relative to the system, either in actual or summary format;

(4) average time periods for the making and payment of claims under the UPS; and

(5) any legislative recommendations.

Said reports shall be filed with the clerk of the house of representatives, the clerk of the senate and the governor.

(i) Any insurer licensed by the division of insurance, or any health care provider practicing in the commonwealth may, in a written form approved and promulgated by the commissioner of the division of insurance, petition for a change in the UPS, which shall be considered in a timely fashion by said commissioner.

Said commissioner shall conduct a public hearing to receive public comment, in person and in writing, within 90 days of receiving said petition, and shall issue a ruling on the proposed change within 30 days of the conclusion of said hearing. Said commissioner may, in his discretion, consolidate said hearings for the purpose of promoting efficiency. Any changes so approved shall be implemented in the next semi-annual modification period following the ruling.

(j) The commissioner of the division of insurance shall establish two semi-annual modification dates whereby any changes to the UPS shall be implemented. Said commissioner may develop regulations pursuant to this act to ensure that adequate notice is given of any such changes, and that prompt compliance is accomplished with regard to such changes”.

The amendment was *rejected*.

Mr. Panagiotakos, Ms. Resor, Messrs. Lees, Gannon, Jajuga, Tisei and Mrs. Sprague moved to amend the bill by inserting after section 135A (inserted by amendment) the following two sections:—

“SECTION 135B. Section 1 of chapter 117A of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

A person eligible for public assistance, as determined under this chapter, who is not maintaining his home, but is receiving care in any licensed nursing home, any licensed chronic hospital, a licensed rest home, or in any approved public medical institution, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$66.40, the recipient shall be paid monthly in advance the difference between such income and \$66.40. Effective July 1, 2000, this amount shall be increased at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving state supplemental payments under sections 1 and 2 of chapter 118A.

SECTION 135B. Section 15 of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph, the following paragraph:—

A person eligible for public assistance, as determined under the provisions of this chapter, who is not maintaining his own home, but is receiving care in any licensed nursing home, any licensed chronic hospital, a licensed rest home, or in any approved public medical institution, shall retain the first \$66.40 of his monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$66.40, the recipient shall be paid monthly in advance the difference between such income and \$66.40. Effective July 1, 2000, this amount shall be increased at the same time and at the same percentage rate as increases payable to an individual who is maintaining his own home and who is receiving supplemental payments under sections 1 and 2 of chapter 118A; provided, that the division of health care and finance policy shall conduct a study of and review of the cost of all personal needs items paid for by residents that are not covered by the division of medical assistance. Said study shall be completed within 60 days of the effective date of this section. The division of health care and finance policy shall submit a report on the results of said study and review to the respective committee on ways and means of the house of representatives and the senate not later than December 31, 2000”.

After remarks, the amendment was adopted.

Mr. Panagiotakos, Ms. Tucker and Mr. Jajuga moved to amend the bill by inserting after section 129B (inserted by amendment) the following section:—

“SECTION 129C. Chapter 90 of the General Laws is hereby amended by inserting after section 19J, as appearing in the 1998 Official Edition, the following section:—

Section 19K. For the purposes of this section only, the term ‘hitching mechanism’, shall mean the lift cylinder and the lift arm. Nothing in the section shall apply to state, county, or municipally owned or operated vehicles. Between May 15 and October 15

of each year, any motor vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow shall be required to have removed the plow and hitching mechanism used with said plow. Vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces, shall only be required to have the plow itself removed, provided that said hitching mechanism is in the folded flat position while the vehicle is in operation. If snowfall occurs prior to October 25 or after May 15 vehicles subject to this act may be re-equipped with the plow and any apparatus necessary for clearing snow. Said vehicles will be required to abide by the provisions of this section within 72 hours of the conclusion of said snowfall.

Any individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined \$250 for the second offense and \$500 and revocation of the vehicle's registration for the third offense. The revocation of a vehicle's registration due to a third offense shall remain in effect until such time as said vehicle is in compliance with this section. The provisions of this section shall not apply to hitching mechanisms which are permanently affixed through welding or other means, prior to the effective date of this section. It shall be unlawful, and punishable by the same fines and revocations aforementioned, for any person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.

The registry of motor vehicles shall, within 180 calendar days of the passage of this act, develop a list of makes and models of hitching mechanisms that fold flat leaving no protruding surfaces; provided further, that the registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby the registry of motor vehicles can ensure a motor vehicle's compliance with this act following a third offense".

After debate, the amendment was adopted.

Messrs. Tarr and Jajuga moved to amend the bill by inserting after section 192D (inserted by amendment) the following section:—

SECTION 192E. Sections 1 to 13, inclusive, of chapter 73 of the acts of 1980 are hereby repealed.

After remarks, the amendment was adopted.

Messrs. Tarr and Jajuga moved that the bill be amended by inserting after section 209A (inserted by amendment) the following section:—

“SECTION 209B. Section 335 of chapter 127 of the acts of the acts of 1999 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— The commission shall report its finding to the governor, the senate and the house of representatives not later than December 31, 2000”.

After remarks, the amendment was adopted.

Messrs. Joyce and Rauschenbach moved to amend the bill by striking out section 16 and inserting in place thereof the following section:—

“SECTION 16. Section 49 of said chapter 7, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof, the following subsection:—

(a) There shall be within the executive office of administration and finance, but not subject to its control, a public employee retirement administration commission consisting of nine members, three of whom shall be appointed by the governor, three of whom shall be appointed by the state auditor, two of whom shall be appointed by the state treasurer, and one of whom shall be chosen by the first eight members and who shall be chairperson. Of the three persons appointed by the governor, one shall be the governor or his designee, one shall be a representative of a public safety union and one shall be qualified by having training and experience in the investment of funds as a result of having been principally employed in such occupation for a period of at least ten years. Of the three persons appointed by the state auditor, one shall be the state auditor or his designee, one shall be the president of Massachusetts AFL-CIO or his designee and one shall be a representative of the Massachusetts Municipal Association. Of the two persons appointed by the state treasurer, one shall be the state treasurer or his designee and one shall be the president of the Massachusetts Association of Contributory Retirement Systems, whose term shall be coterminous with his term as the president of the Association. Each member of the commission shall serve for a term of five years, except that in making initial appointments, the governor and the state auditor shall each appoint one member for a term of three years and one member for a term of four years. The members shall serve without compensation but shall receive necessary expenses incurred in the discharge of their official duties. Upon the expiration of the term of an appointed member, or of the chairman, or in the event of a vacancy otherwise created in such positions, the successor for such position shall be appointed in the manner aforesaid, or for the remainder of said term, whichever is applicable. In the event the representative of a public safety union, the president of the Massachusetts Association of Contributory Retirement Systems or the designee of the president of the Massachusetts AFL-CIO is a public employee, he or she shall be granted leave, without loss of pay or benefits and without being required to make up lost time, if on duty, for regularly scheduled work hours while in the performance of responsibilities of the commission. The public employee retirement administration commission shall select an executive director, and enter into an employment contract with such director. The provisions of sections 9A, 45, 46, and 46C of chapter 30 and the provisions of chapter 31 and chapter 150E shall not apply to the executive director or any other employee of the commission”; and by inserting after section 269N (inserted by amendment) the following section:—

SECTION 269O. Notwithstanding the provisions of section 16 of this act or the provisions of any general or special law to the

contrary, the current members of the public employee retirement administration commission serving upon the effective date of this act shall continue to serve until the expiration of their terms and until the qualification of their successors, and provided further that nothing contained in this section shall prohibit current members from reappointment upon the expiration of their respective terms”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 299E (inserted by amendment) the following section:—
“SECTION 299F. There is hereby established a Massachusetts commission for adult basic education. The commission shall be comprised of up to 30 members and shall consist of the following: a chairperson, four representatives from the field of adult basic education, two business representatives, two labor representatives from a list of three recommended by the President of the Massachusetts AFL-CIO and one representative from early learning, each appointed by the commissioner of education; one member to be appointed by the governor; one member of the house of representatives, to be appointed by the speaker of the house; one member of the senate, to be appointed by the president of the senate; and one member shall be appointed by the following: the secretary of administration and finance; the secretary of health and human services; the secretary of elder affairs; the chancellor of the board of higher education; the director of labor and workforce development; the president of the corporation for business, work and learning; the director of the department of employment and training; the commissioner of the department of transitional assistance; the commissioner of the department of public health; the commissioner of the department of mental retardation; the commissioner of the Massachusetts rehabilitation commission; the commissioner of the department of housing and community development; the commissioner of the department of corrections; the commissioner of the board of library commissioners; the director of the office of refugees and immigrants; and the executive director of the children’s trust fund. The Massachusetts commission for adult basic education shall establish a vision and a plan for the future of the ABE service delivery system in which all under-educated and and limited English proficient Massachusetts residents have appropriate and convenient access to effective ABE services. The work of the commission shall be staffed and supported by the department of education. The commission shall present recommendations to the board of education for the federal, state and local roles in implementing this plan. The board of education shall present an approved plan to the governor and the general court no later than December, 2001”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 206 the following section:—
“SECTION 206A. Section 9 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:—
(e) There shall be an additional surcharge imposed upon each vehicular rental transaction contract in the city of Boston, equal to 5 per cent of the total value of each contract. One dollar of said additional surcharge shall be paid to the city and deposited in the Room Occupancy Excise Fund”.

The amendment was *rejected*.

Ms. Walsh moved to amend the bill by inserting after section 269O (inserted by amendment) the following section:—
“SECTION 269P. Notwithstanding any general or special law to the contrary, the commission of highways shall ban trucks on Needham street in the town of Dedham and shall post on Route 128/95 the preferred alternative route as Route 1 in Dedham, Massachusetts”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 146 the following section:—
“SECTION 146A. Subsection (1) of section 44F of said chapter 149, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Such specifications shall have a separate section for each of the following classes of work if in the estimate of the awarding authority such class of work will exceed \$10,000; (a) roofing and flashing; (b) metal windows; (c) waterproofing, damp-proofing and caulking; (d) miscellaneous and ornamental iron; (e) lathing and plastering; (f) acoustical tile; (g) marble; (h) tile; (i) terrazzo; (j) resilient floors; (k) glass and glazing; (l) painting; (m) plumbing; (n) heating, ventilating and air-conditioning; (o) electrical work, including direct electrical radiation for heating; (p) elevators; (q) masonry work; (r) fire protection; (s) excavation and earth removal; (t) structural steel erection and (u) any other class of work for which the awarding authority deems it necessary or convenient to receive sub-bids, provided that the awarding authority may, in addition, receive a combined sub-bid on the marble, tile and terrazzo work, but in that event, the marble, tile and tile and terrazzo work shall each be a class of work for which the sub-bidder must list the information in a clearly designated on the bid form for that purpose”.

After remarks, the amendment was adopted.

Messrs. Lynch, Pacheco, Lees and Magnani moved to amend the bill by inserting after section 69 the following two sections:—
“SECTION 69A. Subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out paragraph

(1) and inserting in place thereof the following paragraph:—

(1) A taxpayer who commences and diligently pursues an environmental response action within five years from the effective date of this section and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2007 for any property it owns or leases for business purposes and which is located within an economically distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be no less than 15 per cent of the assessed value of the property prior to remediation; provided further that the site was reported to the department of environmental protection; and provided further that a credit of 50 per cent of such costs shall be allowed for any such taxpayer who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a taxpayer that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in the Massachusetts Contingency Plan at 310 CMR 40.00, as amended.

SECTION 69B. Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (4) and in place thereof the following paragraph:—

(4) For the purposes of this section, net response and removal costs shall be expenses paid by the taxpayer for the purpose of achieving a permanent solution or remedy operation status in compliance with chapter 21E; provided, however that no credit shall be allowed under this section for the amount of state financial assistance received from the Redevelopment Access to Capital program established pursuant to section 60 of chapter 21A, or from the Brownfields Redevelopment Fund, established pursuant to section 8G of chapter 212 of the acts of 1975, or section 29A of chapter 23G of the General Laws. For the purpose of the Redevelopment Access to Capital program, the amount of state financial assistance shall be calculated as the amount of state funds paid on behalf of the borrower for participation in the program, and not the amount of the loan guaranteed; provided further, that in the event the loan guarantee is invoked, any credit taken for the amount of the loan shall be added back as taxes due in the year the loan is paid.”; and by inserting after section 71B (inserted by amendment) the following two sections:—

“SECTION 71C. Section 38Q of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out subsection

(a) and inserting in place thereof the following subsection:—

(a) A domestic or foreign corporation or limited liability corporation which commences and diligently pursues an environmental response action within 5 years from the effective date of this section and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2007 for any property it owns or leases for business purposes and which is located within an economically distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be no less than 15 per cent of the assessed value of the property prior to remediation; provided further that the site was reported to the department of environmental protection; and provided further that a credit of 50 per cent of such costs shall be allowed for any such corporation who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, as amended, which does not include an activity and use limitation. Only a domestic or foreign corporation, or limited liability corporation that is an eligible person, as defined by section 2 of chapter 21E, and not subject to any enforcement action brought pursuant to chapter 21E shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in the Massachusetts Contingency Plan at 310 CMR 40.00, as amended.

SECTION 71D. Section 38Q of said chapter 63, as so appearing, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:—

(d) For the purposes of this section, net response and removal costs shall be expenses paid by the taxpayer for the purpose of achieving a permanent solution or remedy operation status in compliance with chapter 21E; provided, however that no credit shall be allowed under this section for the amount of state financial assistance received from the Redevelopment Access to Capital Program established pursuant to section 60 of chapter 21A, or from the Brownfields Redevelopment Fund, established pursuant to section 8G of chapter 212 of the acts of 1975, or its successor statute, section 29A of chapter 23G of the General Laws. For the purpose of the redevelopment access to capital program, the amount of state financial assistance shall be calculated as the amount of state funds paid on behalf of the borrower for participation in the program, and not the amount of the loan guaranteed; provided that in the event the loan guarantee is invoked, any credit taken for the amount of the loan shall be added back as taxes due in the year the loan is paid”.

The amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 129C (inserted by amendment) the following section:—

“SECTION 129D. Section 8E of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word ‘eighteen’ and inserting in place thereof the following figure:— 16”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 51B (inserted by amendment) the following section:—

“SECTION 51C. Chapter 31 of the General Laws is amended by adding the following section:—

Section 58A. In any city, town or district that accepts the provisions of this section, no person shall be eligible to have his name certified for original appointment to the position of fire fighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any person classified a veteran under the General Laws shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 9 the following section:—

“SECTION . Section 172E of chapter 6 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:—

This section shall also apply to assisted living residences as defined in section 1 of chapter 19D and continuing care retirement facilities subject to section 76 of chapter 93”.

The amendment was *rejected*.

Ms. Walsh, Ms. Creem and Mr. Jajuga moved to amend the bill by inserting after section 299F (inserted by amendment) the following section:—

“SECTION 299G. A special commission is hereby established to develop a statutory definition of the term ‘community corrections.’ The commission shall consist of the following members: the commissioner of probation; the commissioner of correction; a county sheriff appointed by the Massachusetts Sheriffs’ Association; a district attorney appointed by the Massachusetts District Attorneys Association; the chief justice for administration and management of the trial court; the senate and house chairs of the joint committee on public safety; three other members of the senate appointed by the senate president, one of whom shall be from the minority party; and three other members of the house of representatives appointed by the speaker of the house, one of whom shall be from the minority party. The special commission shall submit a report to the clerks of the senate and the house of representatives by March 1, 2001”.

The amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 87 the following section:—

“SECTION 87A. Subsection (m) of section 89 of said chapter 71, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:— Preference for enrollment in a commonwealth charter school shall be given to students with a parent who is a full-time teacher employed at a commonwealth charter school, provided, that said preference shall be applied to the charter school where said parent is employed”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding any general or special law to the contrary, participation in programs to eliminate racial imbalance in schools shall be determined by a lottery system to be implemented by the local school district to ensure that all students interested in participating in said program have equal opportunity to do so”.

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 299 the following section:—

“SECTION 299A. There is hereby established a special commission to study the feasibility of expanding programs to eliminate racial imbalance in schools including, but not limited to, those provided by METCO, Inc., to all students regardless of their race or economic status. Said commission shall consist of 13 members including the commissioner of education or his designee; two members to be appointed by the governor; three members of the senate, one of whom shall be the chair of the senate committee on education, arts and humanities and one of whom shall be appointed by the minority leader of the senate; three members of the house of representatives, one of whom shall be the chair of the house committee on education, arts and humanities and one of whom shall be appointed by the minority leader of the house; the chairman of the board of education or his representative; the superintendent of the Boston Public Schools or his designee; the superintendent of the Springfield Public Schools or his designee; and a representative from METCO, Inc. Said commission shall report its findings to the general court not later than April 1, 2001”.

After debate, the amendment was *rejected*

Recess.

There being no objection, at sixteen minutes past one o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at eight minutes before two o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Lees moved to amend the bill by inserting after section 61 the following section:—

“SECTION 61A. Section 18 of chapter 55 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Each candidate and each treasurer of a political committee shall file with the director or, if the candidate seeks public office at a city or town election or if the committee is organized for the purpose of a city or town election, with the city or town clerk reports of contributions received and expenditures made on forms to be prescribed by the director. A candidate for nomination or election to the office of mayor in a city and any nonelected political committee organized on behalf of such candidate, who files such reports in accordance with clause (b) of the second paragraph, shall file a copy of any such report with the director. A committee organized under the provisions of section 5 to favor or oppose a question submitted to the voters shall file its reports with the director, if the question appears on ballots at a state election, or with the city or town clerk, if the question appears on ballots at a city or town election or for use in a city or town at a state election”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 153J (inserted by amendment) the following four sections:—

“SECTION 153K. Section 47B of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c) In the case of outpatient benefits, these shall cover, to the extent of \$500 over a 12-month period: (1) services furnished by a comprehensive health service organization; (2) services furnished by a licensed or accredited hospital; (3) subject to the approval of the department of mental health, services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services; or (4) consultations or diagnostic or treatment sessions if such consultations or diagnostic or treatment sessions are rendered by a psychotherapist, psychologist or independent clinical social worker licensed under chapter 112, by a rehabilitation counselor licensed under said chapter 112 and acting within the specific scope of the practice of rehabilitation counseling as defined by the General Laws, by a mental health counselor licensed under said chapter 112 or by a clinical specialist in psychiatric and mental health nursing certified under said chapter 112, if such services are within the lawful scope of practice for such certified clinical specialist. For the purposes of this clause, a ‘psychotherapist’ shall mean a person fully licensed to practice medicine under the provisions of said chapter 112 who devotes a substantial portion of his time to the practice of psychiatry. No company shall require consent to the disclosure of information other than the patient’s name, diagnosis and date and type of service as a condition to receiving benefits mandated by this clause.

SECTION 153L. Section 8A of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c) In the case of outpatient benefits, these shall cover, to the extent of \$500 over a 12-month period: (1) services furnished by a comprehensive health service organization; (2) services furnished by a licensed or accredited hospital; (3) subject to the approval of the department of mental health, services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services; or (4) consultations or diagnostic or treatment sessions if such consultations or diagnostic or treatment sessions are rendered by a psychotherapist, psychologist or independent clinical social worker licensed under chapter 112, by a rehabilitation counselor licensed under said chapter 112 and acting within the specific scope of the practice of rehabilitation counseling as defined by the General Laws, by a mental health counselor licensed under said chapter 112 or by a clinical specialist in psychiatric and mental health nursing certified under said chapter 112 if such services are within the lawful scope of practice for such certified clinical specialist. For the purposes of this clause, ‘psychotherapist’ shall mean a person fully licensed to practice medicine under the provisions of said chapter 112 who devotes a substantial portion of his time to the practice of psychiatry. No nonprofit hospital service corporation shall require consent to the disclosure of information other than the patient’s name, diagnosis and date and type of service as a condition to receiving benefits mandated by this clause. As used in this section, the word ‘diagnosis’ shall mean a condition sufficient to meet diagnostic criteria specified within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

SECTION 153M. Section 4A of chapter 176B of the General Laws, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c) In the case of outpatient benefits, these shall cover, to the extent of \$500 over a 12-month period: (1) services furnished by a comprehensive health service organization; (2) services furnished by a licensed or accredited hospital; (3) subject to the approval of the department of mental health, services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services; or (4) consultations or diagnostic or treatment sessions if such consultations

or diagnostic or treatment sessions are rendered by a psychotherapist, psychologist or independent clinical social worker, a licensed rehabilitation counselor acting within the specific scope of the practice of rehabilitation counseling as defined by the General Laws, a mental health counselor or a clinical specialist in psychiatric and mental health nursing certified under chapter 112 if such services are within the lawful scope of practice for such certified clinical specialist. Each provider rendering services under this clause shall be licensed under the provisions of said chapter 112 and shall agree in writing with a medical service corporation pursuant to sections 4, 7 and 13 to render mental health services for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation. For the purposes of this clause, 'psychotherapist' shall mean a person fully licensed to practice medicine under said chapter 112 who devotes a substantial portion of his time to the practice of psychiatry. No medical service corporation shall require consent to the disclosure of information other than the patient's name, diagnosis and date and type of service a condition to receiving benefits mandated by this clause. As used in this section, the word 'diagnosis' shall mean a condition sufficient to meet diagnostic criteria specified within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

SECTION 153N. The first paragraph of section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Coverage for services as set forth in subclause 4 of clause (c) of section 47B of chapter 175 rendered by a mental health counselor or by a rehabilitation counselor licensed under the provisions of said chapter 112 shall be subject to the terms of a negotiated agreement between a health maintenance organization and the mental health counselor or rehabilitation counselor”.

The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 29 the following section:—

“SECTION 29A. Section 14 of chapter 22C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

No person who has been convicted of a felony or any offense punishable under chapter 94C or who has committed a misdemeanor and has been confined to a jail or house of correction for the crime shall be appointed as an employee of the department including, but not limited to, a uniformed member, clerk, assistant or expert. The colonel may certify for appointment a civilian employee who has been convicted of a misdemeanor if the appointment will contribute substantially to the work of the department”.

By inserting after section 51 the following sections:—

“SECTION 51A. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the definition for 'State official', the following definition:

'State police surgeon', the physician designated by the colonel of state police to serve as the physician for the department.

SECTION 51B. Section 5B of said chapter 32, as so appearing, is hereby amended by inserting after the word 'agent,' in line 31, the following words: — , the state police surgeon if the member seeking to return to work in the position of a member of the department of state police,.

SECTION 51C. Said section 5B of said chapter 32, as so appearing, is hereby amended further by striking out in lines 60, 73 and 93, the words '6 or 7' and inserting in place thereof the following words:— 6, 7 or 26.

SECTION 51D. Section 8 of said chapter 32, as so appearing, is hereby amended by inserting after the word 'seven', in line 4, the following words:— and shall require, after consultation with the rating board, any member who retired for disability and who seek to return to work in the position of a member of the department of state police.

SECTION 51E. Said Section 8 of said chapter 32, as so appearing, is hereby further amended by inserting after the word 'counselors', in line 21, the following words:— and the state police surgeon for members who retired for disability and who seek to return to work in the position of a member of the department of state police.

SECTION 51F. Said section 8 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 29 and 46, the words 'sections six and seven' and inserting in place thereof the following words:— sections 6, 7 and 26.

SECTION 51G. Said section 8 of said chapter 32, as so appearing, is hereby further amended by inserting after the word 'board', in lines 30, 36 and 48, the following words:— or rating board, as applicable,.

SECTION 51H. Said section 8 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 32, 54 and 62, the words 'the board' and inserting in place thereof the following words:— said board.

SECTION 51I. Said section 8 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 61, the words 'six or seven' and inserting in place thereof the following words:— 6, 7 or 26.

SECTION 51J. Said section 8 is hereby further amended by inserting after the word 'member', in line 68, the following words:— but for a member who retired for disability and seeks to return to work in the position of a member of the state police, the state police surgeon shall be the single physician or one of the three members of the regional panel to examine the member.

SECTION 51K. Said section 8 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 70, and in lines 84 and 85, the words '6 or 7' and inserting in place thereof the following words:— 6, 7 or 26.

SECTION 51L. Said section 8 of said chapter 32, as so appearing, is hereby further amended by inserting after the word 'position', in lines 79 and 80, the following words:— and any member of the department of state police who retired for disability, shall not return to work for the department if such member does not meet the appointment standards of the department as set forth in section 14 of chapter 22 C and if such retired member seeking to return to work in the position of officer of said department exceeds one year in break of service, the appointing authority of said department shall not allow the member to return if such member fails to successfully pass a background investigation, drug testing, the applicable physical fitness testing and

psychological testing, and members seeking to return to work in the position of a member of the department of state police shall successfully complete retraining as determined by the appointing authority.

SECTION 51M. Said section 8 of said chapter 32, as so appearing, is hereby further amended by inserting after the word 'revoked.', in line 96, the following paragraph:—

If, after two years of the date that a member of the department of state police is retired under section 6, 7 or 26 the regional medical panel determines that the retired member is qualified for and able to perform the essential duties of the position from which he retired or a similar position within the same department as determined by the personnel administrator, the returning retired member shall not displace or supersede an individual currently on existing promotional lists, but shall be returned to said position, if said member meets the requirements for those who have a break of service of more than one year and if the position is vacant. Any member, retired for disability for more than three years shall not return to work for the applicable department if such member does not meet the appointment standards for said department as set forth in section 14 of chapter 22C. The appointing authority shall not allow any member to return to work in the position of an officer of said department if such member fails to successfully pass a background investigation, drug testing, the applicable physical fitness testing and psychological testing. Members seeking to return to work in the position of a member of the department of state police shall also successfully complete state police academy recruit training required of a member of a recruit training troop.

SECTION 51N. Said section 8 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:—

Upon return to work, a member of the department of state police shall again become a member in service and regular deductions shall again be made from his regular compensation. As a precondition to returning to work, he shall fully contribute to the state retirement system an amount calculated to be that which he would have contributed had he been an active member serving the position from which he retired during the period of his retirement. Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect. Upon his subsequent retirement, he shall be entitled to a normal yearly amount of retirement computed as though such disability retirement and reinstatement had not taken place if he remains a member in service for not less than five years after reinstatement. If the member does not remain in service for five years or more, his subsequent retirement shall be the same as if he had never been reinstated. If a retired member of the department files for reinstatement after three years of separation from the department, such member shall not be eligible to engage in promotional examinations until after completion of four years of creditable service with the department and completes the required state police training. A retired member returning to the department of state police shall be reinstated with no seniority in rank, but if a member returns to the department of state police after an absence of eight or more years, such member shall be reinstated with no longevity for the purpose of promotion as provided by section 26 of chapter 22C"; and by inserting after section 309A the following section:—

"SECTION 309B. Section 29A and sections 51D to 51N, inclusive, shall apply to all retired individuals who have not been fully reinstated as sworn members of the department of state police as of police as of the effective date of this act".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill by inserting after section 283A the following section:—

"SECTION 283B. Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall use an extension of the Stoughton commuter rail route through the municipalities of Stoughton, Easton, Raynham and Taunton to provide commuter rail service to the cities of New Bedford and Fall River. No funds shall be expended for the construction of the New Bedford and Fall River commuter rail line until an environmental impact review of the project is completed".

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 198 the following three sections:—

"SECTION 198A. Subsection (h) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

Recipients not qualifying as exempt under the provisions of subsection (e) shall participate in the work program established by subsection (j).

SECTION 198B. Subsection (j) of said section 110 of said chapter 5 is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:—

The department shall administer a program, to be known as the work program, for recipients who are not exempt under subsection (e). As a condition of eligibility through the first days of receipt of assistance as such non-exempt recipient, the department may require an applicant or recipient to participate in structured job search. After the 60-day period, said program shall require that each recipient work 20 hours per week. For recipients in a two-parent family, said program shall require a combined total of 40 hours, or 35 hours if one of the parents is exempt under subsection (e). Said work requirement may be met by working in a job for which compensation is paid; (i) by working in a supported work position as defined by the department; (ii) by working full time in the full employment program established in subsection (1); (iii) by participating in community service pursuant to the following provisions; or (iv) at the discretion of the department, by participating in structured job search in lieu of some or all of the work requirement. At the discretion of the commissioner, recipients subject to said work requirement who fail to meet said requirement shall not receive assistance. Recipient families that meet the work hour requirements stated above in a job for which compensation is paid shall be eligible for the earnings disregard provided pursuant to subsections (d) and (g) if the family is not receiving an extension. The commonwealth shall make payments for child care services to families in which a

parent or parents or other grantee relative is working and needs child care services in order to work or participate in any of the education or training or community service activities approved pursuant to subsections (h) or (k). If a recipient in the work program has not obtained employment or has a gross income from employment or other sources, including child support, that is less than the applicable payment standard for a family of the same size, the recipient shall be required to participate for 20 hours per week in a community service program in return for the applicable payment standard for a family of the same size. Recipients in a two-parent family shall be required to participate a combined total of 40 hours per week in a community service program or 35 hours if one of the parents is exempt under subsection (e). In the case of a recipient who has obtained employment that does not meet the hourly requirements, the community service requirement shall be the difference between the applicable work requirement and the amount of time the recipient is employed each week and said recipient shall receive the difference between the applicable payment standard and the recipient's income from other employment. The provisions of this subsection shall supersede any conflicting provisions in this chapter.

SECTION 198C. Subsection (k) of said section 110 of said chapter 5 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Subject to appropriation, a community service program is hereby established as a program in which recipients may be offered the opportunity to volunteer for 20 hours per week, or 40 hours per week for two-parent families or 35 hours per week for two-parent families if one of the parents is exempt under subsection (e), or be mandated to participate pursuant to the provisions of subsection (j) or when participation is authorized as a sanction pursuant to the provisions of this section”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Each of the local workforce investment boards, LWIB, so designated by the state workforce investment board pursuant to the federal Workforce Investment Act, shall establish and maintain an Alternative Education Fund hereinafter referred to as the fund. The department of education will develop a list of contributory school districts geographically associated with each of the 16 LWIBs. The department of education shall issue an annual report on drop-outs every January 1. Said report shall provide, by school district, information on students who dropped out of public schools from July 1, 1997 to June 30, 1998 of the previous year. A drop-out shall mean a student in grade nine to twelve who leaves school prior to graduation for reasons other than transfer to another school and who does not re-enroll before the following October 1. The drop-out rate shall mean the number of students who drop out over a one-year period, from July 1 to June 30, minus the number of returned drop-outs, divided by the October 1 enrollment. Each school district shall appropriate to the local fund an amount equal to 80 per cent of the district's drop-out rate as a percentage of the district's chapter 70 allocation by September 15 of the calendar year of said department's drop-out report. The LWIBs shall use monies from the fund to support local programs for alternative education designated by youth councils associated with the LWIB”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 204 the following section:—

“SECTION 204A. The first paragraph of section 64 of chapter 365 of the acts of 1996 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— There is hereby established within the department of labor and workforce development the Commonwealth Corporation”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 22 the following two sections:—

“SECTION 22A. Section 54 of chapter 15 of the General Laws, as so appearing, is hereby amended by striking out the words ‘(c) There shall be.’ and inserting in place thereof the following words:— ‘(c)(1) There shall be.’

SECTION 22B. Subsection (c) of said section 54 of said chapter 15, as so appearing, is hereby amended by adding the following paragraph:—

(2) The office of child care services shall determine the standards for the CPC grant application and shall initially review each CPC proposal to make a threshold determination as to whether the proposal meets or exceeds those standards. The office of child care services shall group councils according to each council's municipal association with a child care resource and referral agency. The council shall annually file with its associated child care resource and referral agency a report including, but not limited to, child specific information, eligibility requirements, provider information, and a categorical financial breakdown including child care, professional development and capital improvements. Data from each proposal shall be tracked by the child care management information system. The child care resource and referral agency will be compensated for administrative overhead by a fee equal to not less than 1% of the amount of the proposal”.

The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 9 the following section:—

“SECTION 9A. Section 7 of chapter 4 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word ‘based’, in line 147, the following words:— ‘or to attorney work product and attorney-client privileged

material, and record within this exemption shall lose its exempt status by reason of being shared with any other government official in connection with the development of a policy or litigation position”.

The amendment was *rejected*.

Messrs. Berry, Lees and Knapik and Ms. Menard moved to amend the bill by inserting after section 137 the following sections:—
“SECTION 137A. Section 1 of chapter 118G of the General Laws, as so appearing, is hereby amended by inserting, after the definition of ‘health maintenance organization’ the following two definitions:—

‘Home health care provider’, any organization certified as a provider of services under the Medicare Health Insurance Program for the Aged, Title XVIII of the federal Social Security Act that meets the Medicare and medicaid conditions of participation for home health agencies in the commonwealth.

‘Home health care provider rate variance’, the difference, relative to any category of home health care provider rates, between the rate that should have been in effect as of January first of any calendar year

Section 24. (a) Notwithstanding any general or special law to the contrary, including any other section of chapter 118G or chapter 118E, the division shall adjust rates of payment for home health care providers on an annual basis in accordance with the provisions of this section. Such rates shall be established as of January first of each year. The division shall establish rates on a prospective basis, whenever possible. If the effective date for any rate adjustment pursuant to this section is approved later than January first relative to any calendar year, the division shall adjust such rates retroactively to January first of the year to which the rates relate, unless the division chooses to establish an interim rate adjustment in accordance with subsection (b) instead of a retroactive rate adjustment in accordance with this subsection.

(b) If the division does not adjust home health care provider rates for a calendar year prior to January first of such year, instead of providing for retroactive rate adjustments in accordance with subsection (a), the division may provide for interim rate adjustments in accordance with this subsection as follows: for each category of home health care provider rates the home health care provider rate variance shall be added to the rate for the same category that is established by the division in accordance with this section for the calendar year, and such adjustment shall be in effect care provider allowable costs to ensure that such providers are adequately reimbursed. Such market basket shall utilize appropriate external price indicators but shall not be based exclusively on data from major collective bargaining agreements as reported quarterly by the federal department of labor, bureau of labor statistics, for supervisory and non-supervisory personnel.

(d) By no later than October thirty-first of each year, the committee established pursuant to this section shall provide its proposed methodology to the division, and shall recommend the appropriate cost adjustment factors to be employed by the division in adjusting home health care provider rates to be effective as of the following January first based on the actual price movements of the external price indicators used in the methodology. Except as provided below, the division shall use the committee’s methodology and adopt its proposed cost adjustment factors in establishing rates for home health care providers under this section, and such adjustments shall be automatically included in rates notwithstanding any caps or ceilings on administrative and general costs or other operating costs imposed by the division pursuant to its regulations governing rates of payment for home health care providers. Rates of payment under any contract entered into by the division of medical assistance with a home health care provider shall automatically be adjusted by such cost adjustment factors. If the division determines that the methodology or cost adjustment factors proposed by the committee substantially misrepresent the changes occurring in costs being incurred by home health care providers in providing services to patients, it may decline to use said methodology or any of said cost adjustment factors, and substitute a methodology or cost adjustment factors that it has derived other than through the committee, if it for the period beginning with the effective date of the rate adjustments for such calendar year, which, for purposes of this subsection, shall be later than January first of the calendar year and extending for the number of months that equals the number of months elapsed from January first of such year until the effective date of such rate adjustments.

(c) In adjusting rates of payment for home health care providers, the division shall employ a methodology that uses a base year and applies cost adjustment factors to each provider’s base year allowable costs. The division shall update the base year at least as often as every three years. For purposes of determining the cost adjustment factors to be applied to the allowable costs for each base year, the division shall appoint a committee charged with developing a methodology that projects the effect of inflation on allowable costs of home health care providers from the applicable base year to the applicable rate year and that shall provide to the division each year, in accordance with the provisions of this section, its recommendations for the appropriate cost adjustment factors to be applied to rates of home health care providers. Such committee shall consist of three independent consultants with experience in the field of health care economics who are not otherwise employed by the commonwealth. At least one member of the committee shall be designated by the Home & Health Care Association of Massachusetts. The division shall provide the members of the committee with reasonable compensation for their services and for their reasonable out-of-pocket expenditures. Persons serving on such committee shall be special state employees for purposes of chapter 268A. The methodology for developing the cost adjustment factors shall apply home health market basket rates of inflation to the appropriate portions of home health sets forth the reasons for its determination in detail in a written statement. Such statement shall also include a detailed description of, and an explanation of the sources from which it has derived, its alternative methodology or its alternative approach to establishing the cost adjustment factors and such determination shall be subject to review in accordance with section nine.

(e) This section shall apply to the rates established for home health care providers pursuant to any waiver of otherwise applicable federal requirements that the division or the division of medical assistance has obtained or may obtain from the secretary of health and human services for the purpose of implementing any type of managed care service delivery system, or for any home

health services purchased by the executive office of elder affairs pursuant to an interagency services agreement with the division of medical assistance.

SECTION 138D. Section 138 of the bill is hereby amended by striking out, in line 3, the words ‘Section 24’ and inserting in place thereof the following words:— Section 25”.

The amendment was *rejected*.

Messrs. Berry and Rauschenbach moved to amend the bill by inserting after section 137 the following section:—

“SECTION 137A. Said Chapter 118E is hereby further amended by adding the following section:—

Section 53. (a) Any controlled substance which is (i) regulated by chapter 94C and (ii) approved by the United States Food and Drug Administration shall be available to all enrollees of Mass Health Plan in a manner consistent with state law within 30 days of such approval by the United States Food and Drug Administration for which the division of medical assistance shall provide reimbursement. The division of medical assistance shall not restrict directly or indirectly, either through the prior authorization program provided in this chapter or by any other means, the payment of controlled substances defined in this subsection unless the division of medical assistance conducts public hearings, obtains public comment and provides public notice of said hearings all in a manner consistent with applicable law. The division shall not promulgate any rules or regulations or implement any decision as a result of such public hearings without providing at least 60 days public notice.

(b) This section shall not affect current restrictions on payments by the division of medical assistance for controlled substances”.

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 283A the following section:—

“SECTION 283B. The executive office of administration and finance shall issue a report detailing a plan for consolidation and coordination by all state agencies serving children in the commonwealth including but not limited to the department of education, the department of social services, the department of transitional assistance, the department of public health and the office for child care services. Said report shall require all state agencies to use information technology identical to or compatible with the office for child care services’ child care information management system. The report shall detail a plan for integration of information technology and provide a general information sharing protocol for agencies serving children in the commonwealth. The report shall be delivered to the clerk of the house of representatives and the senate no later than November 15, 2000”.

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 206 the following two sections:—

“SECTION 206A. Section 129B of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out, in lines 169 through 171, inclusive, the words ‘and shall expire on the anniversary of the cardholder’s date of birth occurring not less than three years but not more than four years from the date of issue’.

SECTION 206B. Said section 129B of said chapter 140 is hereby further amended by striking out the second and third sentences, as so appearing, and inserting in place thereof the following five sentences:— Notwithstanding the provisions of this clause, firearm identification cards issued or renewed in July, August or September, 1999 shall expire on such issuance or renewal date in 2003 and every four years thereafter. Firearm identification cards issued or renewed in October, November or December, 1999 shall expire on such issuance or renewal date in 2004 and every four years thereafter. Firearm identification cards issued or renewed in January, February or March, 2000 shall expire on such issuance or renewal date in 2005 and every four years thereafter. Firearm identification cards issued or renewed in April, May or June, 2000 shall expire on such issuance or renewal date in 2006 and every four years thereafter. Any firearms identification card issued on February 29 shall expire on March 1”.

After remarks, the amendment was adopted.

Messrs. Moore and Lees, Ms. Wilkerson, Ms. Walsh, Messrs. Tolman and Nuciforo, Mrs. Sprague, Ms. Creem, Mr. Tisei, Ms. Resor, Ms. Fargo and Mr. Joyce moved to amend the bill by striking out section 237 and inserting in place thereof the following section:—

“SECTION 237. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund \$32,000,000 to certain acute care hospitals for the intergovernmental funds transfer component of disproportionate share payments and service rate payments, as established in accordance with Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Medicaid state plan, and the terms and conditions of agreements reached with the division for such transfer payments. No funds shall be expended unless a public entity is legally obligated to make an intergovernmental funds transfer to the division for deposit into said medical assistance intergovernmental transfer account in an amount specified in an agreement with such entity, which amount shall be not less than 50 per cent of the amount of the said IGT. All revenues generated pursuant to the provisions of this section shall be credited to said medical assistance intergovernmental transfer account. An accounting of such payments shall be reported quarterly to the house and senate committees on ways and means.”.

After remarks, the amendment was adopted.

Messrs. Rauschenbach, Lees and Joyce moved to amend the bill by inserting after section 53A (inserted by amendment) the following section:—

“SECTION 53B. Subdivision (5) of section 20 of chapter 32 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:—

(c)(i) Whenever any such board shall find it impossible or impracticable to consult an original record to determine the date of birth, length of service, amount of regular compensation or other pertinent fact with regard to any member, it may, subject to the approval of the actuary, use estimates thereof on any basis which in its judgment is fair and just. The board, upon discovery of any error in any record of the system, shall, as far as practicable, correct such record.

(2) When an error exists in the records maintained by the system, or an error is made in computing a benefit, and as a result a member or beneficiary receives from the system more or less than the member or beneficiary would have been entitled to receive had the records been correct or had the error not been made, the records or error shall be corrected and as far as practicable, and future payments shall be adjusted so that the actuarial equivalent of the pension or benefit to which the member or beneficiary was correctly entitled shall be paid. If it is determined that a member has contributed an incorrect amount to the retirement system, the member will be required to contribute an amount sufficient to correct such error or the board shall pay an amount to the member to correct such error, as the case may be.

(3) At the request of a member or beneficiary who has been determined to have been paid amounts in excess of those to which he or she is entitled or at the request of a member who has been determined to owe funds to the retirement system, the board may waive repayment or recovery of such amounts provided that:

(i) the error in any benefit payment or amount contributed to the system persisted for a period in excess of one year, and

(ii) the error was not the result of erroneous information provided by the member or beneficiary, and

(iii) the member or beneficiary did not have knowledge of the error or did not have reason to believe that the benefit amount or contribution rate was in error.

(4) This clause shall apply to any demand made after January 1, 1995 for repayment of excess payment or amounts owed to a retirement system made by a retirement board”.

After remarks, the amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding chapter 29C of the General Laws or any other special or general law to the contrary, the Massachusetts water pollution abatement trust shall increase its leveraging ratio to three-to-one. Said increase shall apply to all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement and drinking water projects on the department’s respective intended use plans for calendar years 2001 to 2005, inclusive. Said increase in leveraging shall also apply to unfinanced projects included on intended use plans established prior to calendar year 2001. All projects financed pursuant to this section shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of loan made at an interest rate equal to zero per cent, unless a higher level of subsidy shall have been previously authorized for a project by the general court. If in the opinion of the state treasurer such increased leveraging is not feasible, the leveraging and subsidy provisions of this section shall not apply. The state treasurer shall notify the house and senate committees on ways and means of any such determination before financing projects on terms and conditions different from those provided for in this section”.

After remarks, the amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 51C (inserted by amendment) the following section:—

“SECTION 51D. Paragraph (g) of subdivision (1) of section 5 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the words ‘by the selectmen of a town,’ in line 99, the following words:— or by a sheriff”.

After remarks, the amendment was adopted.

Ms. Fargo moved to amend the bill by inserting after section 71 the following section:—

“SECTION 71A. Clause (11) of subsection (6) of section 21 of chapter 62C of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following sentence:— Said list shall be available for public inspection at the department or by other means of publication, including the Internet”.

The amendment was *rejected*.

Ms. Wilkerson and Mr. Berry moved to amend the bill by inserting after section 299G (inserted by amendment) the following section:—

“SECTION 299H. There shall be a special commission to study the service needs of individuals with disabilities throughout the commonwealth for the purpose of identifying unserved and underserved populations, unmet disability related service needs, facilitating access to services, facilitate access to employment, eliminating duplication of programmatic efforts and achieving efficiencies in service delivery through cooperation and collaboration of state human service agencies and non-profit human service provider organizations. The commission shall consist of the following members: the chairmen of legislative joint committee on human services and elder affairs, who shall co-chair the committee; the chairmen of the legislative joint committee

on health care; two representatives of consumer organizations representing the interests of individuals with disabilities, to be appointed by the chairs of the commission; the secretary of the executive office of health and human services, or his designee; the president of the Massachusetts Council of Human Service Providers, or her designee; the commissioners of the departments of mental health, public health, and mental retardation, or their designees; the commissioners of the commissions for rehabilitation; the blind, and the deaf and hard of hearing, or their designees. The commission shall file a report containing its recommendations, including drafts of any legislation, not later than January 31, 2001, with the clerks of the senate and house of representatives”.

After debate, the amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 29A (inserted by amendment) the following three sections:—
“SECTION 29B. Section 4 of chapter 21J of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out, in lines 17 and 18, the words ‘only upon written order of the state fire marshal or his designee’.

SECTION 29C. Said section 4 of said chapter 21J, as so appearing, is hereby further amended by striking out, in lines 20 to 24, clause (a).

SECTION 29D. Section 8 of said chapter 21J, as so appearing, is hereby amended by striking out, in lines 25 and 26, the sentence ‘Seven members shall constitute a quorum and must be present to approve any reimbursement pursuant to this chapter.’ and inserting in place thereof the following sentence:— Seven members shall constitute a quorum, but for purposes of voting to approve any reimbursement pursuant to this chapter, five members shall constitute a quorum”.

After remarks, the amendment was adopted.

Ms. Wilkerson moved to amend the bill by inserting after section 194A (inserted by amendment) the following section:—
“SECTION 194B. Section 14 of chapter 138 of the acts of 1992 is hereby amended by adding the following paragraph:—
Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other special or general law, including but not limited to chapter 60 of the acts of 1994, the corporation may enter into one or more leases with a developer of the Boston State Hospital site for terms of up to 30 years for facilities to be used by the university of Massachusetts medical school and the university may enter into one or more leases for terms of up to 30 years with the corporation for the use of said facilities. The terms of any such lease shall be no less favorable between the developer and the corporation and between the corporation and the university as those in comparable leases or comparable facilities in the city of Boston as determined by the commissioner of the division of capital asset management. Any such lease relative to this lease of space at Boston State Hospital shall be subject to the approval of the secretary of administration and finance. The corporation shall submit any such lease, and any subsequent amendments to the lease, to the secretary, the commissioner, and the inspector general at least 45 days prior to the lease or amendment. The commissioner and the inspector general shall submit any comments to the secretary within 15 days of receipt of the lease or amendment from the corporation. The secretary shall in writing approve or disapprove the lease or amendment within 40 days of receipt from the corporation, or it shall be deemed approved. Any lease between the corporation and the Boston State Hospital developer shall require that any building to be leased by the corporation must be satisfactory to the corporation. Any lease between the corporation and a Boston State Hospital developer shall require that any land or buildings so leased be acquired by the corporation at the end of the lease term. The university shall annually certify to the secretary and to the house and senate committees on ways and means that lease payments were made from university trust fund revenues available to the medical school and that no appropriated revenues of the commonwealth were utilized to support the Boston state project. Notwithstanding section 301 of chapter 60 of the acts of 1994, sections 40E to 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law, the commissioner may convey any or all of Lot 3 shown on the Boston State Hospital Master Plan prepared pursuant to said section 301 for the division of capital planning and operations and dated December 27, 1995 to a developer previously selected by the commissioner pursuant to said section 301, and the commissioner may negotiate the terms of said developers’ Land Disposition Agreement for the purpose of implementing this legislation, subject to such terms and conditions as the commissioner deems appropriate, but in no event shall the amount of land transferred be less than the corporation and the University of Massachusetts identify as being reasonably necessary to accommodate their current and future needs in this area. Notwithstanding the foregoing, the amount of consideration for the conveyance of any or all of Lot 3 shall be determined in accordance with the provisions of section 301”.

After remarks, the amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 153 the following section:—
“SECTION 153A. Chapter 175 of the General Laws is hereby amended by inserting after section 110B the following section:—
Section 110B½. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

‘Carrier,’ an insurer licensed or otherwise authorized to transact accident and health insurance under this chapter, a non-profit hospital service corporation organized under chapter 176A; a non-profit medical service corporation organized under chapter 176B; a health maintenance organization organized under chapter 176G; and an insured group health benefit plan that includes a preferred provider arrangement organized under chapter 176I; which issues a health benefit plan to one or more members on or after February first, two thousand.

‘Health benefit plan,’ any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed under this chapter; a group hospital service plan issued by a non-profit hospital service corporation under chapter

176A; a group medical service plan issued by a non-profit hospital service corporation under chapter 176B; a group health maintenance contract issued by a health maintenance organization under chapter 176G; an insured group health benefit plan that includes a preferred provider arrangement under chapter 176I; and any multiple employer welfare arrangement (MEWA) required to be licensed under this chapter. The term 'health benefit plan' shall not include accident only, credit, dental or disability income insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical payment insurance, insurance under which beneficiaries are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self-insurance, or long-term care only insurance.

'Provider,' any provider of health care services with which a carrier contracts to provide health care services in connection with any of the carrier's health benefit plans.

(b) The premium rate for each health benefit plan offered by a carrier shall be sufficient to allow the carrier to pay for the reasonable cost of provider and administrative services required in connection with said health benefit plan. At least as often as annually, the commissioner of insurance shall hear testimony and accept evidence from providers and carriers regarding the reasonable cost of providing health care services and administering health benefit plans in the commonwealth and the relative efficiencies of providers in the commonwealth.

(c) Any carrier issuing a health benefit plan for which it increases the premium rate charged therefor shall concurrently increase its payment rates to all providers with which it contracts to provide services under said health benefit plan, by at least as large a percentage as the percentage increase in the premium rate for said health benefit plan. Any carrier issuing more than one health benefit plan having a common panel of providers, that increases the premium rate on one or more of such plans, shall calculate a weighted average premium rate increase and shall increase its payment rates to all providers with which it contracts to provide services under those plans by the same percentage as the increase in its weighted average premium.

(d) There is hereby established a special advisory committee to consist of equal numbers of representatives of the general court, carriers, providers and businesses, all of whom shall be appointed by the governor, for the purpose of advising the commissioner from time to time concerning the implementation of subsections (b) and (c).

(e) The commissioner of insurance shall promulgate, implement and enforce such regulations as may be necessary to ensure that all carriers are in compliance with this section.

(f) Notwithstanding any other law or regulation to the contrary, it shall be an unlawful act or practice under chapter 93A for any carrier to fail to comply with this section or to attempt to circumvent this section directly or indirectly through the use of any device or artifice including but not limited to the reconfiguration of existing health benefit plans or the termination of agreements with providers or the reconfiguration of risk pools, where one of the purposes thereof is to avoid this section. Any aggrieved provider of health care services under any health benefit plan may bring an action in superior court or before the single justice of the supreme judicial court to enforce this section and to seek appropriate injunctive and monetary relief.

(g) Subsections (b), (c) and (d) shall cease to be effective at midnight on December 31, 2003".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. The Massachusetts Bay Transportation Authority shall install security improvements at the West Gloucester Commuter Rail station in the city of Gloucester. Said improvements shall include, but not be limited to, the upgrading and replacement of security cameras”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 87 the following section:—

“SECTION 87A. Section 59C of said chapter 71, as so appearing, is hereby amended by inserting after the fourth paragraph the following paragraph:—

The department of education shall transmit annually to the principal of every school the amount of money that each school shall receive for the following allotment as calculated by the formula established by chapter 70 for books allotment. The principal shall have the authority to spend these funds for the purposes intended by chapter 70 and consistent with the educational goals established by the school council. The funds shall be expended in concert with guidelines established by the superintendent; any expenditure of funds for books shall be undertaken in coordination with the curriculum established by the district and the standards for student performance established by the board pursuant to section 1D of chapter 69. The principal also shall have the authority to allocate funds back to the district if certain needs are not present in a school”.

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 136 the following section:—

“SECTION 136A. Section 27 of said chapter 118E, as so appearing, is hereby amended by adding the following subsection:—
(e) Recipients shall have 90 days to redetermine eligibility for MassHealth benefits from the initial date of mailing by the division”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 269 the following two sections:—

“SECTION 269A. Notwithstanding any general or special law to the contrary, a school committee may vote to authorize the sale of advertising space on any school buses owned, operated, contracted or controlled by the school district subject to the following provisions:—

(a) The school committee shall establish a governing board to oversee the sale of advertisements on school buses. The governing board shall establish a school bus advertisement fund that is comprised of revenues from the sale of advertising space on school buses.

(b) The school committee shall use monies received from the sale of advertising space for lawful educational purposes only. The monies in the school bus advertisement fund shall be kept separate from the General Fund and are not subject to reversion.

(c) Advertisements must be age appropriate and shall not contain promotion of any substance that is inappropriate or illegal for minors such as, but not limited to, alcohol, tobacco, drugs and gambling.

(d) Advertising approved by the local school board shall appear only on the sides of the bus in the following areas:

(i) The advertising sign shall be below the seat level rub rail and not extend above the bottom of the side windows.

(ii) The advertising sign shall be at least three inches from any required lettering, lamp, wheel well or reflector behind the service door or stop signal arm.

(iii) The advertising sign shall not extend from the body of the bus so as to allow a handhold or present a danger to pedestrians.

(iv) The advertising sign shall not interfere with the operation of any door or window.

(v) The advertising sign shall not be placed on any emergency doors.

(vi) The advertising sign shall not obstruct the view of the bus driver in any way.

SECTION 269B. Notwithstanding the provisions of any general or special law to the contrary, and as provided for under section ___ of chapter ___ of the acts of 2000, the Massachusetts Tobacco Control Program shall rent advertising space on the sides of school buses which are owned, operated, contracted or controlled by school districts of the commonwealth for the purposes of administering an anti-smoking campaign within said school districts. Such an advertisement campaign is subject to the approval of the local school committee”.

After remarks, the amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 136A (inserted by amendment) the following section:—

“SECTION 136B. Section 20 of said chapter 118E, as so appearing, is hereby amended by adding the following paragraph:—

The division shall take into consideration, during the redetermination process, a recipient’s language, cultural and housing barriers to the extent possible as permitted under federal law. The division shall ensure that correspondence included with redetermination forms contain interpretive services information in the native language of recipient”.

After debate, the amendment was adopted.

Ms. Wilkerson moved to amend the bill by inserting after section 283I (inserted by amendment) the following section:—

“SECTION 283J. The division of medical assistance shall submit a report to the house and senate committees on ways and means not later than September 1, 2000 concerning the MassHealth redetermination process. The report shall enumerate the number of outreach workers used in the redetermination process and the number of redeterminations performed by each worker, the number of different languages spoken by said outreach workers and a detail of the outreach efforts made by the division during such redeterminations. The report shall examine the correlation between language, housing and cultural barriers and the non-return of MassHealth redetermination forms by MassHealth enrollees. The analysis shall consider any parallel between language, housing and cultural barriers and the disenrollment rates of populations with such barriers”.

After remarks, the amendment was adopted.

Messrs. Jajuga and Moore, Ms. Walsh and Mr. Rosenberg moved that the bill be amended by inserting after section 130 the following two sections:—

“SECTION 130A. Section 27 of chapter 94C of the General Laws is hereby amended by striking out subsection (f), as so appearing, and by inserting in place thereof the following subsection:—

(f) The department of public health may promulgate rules and regulations for the implementation regarding the exchange of needles for the purpose of preventing the transmission of communicable diseases. Distribution or possession of needles and syringes in accordance with this section shall not be deemed in violation of this chapter.

Before implementing a needle exchange program in a municipality, the commissioner of public health shall create a community advisory committee. Said committee shall consist of seven residents of the municipality. Five of the members shall be appointed by the chief executive officer of said municipality, and shall include one representative of the board of health and one representative of the police department. The commissioner of public health shall appoint the remaining two members. The community advisory committee will have 60 days to solicit community input relating to implementation of the needle exchange program, and shall report its findings to the commissioner of public health at the end of the 60 day period. No final decision on the implementation of a needle exchange program shall be made before the end of the 60 day period.

SECTION 130B. Section 32I of said chapter 94C, as so appearing, is hereby amended by adding the following subsection:—

(d) Subsections (a) and (b) shall not apply to persons possessing or distributing needles and syringes pursuant to subsection (f) of section 27 of chapter 94C”; and by inserting after section 131 the following section:—

“SECTION 131A. Section 215 of chapter 11 of the General Laws, as most recently amended by section 128 of chapter 38 of the acts of 1995, is hereby repealed”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before four o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 21 — nays 18):

YEAS.

Antonioni, Robert A.
Berry, Frederick E.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

Moore, Richard T.
Nuciforo, Andrea F., Jr.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 21.

NAYS.

Bernstein, Robert A.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Glodis, Guy W.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.

Menard, Joan M.
Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 18.

The yeas and nays having been completed at six minutes before four o'clock P.M., the amendment was adopted.

Messrs. Hedlund, Lees, Knapik, Rauschenbach, Tarr, Tisei, Mrs. Sprague and Mr. Tarr moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding any law or provision to the contrary the Massachusetts Bay Transportation Authority is prohibited from running or operating diesel rail service via the so-called Greenbush right of way including but not limited to the communities of Hingham, Cohasset, and Scituate”.

The President in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before five o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 11 — nays 27):

YEAS.

Brewer, Stephen M.
Clancy, Edward J., Jr.
Hedlund, Robert L.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.

Knapik, Michael R.
Lees, Brian P.
Nuciforo, Andrea F., Jr.

Tisei, Richard R.
Wilkerson, Dianne — 11.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian — 27.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

The yeas and nays having been completed at nineteen minutes before five o'clock P.M., the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr, Rauschenbach, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 68 at the end thereof the following section:—

“SECTION 68A. Chapter 60A of the General Laws, as so appearing, is hereby amended by inserting after section 4 the following section:—

Section 4A. (a) The excise imposed by section 1 shall not apply to a motor vehicle registered on an apportioned or allocation basis in accordance with the International Registration Plan pursuant to the provisions of section 2 of chapter 90; provided, however, that the owner has paid a registration fee that is calculated using a registration fee for the commonwealth which included a sum equal to the excise that would be imposed on such motor vehicle or trailer under this chapter had the motor vehicle or trailer been registered in the commonwealth.

(b) Fees received by the registrar as registration fees attributable to payments in lieu of excise from owners registered under the International Registration Plan shall be credited to each city and town in that proportion which the amount of excise collected by the city or town during the year bears to the total excise collected by all cities and towns”.; by inserting after section 71 the following sections:—

“SECTION 71A. Chapter 64E of the General Laws is hereby amended by striking out sections 1 to 5, inclusive, as appearing in the 1996 Official Edition, and inserting in place thereof the following five sections:—

Section 1. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:—

‘Commissioner’, the commissioner of revenue.

‘Liquefied gas’, that type of special fuels which is a combustible gas and exists in the gaseous state at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

‘Motor vehicle’, shall include any vehicle propelled by any power other than muscular, except boats, tractors used exclusively for agricultural purposes and such vehicles as run only on Tails or tracks.

‘Permissive supplier’, any person that does not meet the definition of special fuel supplier, but sells or distributes special fuels from another state within this commonwealth.

'Qualified motor vehicle', shall mean a motor vehicle used, designed, or maintained for transportation of persons or property and (i) having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or (ii) having three or more axles regardless of weight; or (iii) is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight. 'Qualified Motor Vehicle' does not include recreational vehicles.

'Qualified purchaser', any person who (i) holds a supplier license on the effective date of this act; and (ii) who purchased not less than two hundred thousand gallons of special fuels from a special fuel licensee in the previous calendar year, and (iii) who has filed a bond with the department pursuant to the provisions of section two of this chapter; and (iv) can show financial responsibility, satisfactory to the Department, to defer payment of the special fuels tax to its supplier.

'Received', shall mean the removal of special fuels from the refinery or terminal in this commonwealth or the first entry into this commonwealth from another state or foreign country for sale, distribution or use.

'Special fuel exporter', any person, other than a special fuel supplier, that receives special fuels in this commonwealth and subsequently sells or distributes it to other persons outside this commonwealth.

'Special fuel licensee', any person holding a properly issued 'Special Fuel Supplier', 'Special fuel exporter' or 'Permissive Supplier' license.

'Special fuels', shall mean and include all combustible gasses and liquids, used or sold for use in an internal combustion engine or motor for the generation of power to propel motor vehicles registered for use on the public highways, except such fuels defined as 'fuel' in paragraph (d) of section one of chapter sixty-four A.

'Special fuel supplier', any person that imports or acquires immediately upon import into this commonwealth special fuels by pipeline or vessel or produces, manufactures or refines special fuels within this commonwealth and sells or distributes it within this commonwealth or otherwise acquires special fuels for distribution on which there has been no previous taxable sale or use.

'Terminal', shall mean a fuel storage and distribution facility that is supplied by pipeline or vessel and from which special fuels may be removed for distribution at the terminal rack, but not into the fuel supply tank of a motor vehicle.

'Two party exchange', shall mean a transaction in which special fuels are transferred between special fuel licensees, and (i) in which such transaction includes a transfer from the special fuel licensee that holds the original inventory position for the special fuels in the terminal as reflected on the records of the terminal operator, and (ii) the exchange transaction is simultaneous with removal from the terminal by the receiving special fuel licensee, and (iii) the terminal operator in its books and records treats the receiving special fuel licensee as the supplier who removes the product across a terminal rack for state tax reporting purposes.

'Use', shall mean and include, in addition to its usual meaning, the receipt of special fuels by any person into a fuel supply tank of a registered motor vehicle or into a receptacle from which special fuels are supplied by any person to his own or other registered motor vehicles.

'User of special fuels', any person, including a special fuel licensee or user-seller, who owns or leases any special fuels propelled motor vehicle operated over the highways of this commonwealth.

'User Seller', any person who sells or delivers special fuels, dispenses special fuels into the fuel tanks or attached motor vehicles, including any such person who dispenses special fuels for consumption in such motor vehicles owned, leased or operated by him or who otherwise distributes special fuels to end users.

Section 2. The commissioner may grant licenses to a person as a special fuel supplier, special fuel exporter, or permissive supplier of special fuels in accordance with section 67 of chapter 2C. No person other than a licensed special fuel supplier shall maintain storage facilities for tax-free undyed special fuels and dispense special fuels therefrom unless such person is the holder of an uncanceled license as a special fuel supplier issued by the commissioner. No person shall sell or deliver special fuels within this commonwealth to a licensed special fuel supplier unless such person is the holder of an uncanceled license as a special fuel exporter issued by the commissioner. No person owning or leasing a motor vehicle propelled by special fuels shall use the highways of this commonwealth with said motor vehicle unless such person is the holder of an uncanceled license as a permissive supplier of special fuels issued by the commissioner for each such motor vehicle. The provisions of this paragraph shall not apply to noncommercial passenger vehicles having a fuel tank capacity of not more than twenty-five gallons, self-propelled campers or auto homes used exclusively for noncommercial purposes. Whoever violates the provisions of this paragraph shall be punished by a fine of not more than \$100. Any person charged with such a violation may, in writing without his presence in court, waive his right to trial, plead guilty and pay the maximum statutory penalty. Such waiver of the right to trial and plea of guilty shall be made on a form approved by the administrative justice of the district court department and shall be provided to each defendant by the appropriate division of the court department at the time and in the same manner as the issuance of any summons. Any person who desires to waive his right to trial and to plead guilty without his appearance in court shall return such written waiver and plea together with payment of the maximum statutory penalty before the return day of such summons. The commissioner as a condition of issuing any license under this section may require that the applicant state, under the penalties of perjury, that he will purchase special fuels or accept delivery of special fuels only from a person licensed under this chapter, and if a special fuel exporter neglects or refuses to provide on his application that he is licensed to deal in special fuels in each destination state it shall be grounds for refusal to grant such a license. Except as provided in this chapter, it shall be unlawful for any person to act as a special fuel exporter unless he is a holder of a special fuel exporter license issued to him by the department, nor shall any person import or cause to be imported special fuels to other than a special fuel supplier for sale or distribution unless he is a holder of a permissive supplier license. Each special fuel licensee shall provide a bond executed by him as principal, and by a corporation qualified under the laws of this commonwealth as surety, payable to the commonwealth and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due to the commonwealth. The total amount of the bond or bonds of any special fuel licensee must be

fixed by the department at not less than three times the estimated maximum monthly tax, determined in such a manner as deemed appropriate by the department. If the department determines that a licensee is habitually delinquent in the payment of amounts due to the department, it may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of \$10.00. No recovery on any bond, nor the execution of any new bond, nor the suspension or revocation of any special fuel license affects the validity of any bond. In lieu of a bond each licensee may deposit with the Treasurer of the commonwealth, under such terms as the department may prescribe, a like amount of lawful money of the United States or any other form of security authorized by this section. If security is provided in the form of a savings certificate, certificate of deposit or investment, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department. If the department determines that three times the estimated monthly tax would require a licensee to provide a bond of more than \$2,000,000, the department may reduce the requirements for the bond to not less than \$2,000,000 upon the licensee's faithful performance of all of the requirements of this chapter and the punctual payment of all taxes due the commonwealth of this state for the three preceding calendar years.

Section 3. Each licensee shall keep a complete and accurate record of all purchases, sales and use of special fuels, including the name and address of the person accepting delivery, its place and date of delivery, the number of gallons of each type of special fuels purchased, sold and used, the gallons upon which dye was added and the complete and accurate record of the number of gallons imported, produced, refined, manufactured or compounded and the date of the importation, production, refining, manufacturing or compounding. Every licensee shall also present with every consignment of special fuels or delivery of the same to any person other than himself a written statement containing the date of the sale or use within the commonwealth, the date of delivery, the name of the person making the delivery and the name of the person receiving the same, the gross sales price and the number of gallons of each type of special fuels delivered, color and concentration of dye added, and shall retain a duplicate of each such statement. In the case of use of special fuels by the licensee himself, he shall keep an accurate record of all the deliveries received by him and the names and addresses of the persons from whom he received the same, giving the dates of deliveries, the cost of each type of special fuels delivered and the number of gallons of each type involved in each delivery. Such records and written statements shall be in such form as the commissioner shall prescribe and shall be preserved by said licensees for a period of three years and shall be offered for inspection at any time upon oral or written demand by the commissioner or his duly authorized agent. Each special fuel licensee shall prepare and provide for every sale of special fuels a shipping document setting on its face the origin and destination of the special fuels and the gallons being shipped and the name and address of the purchaser. The shipping document shall also set on its face the words 'DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE', for each delivery of dyed untaxed special fuels. Every person transporting special fuels on public highways shall carry on board the shipping document issued by the licensee. Each person receiving special fuels from a licensee shall obtain a copy of the shipping paper and shall retain such copy for a period of thirty-six months.

Section 4. All undyed special fuels sold or used within the commonwealth shall have a tax imposed at the rate of 17 cents upon each gallon. All untaxed special fuels sold or used within the commonwealth shall have dye added by the special fuel supplier or permissive supplier at the terminal rack at the time of sale. Such dye shall comply with the United States Environmental Protection Agency requirements and shall be the same dye concentration required by the Internal Revenue Code. Every special fuel supplier shall, not later than the last day of each calendar month render to the department a statement of all special fuels received, all special fuels sold, distributed or used by him in this commonwealth, all fuel sold, distributed or used in which dye was added and no tax was collected and all special fuels sold for export to another state and pay an excise at the rate specified in the preceding paragraph on all special fuels sold, distributed or used on which dye was not added in the manner and time prescribed in this chapter. The tax imposed wherein shall be measured by invoiced gallons of special fuels sold or distributed, provided that two party exchanges between special fuel suppliers, as defined in section four, shall not be considered a taxable exchange. The tax due on special fuels acquired through two party exchanges shall be imposed at the time the fuel is sold or distributed by the receiving special fuel supplier in the manner and time prescribed in this chapter. Every special fuel exporter shall, not later than the last day of each calendar month render to the department a statement of all special fuels received tax-free for export, all special fuels sold, distributed or used by him in the commonwealth, and all special fuels sold for export to another state and provide a detailed listing of the names, addresses and quantity of fuel sold or distributed for export to another state and pay an excise at the tax rate specified in the first paragraph of this section on all special fuels acquired tax-free and sold, distributed or used within the commonwealth in the manner and time prescribed in this chapter. The tax imposed wherein shall be measured by invoiced gallons of special fuels sold or distributed. Every special fuel permissive supplier shall, not later than the last day of each calendar month render to the department a statement of all special fuels sold, distributed or used by him in this commonwealth, all fuel sold, distributed or used in which dye was added and no tax was collected and pay an excise at the rate specified in the first paragraph of this section on all special fuels sold, distributed or used in the commonwealth on which dye was not added in the manner and time prescribed in this chapter. The tax imposed wherein shall be measured by invoiced gallons of special fuels sold or distributed. Notwithstanding the foregoing, the tax per gallon payable upon each gallon of liquefied gas shall be separately determined by the commissioner utilizing the same procedures as those used for fuel under chapter 64A and such tax per gallon as so determined shall apply to each gallon of liquefied gas sold or used by a licensee in the commonwealth during the calendar month covered by the return, provided, however, that there shall be no minimum tax per gallon as provided in said chapter 64A. Any report return or remittance to cover a payment which is transmitted through the United States Post Office shall be deemed filed or received by the department on the date shown by the post office cancellation mark stamped on the envelope or on the date it was mailed if proof satisfactory to the department establishes the return or remittance was timely deposited in the United States Post Office and properly addressed to the department. All reimbursements on special fuels exempt

from tax and not containing dye shall be applied for through the refund process established in section 5 of chapter 64E. Special fuels sold by a special fuel supplier to a licensed special fuel exporter for export to another state shall not be subject to tax imposed by this section provided that the supplier obtains the number of the special fuel name, address and valid license number and places such information on the invoice and shipping documents covering such sale. The tax provided for by this chapter must be paid by special fuel licensees. A special fuel licensee shall remit the excise tax he collects from all undyed special fuels sold or distributed from the terminal in this commonwealth with the monthly return filed pursuant to this section. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon specified in the first paragraph of this section by the number of gallons of special fuels consumed by him in the propulsion of motor vehicles on the highways of this commonwealth, then subtracting the amount of tax paid on special fuels purchased in the commonwealth. At the election of a qualified purchaser, the supplier or permissive supplier shall not require payment of the special fuels tax from the purchaser at the time of delivery. The election shall be conditioned upon the purchaser remitting all taxes due the supplier or permissive supplier by electronic funds not later than three days prior to the date the remittance is due the commonwealth. Each person that desires to make an election under this subsection shall present evidence of the purchaser's status to the supplier or permissive supplier. Each qualified purchaser will be issued an identification number by the department evidencing their eligibility. The department may require a qualified purchaser to file with the department a bond in accordance with the provisions of section 2. The department may rescind the purchaser's qualification for just cause and in such cases shall notify all licensees. In the event a qualified purchaser fails to remit on a timely basis the special fuels tax to its supplier, the supplier shall cease any continued tax deferred sales of special fuels to the purchaser and notify the department within ten business days. The supplier shall not resume with tax deferred sales of special fuels to the purchaser until notified by the department. Upon meeting said requirements, the supplier may then deduct the amount of the uncollected special fuels tax due from the purchaser from the subsequent monthly return filed pursuant to this section. The department, upon the receipt of the notification of such failure of a purchaser to remit the special fuels tax to its supplier, shall immediately rescind the purchaser's qualification to defer payment of the tax. The department may then proceed with recovery of the special fuels tax due from the purchaser either through a structured agreement with the department or as a recovery action against the bond the purchaser has filed with the department, at the discretion of the commissioner.

Section 5. Any person who shall buy special fuels on which an excise has been paid and no dye has been added, and shall consume the same in any manner except in the operation of motor vehicles either upon or over highways or upon or over any turnpike constructed by the Massachusetts Turnpike Authority in accordance with chapter 354 of the acts of 1952 whether or not such vehicles are registered under the provisions of section 5 of chapter 90, shall be reimbursed the amount of said excise in the manner and subject to the conditions hereinafter set forth. All claims for reimbursement shall be for not less than \$1, shall be made by affidavit in such form and containing such information as the commissioner shall prescribe, shall be accompanied by original invoices of sales receipts of special fuels. All claims for reimbursement shall be filed with the commissioner within two years from the date of purchase or invoice of special fuels. The commissioner may require such further information as he shall deem necessary for the determination of such claims, and shall submit all claims approved by him to the comptroller for certification; and the amount approved by the commissioner and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter, without specific appropriation. Reimbursement under this section shall include special fuels bought by any person engaged in the business of farming on which an excise has been paid and no dye has been added, where such special fuels is consumed for farm purposes and is eligible for refund of the federal special fuels tax paid on account of such fuel pursuant to section sixty-four hundred and twenty of the Federal Internal Revenue Code. Special fuels tax collected by a special fuel supplier on special fuels removed from the terminal and exported to another state or foreign country shall be refunded under rules adopted by the department. Notwithstanding the foregoing provisions of this section, any person who shall buy any special fuels for the operation of any passenger car, ambulance, hearse, motorcycle, or light truck upon or over any turnpike constructed by the Massachusetts Turnpike Authority in accordance with chapter 354 of the acts of 1952 on which an excise has been paid or is chargeable under this chapter shall be reimbursed the amount of said excise in the manner and subject to the conditions hereinafter set forth. Such toll receipts given to users of said turnpike or invoices rendered to such users by said Authority shall be accepted by the commissioner as evidence of the use on said turnpike of special fuels in the proportion of one gallon for each fifteen miles of indicated travel by passenger cars, ambulances, hearses, motorcycles, and light trucks. No claims for reimbursement for tax on special fuels consumed on said turnpike shall be allowed unless it shall appear from said toll receipts or invoices and from said invoices or sales receipts of special fuels that the purchase of the special fuels which is the basis for the claim of reimbursement took place on the same or any one of the three preceding calendar days as the travel on said turnpike or unless evidence satisfactory to the commission is furnished that such special fuels were transferred from bulk to the vehicle tank within the same period. The commissioner may require such further information as he shall deem necessary for determination of such claims, and shall submit all claims approved by him to the comptroller for certification; and the amount approved by the commissioner and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter, without specific appropriation. Nothing in this section is to be construed as to grant a reimbursement of the excise paid in accordance with the provisions of this chapter for the operation of qualified motor vehicles, upon or over highways or upon or over any turnpike constructed by the Massachusetts Turnpike Authority in accordance with chapter 354 of the acts of 1952.

SECTION 71B. Section 6 of said chapter 64E, as so appearing, is hereby amended by adding the following paragraph:—

Every person who consumes tax-free dyed fuel for a non-exempt purpose shall remit the tax owing with respect to the non-exempt gallons by filing a monthly report and remitting the tax to the department in the same manner as a special fuel supplier. All special fuels held by a special fuel supplier, user-seller or user, free of tax, shall be subject to a one-time inventory tax. Persons subject to the inventory tax shall take an inventory of all special fuels in their possession to determine the number of

gallons held in storage on the effective date of this section. Such persons shall file a report with the department showing the number of gallons held in storage and pay a tax not more than 30 days after the inventory date based upon the gallons held in storage times the tax rates specified in section 4.

SECTION 71C. Section 10 of said chapter 64E of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

No person shall import, sell, use, deliver or store special fuels in this commonwealth to which dye has not been added in accordance with this chapter or to which tax has not been imposed by this chapter. A special fuel supplier shall be exempt from these provisions with respect to special fuels imported by pipeline or other vessel and stored within the supplier's terminal facility in this commonwealth. No person shall operate or maintain a motor vehicle on any public highway in this commonwealth with special fuels containing dye, as provided by section 4 in the fuel supply tank for the vehicle. It shall be presumed that all undyed special fuels received, sold or distributed in this commonwealth is to be sold for use in propelling a motor vehicle.

SECTION 71D. Section 12 of said chapter 64E, as so appearing, is hereby amended by adding the following paragraph:—

The department shall have the authority to seal a special fuels pump if dyed special fuels are being placed into the fuel supply tank of a highway motor vehicle. Before sealing the pump, the department shall send a notice by registered or certified mail to the person operating such special fuels pumps at his last known address ordering him to appear before the department at a time not less than ten days after the mailing of the notice and show cause why the pump should not be sealed.

SECTION 71E. Section 14 of said chapter 64E, as so appearing, is hereby amended by striking out, in lines 1 and 2, after the words 'supplier or user seller' and inserting in place thereof the following words:— special fuel licensee.

SECTION 71F. Section 15 of said chapter 64E, as so appearing, is hereby amended by striking out, in line 2, the words 'licensee under' and inserting in place thereof the following words:— special fuel supplier as defined in.

SECTION 71G. Section 3 of chapter 64F of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

Any person who, having acquired fuel or special fuels outside the commonwealth, shall use the same for the propulsion of motor vehicles upon or over the highways of the commonwealth or upon or over any turnpike constructed by the Massachusetts Turnpike Authority in accordance with chapter 354 the acts of 1952, as amended, or who has in his possession fuel or special fuels so acquired for such use, including persons who although not residents of the commonwealth shall regularly or habitually use and operate motor vehicles over the highways and turnpikes of the commonwealth, shall be subject to an excise for the privilege of using said highways at the tax per gallon pursuant to the provisions of section 4 of chapter sixty-four E.

SECTION 71H. Section 6 of said chapter 64F, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words 'determined by the commissioner under chapter sixty-four A' and inserting in place thereof the following words:— pursuant to the provisions of section 4 of chapter 64E";;

By inserting after section 72 the following section:—

“SECTION 72A. Section 6 of chapter 64H of the General Laws, as amended by section 92 of chapter 127 of the acts of 1999, is hereby further amended by adding the following two paragraphs:—

(ss) Sales of motor vehicles known as tractors as defined in section 1 of chapter 90 with a registered gross vehicle weight of 33,000 pounds or greater and used exclusively for the interstate or intrastate transportation of freight and to conduct commerce.

(tt) Sales of semi-trailers as defined in section 1 of chapter 90 used for the conduct of commerce in conjunction with motor vehicles with a registered gross vehicle weight of 33,000 pounds or greater used exclusively for the interstate or intrastate transportation of freight and to conduct commerce”;

By inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding any general or special law to the contrary, the department of revenue shall conduct an audit of the reports submitted to the commissioner under the International Fuel Tariff Agreement. Said audit shall begin on or before January 1, 2001 and conclude no later than December 31, 2001. The results of said audit shall be made available to the house and senate committees on ways and means and the joint committee on taxation no later than January 31, 2002. Said audit shall include, but not be limited to, a specific emphasis on the recent decline in revenue to the commonwealth through the International Fuel Tariff Agreement system. Notwithstanding any general or special law to the contrary, including the provisions of section 68 of chapter 1 of the acts of 1997, all provisions of this act shall remain in effect until the future action of the legislature”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 20 the following three sections:—

“SECTION 20A. (a) The first paragraph of section 11D of chapter 13 of the General Laws, as appearing in section 25 of chapter 127 of the acts of 1999, is hereby amended by striking out the word 'eight' and inserting in place thereof the following word:— nine.

SECTION 20B. Said first paragraph of said section 11D, as so appearing, is hereby further amended by striking out the word 'three' and inserting in place thereof the following word:— four.

SECTION 20C. The second paragraph of said section 11D, as so appearing is hereby amended by inserting after the word 'years' the following words:— , except that of the members of the first board, three members shall be appointed for terms of one year, three members shall be appointed for terms of two years, and three members shall be appointed for terms of three years;”. by inserting after section 133 the following two sections:—

“SECTION 133A. Section 203 of chapter 112 of the General Laws, as appearing in section 116 of chapter 127 of the acts of 1999, is hereby amended by striking out clause (7) and inserting in place thereof the following clause:—

(7) to conduct administrative proceedings in accordance with chapter 30A regarding disciplinary matters; provided however, that the provisions of subsection 12 of said chapter shall not apply to these proceedings.

SECTION 133B. Section 205 of said chapter 112, as so appearing, is hereby amended by inserting after clause (e) the following three paragraphs:—

Such disciplinary action against an applicant or licensee may include any or all of the following actions:

- (i) denial, suspension, revocation or cancellation of, or refusal to renew such license;
- (ii) placement of such a license on probation; (c) reprimanding or censuring the holder of such license;
- (iii) assessing upon the holder of such license a fine not to exceed \$5,000 for each violation;
- (iv) requiring the holder of such license to perform, for each violation, up to one 100 hours of community service in a manner and time to be determined by the board;
- (v) requiring the holder of such license to complete additional education and training as a condition of retention or reinstatement of such license, or requiring an applicant for such license to complete additional education and training as a condition for future consideration of such application;
- (vi) requiring the holder of such license to practice under appropriate supervision for a period of time as determined by the board as a condition of retention or reinstatement of such license, or requiring an applicant for such license to practice under appropriate supervision for a period of time as determined by the board as a condition for future consideration of that application;
- (vii) requiring the holder of such license to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition of retention or reinstatement of such license, or requiring an applicant for such license to participate in an alcohol or drug rehabilitation program or undergo drug testing, or both, as a condition for future consideration of such application; and
- (viii) requiring the holder of such license to make restitution of not more than \$50,000, where appropriate;

Nothing in this section shall be deemed a limitation on the board's authority to impose such sanctions by consent agreement as are deemed reasonable and appropriate by the board.

Any person aggrieved by any disciplinary action taken by the board pursuant to this section may, pursuant to section 64 of chapter 112, file a petition for judicial review of such disciplinary action with the supreme judicial court. The supreme judicial court shall have exclusive jurisdiction over all such petitions and any such petition shall be reviewed in accordance with the standards for review provided in paragraph (8) of section 14 of chapter 30A.”; and by inserting after section 209 the following section:—

“SECTION 209A. Section 274 of chapter 127 of the acts of 1999 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

This section shall expire on June 1, 2001”.

The amendment was *rejected*.

Mr. Magnani and Ms. Fargo moved to amend the bill by inserting after section 283 the following section:—

“SECTION 283A. The department of education shall study and evaluate extraordinary increases in foundation enrollment, as defined in section 2 of chapter 70 of the General Laws. Such study shall include an analysis of the short-term and long-term effects of extraordinary increases in student enrollment, and the effects on education expenditures for districts experiencing such extraordinary enrollment increases as compared to other districts. Not later than November 1, 2000, said department shall report to the house and senate committees on ways and means and the joint committee on education, arts and the humanities, the findings of such study and shall include recommendations of revisions to the education finance formula set forth in said chapter 70 to minimize the deleterious effects of short-term and long-term extraordinary increases in enrollment growth”.

After remarks, the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 269P (inserted by amendment) the following section:—

“SECTION 269Q. The Austen Riggs center located in the town of Stockbridge is hereby exempted from the provisions of the ninth paragraph of section 70E of chapter 111 of the General Laws”.

After remarks, the amendment was adopted.

Messrs. Hedlund, Lees, Knapik, Rauschenbach, Tarr, Tisei, Mrs. Sprague, and Ms. Creem moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Notwithstanding chapter 29C of the General Laws or any other special or general law to the contrary, the Massachusetts Water Pollution Abatement Trust shall increase its leveraging ratio to three-to-one. The increase shall apply to all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement and drinking water projects on the department's respective intended use plans for calendar year 2001 through 2005. The increase in leveraging shall also apply to unfinanced projects included on intended use plans established prior to calendar year 2001. All projects financed pursuant to the provisions of this section shall provide for a subsidy or other assistance in the payment of debt services thereon such loans and other forms of financial assistance shall be the equivalent of a loan made at an interest rate equal to zero percent, unless a higher level of subsidy shall have been previously authorized for a project by the general court. If in the opinion of the state treasurer such increased leveraging is not feasible, the leveraging and subsidy provisions of this section shall not apply; but the state treasurer shall notify the house and senate committees on ways and means of any such determination

before financing projects on terms and conditions different from those provided for in this section”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before five o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 12 — nays 25):

YEAS.

Creem, Cynthia Stone
Fargo, Susan C.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.

Murray, Therese
Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 12.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Glodis, Guy W.
Havern, Robert A.
Morrisey, Michael W.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela

Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Rosenberg, Stanley C.
Tolman, Steven A.
Walsh, Marian
Wilkerson, Dianne — 25.

ABSENT OR NOT VOTING.

Shannon, Charles E.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at three minutes before five o’clock P.M., the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 269 the following section:—

“SECTION 269A. Upon the abolishment of Berkshire County in accord with chapter 34B of the General Laws, each city and town shall have exclusive authority and power to order the laying out, locating anew or discontinuance of, or making specific repairs in all streets and ways, and all highways exclusive of those under the jurisdiction of the Massachusetts highway department including without limitation highways laid out by the county of Berkshire, within the limits of each such city and town, and to assess the damages sustained on account thereof.

Upon the abolishment of Berkshire County in accord with chapter 34B of the General Laws all records of the county of Berkshire, Berkshire county surveyors department, and county commissioners dealing with the laying out, locating anew, discontinuance of and orders for specific repairs to ways in Berkshire county shall be transferred to the custody of the registry of deeds for the Berkshire Middle District in Pittsfield; said records shall be available for public inspection in the same manner as all other records in the custody of said registry of deeds”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 16 the following section:—

“SECTION 16A. Section 9 of chapter 55 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

No individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds \$50 except by a written instrument or by direct deposit in accordance with section 9A. For the purposes of the preceding sentence the term ‘written instrument’ shall mean a check on which the contributor is directly liable or which is written on a personal, escrow, trust, partnership, business or other account which represents or contains the contributor’s funds. The term written instrument shall also mean for contributions by credit card, a paper record signed by the cardholder or, in the case of such a contribution made over the Internet, an electronic record created and transmitted by the cardholder. The term ‘written instrument’ shall not mean a certified check, cashier’s check, treasurer’s check, registered check, money order, traveler’s check or other similar negotiable instrument. The director shall establish reasonable rules and regulations concerning the making of contributions by a written instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding \$50 except by check or by credit card in accordance with the following paragraph”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 139 the following section:—

“SECTION 139A. Section 1 of chapter 128 of the General Laws as appearing in the 1998 Official Edition is hereby amended by inserting after the word ‘apiaries’, in line 7, the following:— Lumbering, the sawing or milling of logs into lumber or other forest product”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 205 the following section:—

“SECTION 205A. Section 110 of chapter 88 of the acts of 1997 is hereby amended by adding the following paragraph:— This section shall not apply to the fire observation tower on Mount Everett within the town of Mount Washington, and no commercial or non-departmental communications antennas shall be located on said structure, or elsewhere within the Mount Everett State Reservation. No power transmission lines shall be constructed within said reservation, nor shall any new vehicular access road be constructed or extended above the upper parking area within said reservation”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by inserting after section 269G (inserted by amendment) the following section:—

“SECTION 269R. Richmond Telephone Company may contract or owe debts or to enter into guarantees to a larger amount than one-half of its capital stock actually paid in, but in no event and at no time shall such debts or guarantees exceed \$3,500,000.00 in the aggregate”.

The amendment was adopted.

Messrs. Nuciforo and Antonioni moved to amend the bill by inserting after section 269R (inserted by amendment) the following section:—

“SECTION 269S. (a) Based on the criteria outlined in this section, upon the request of the board of selectmen in a town, the city council in a plan E city, or the mayor in any other city, the department of education may recalculate the minimum required local contribution for a municipality’s local and regional schools, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2001.

(b) If the percent growth in the minimum required local contribution of a municipality between fiscal year 2000 and fiscal year 2001 exceeds 25 per cent, said municipality may appeal to the department of education not later than October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. If a claim is determined to be valid, the department may reduce the minimum required local contribution to a level equal to the prior year minimum required local contribution multiplied by 1.25, or to the lowest level consistent with net school spending equal to the foundation budget for all the districts of which the municipality is a member, whichever is greater. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 213 of this act.

(c) If the net school spending requirement of a municipality exceeds 200 per cent of its foundation budget, said municipality may appeal to the department of education not later than October 1, 2000 for an adjustment to its minimum required local contribution and net school spending. The department shall determine whether such unusual spending requirement is a result of identifiable past or present anomalies in the level of required local contribution. If so, the department may reduce the minimum required local contribution by up to the amount by which the required local contribution is inflated due to said past or present anomalies; but in no circumstance shall the net school spending requirement of any district of which the municipality is a member be allowed to drop below the level of the foundation budget. The department shall make adjustments as appropriate for excess debt service consistent with chapter 70 of the General Laws and section 213 of this act”.

The amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 9 the following section:—

“SECTION 9A. Section 172E of chapter 6 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following paragraph:—

This section shall also apply to assisted living residences, as defined in section 1 of chapter 19D, and continuing care facilities subject to section 76 of chapter 93”.

The amendment was *rejected*.

Messrs. Hedlund and Lees moved to amend the bill by adding at the end thereof the following section:—

“SECTION . Section 2H of Chapter 29 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in line 8 after the word ‘which’ the following:— , with a vote of two-thirds of both branches of the General Court and approval by the Governor;”.

Mr. Clancy, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration thereof. The report was accepted.

The amendment was then *rejected*.

Mr. Berry moved to amend the bill by inserting after section 269S (inserted by amendment) the following section:—

“SECTION 269T. Notwithstanding section 28K of chapter 32 of the General Laws or any other general or special law to the contrary, any member of the state employees’ retirement system who was employed as a full-time employee representative at the National Association of Government Employees from July 1989 to June 1995 shall be considered as having been on leave of absence, without pay, for the period of his employment as a full-time representative of such organization. Such member may, however, before the date of any retirement allowance became effective for him, pay into the annuity savings fund of said system, in one sum, or in installments, upon such terms and conditions as the board may prescribe, an amount equal to that which would have been withheld as regular deductions from his regular contributions for such previous period had such service been rendered in service of the commonwealth and had he been a member of said system during the period the service was rendered, plus regular interest thereon”.

The amendment was adopted.

Mr. Glodis moved to amend the bill by inserting after section 16 the following section:—

“SECTION 16A. Section 42 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words ‘expended, subject to appropriation’ and inserting in place thereof the following words:— paid out upon the request from time to time of the director of campaign and political finance, without further appropriation.”; and by inserting after section 61D (inserted by amendment) the following section:—

“SECTION 61E. Section 8 of chapter 55A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the following words:— , subject to appropriation.”.

After remarks, the amendment was adopted.

Mr. Glodis and Ms. Tucker moved to amend the bill by inserting after section 269T (inserted by amendment) the following section:—

“SECTION 269U. (a) The commonwealth's education reform initiative demands quality and accountability from students, teachers, schools and school districts. The integrity of the instruments by which the commonwealth measures quality is a cornerstone of accountability. The validity of the Massachusetts Educator Certification Test, a high stakes test intended to measure minimum competency of prospective teachers, has yet to be objectively examined.

(b) The commissioner of education shall select a panel of three experts, not from the commonwealth, from a list of nationally qualified experts in educational and employment testing provided by the National Research Council of the National Academy of Sciences, to perform a study of the validity and reliability of the Massachusetts Educator Certification Test as used in the certification of new teachers, and as used in the elimination of certification approval of teacher preparation programs and institutions to endorse candidates for teacher certification.

(c) The commissioner of education shall enter into a contract on behalf of the department of education, with the selected panel of experts to conduct such a study. The contract shall require that the study be completed not later than February 1, 2001.

(d) The commissioner and the department of education shall assist the panel of experts in obtaining all information, documents or other evidence necessary to conduct the study. To the extent the commissioner and the department of education are unable to obtain any such information, documents or other evidence from any organization, corporation, individual or other entity under contract or agreement with the commonwealth in connection with the development, administration, scoring or validation of the Massachusetts Educator Certification Test, the House or senate committee on post audit and oversight may utilize their power to summons witnesses, administer oaths, take testimony and compel the production of evidence, to facilitate obtaining the necessary information”.

After remarks, the amendment was adopted.

Mr. Glodis moved to amend the bill by inserting after section 189 the following section:—

“SECTION 189A. Chapter 262 of the General Laws is hereby amended by striking out section 24, as so appearing, and inserting in place thereof the following section:—

Section 24. The maximum fee to be charged by any person authorized to take bail or release on personal recognizance in the case of a person arrested for any misdemeanor or felony shall be \$35, regardless of the number of offenses.

If the arrested person is being required to recognize for charges at another court, the bail magistrate shall receive an additional \$10 for each separate recognizance but in no event shall the total fee for any release exceed \$50”.

After remarks, the amendment was adopted.

There being no objection, during consideration of the orders of the Day, the following matters were considered, as follows:—

PAPERS FROM THE HOUSE.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Fitchburg to grant a certain conservation restriction (see House, No. 5061) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by the yeas and nays, at twelve minutes past five o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Menard, Joan M.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at a quarter past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

An engrossed Bill authorizing the town of Kingston to grant an easement in certain park land (see House, No. 4140) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes past five o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Menard, Joan M.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

The yeas and nays having been completed at eighteen minutes past five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Governor for his approbation.

The President in the Chair, the engrossed Bill improving teacher recruitment, retention and retirement (see House, No. 5116) (which had been returned by His Excellency the Governor with recommendation of amendment) (for message, see House, No. 5164) came from the House with the endorsement that the House had refused to amend the bill.

The President stated that pursuant to the provisions of Article 56 of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

There being no amendment offered, the bill was returned to the House for its re-enactment.

Engrossed Bill.

An engrossed Bill relative to countersignatures by resident agents on certain insurance policies (see House, No. 4883, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.**

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Mrs. Sprague) “congratulating Kevin Bright of Sharon upon his elevation to the rank of Eagle Scout.”

Senate Order Adopted.

On motion of Ms. Melconian,
Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2001 for the maintenance of the departments, boards commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at five minutes past six o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Bernstein, Robert A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rauschenbach, Henri S.
Glodis, Guy W.	Resor, Pamela
Rosenberg, Stanley C.	
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Menard, Joan M.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Havern, Robert A.

Travaglini, Robert E. — 2.

The yeas and nays having been completed at eight minutes past six o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments adopted by the Senate. [For text of Senate amendments, see Senate, No. 2210, printed as amended.]

Sent to the House for concurrence in the amendments.

On motion of Mr. Lees, at nine minutes past six o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.