

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Wednesday, June 9, 1999.

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

PAPER FROM THE HOUSE.

Notice was received that the Minority Leader of the House had announced, under House Rule 18A, the following changes in joint standing committees:

That Representative Pope of Wayland had been relieved of duty (at her own request) from the committee on Human Services and Elderly Affairs and that Representative Hillman of Sturbridge had been appointed to the eleventh position on said committee to fill the existing vacancy;

That Representative Tuttle of Barre had been relieved of duty (at his own request) from the committee on Public Safety, and that Representative Hillman of Sturbridge had been appointed to the eleventh position on said committee to fill the existing vacancy; and

That Representative George of Yarmouth had been relieved of duty (at his own request) from the committee on Taxation and that Representative Tuttle of Barre had been appointed to the tenth position on said committee to fill the existing vacancy.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2000 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. 4401, printed as amended),— was read a second time.

The Senate adopted the amendments, 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 2000; and by inserting before the enacting clause the following emergency preamble:

" *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 1999, and to make certain changes in law, each of which is immediately necessary or appropriate

to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

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

Pending the question on passing the bill to be engrossed, Ms. Walsh and Messrs. Clancy and Antonioni moved to amend the bill, in section 2, in item 0321-1500, by striking out the figure "6,788,140" and inserting in place thereof the following figure:—"7,301,104"; and

In section 2, in item 0321-1502, by striking out the figure "7,348,580" and inserting in place thereof the following figure:—"7,506,038".

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 0321-1500, by adding the following words:—""; provided further, that the committee shall provide a full-time staff assistant to be funded from this item for the lawyers' caucus, so-called, of the general court who shall zealously defend the interests and tirelessly advance the goals of said caucus and its members".

After debate, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik and Hedlund moved to amend the bill, in section 2, in item 0321-1500, by striking out the figure "6,778,140" and inserting in place thereof the following figure:—"6,701,875".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes past ten o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

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.
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.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 31.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone

Tucker, Susan C. — 2.

The yeas and nays having been completed at twenty-six minutes before eleven o'clock A.M., the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik and Hedlund moved to amend the bill, in section 2, in item 0321-1502, by striking out the figure "7,348,580" and inserting in place thereof the following figure:— "7,178,227".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before eleven o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 30):

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.
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.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 31.

ABSENT OR NOT VOTING.

Creem, Cynthia Stone

Tucker, Susan C. — 2.

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

Messrs. Clancy and Shannon 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 1999"; and in said item 0321-1510, by striking out the figure "43,500,000" and inserting in place thereof the following figure:— "52,970,000".

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill, in section 2, in item 0321-1510, by inserting after the words "chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D;" the following words:— "and for the expenses of a pilot Team Leader Program in not more than four counties;"

The amendment was *rejected*.

Messrs. Clancy and Shannon 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 1999"; and in said section 2, in said item 0321-1512, by striking out the figure "21,000,000" and inserting in place thereof the following figure:— "25,534,000".

The amendment was *rejected*.

Mr. Shannon, Ms. Walsh, Messrs. Morrissey and Antonioni moved to amend the bill, in section 2, by inserting after item 0321-1520 the following item:

"0321-1522 For a reserve for the full year costs of salary restructuring for the employees of the committee for public counsel services; provided, that funds appropriated herein shall be transferred to items 0321-1500, 0321-1502, 0321-1503 and 0321-1504; provided further, that the annualized costs of said salary restructuring shall not exceed the amount appropriated herein
.....819,635".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill, in section 2, in item 0321-2205, by striking out the figure "1,652,000" and inserting in place thereof the following figure:— "1,900,000".

The amendment was *rejected*.

Mr. Shannon 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:— "350,000".

The amendment was *rejected*.

Mr. Havern 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:— "325,000".

The amendment was *rejected*.

Messrs. Antonioni and Lynch, and Ms. Creem moved to amend the bill, in section 2, in item 0322-0100, by striking out the figure "6,592,577" and inserting in place thereof the following figure:— "6,936,192";

In section 4, in item 0322-0100, by striking out the figure, under "AA Spending," "6,021,689" and inserting in place thereof the following figure:— "6,365,304"; and

In said section 4, in said item 0322-0100, by striking out the figure, under "FY00 FTE's", "90.50" and inserting in place thereof the following figure:— "102.7".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 0330-0106, by striking out the figure "661,536" and inserting in place thereof the following figure:— "771,028"; by inserting after section 87 the following section:—

"SECTION 87A. Section 8 of chapter 185C of the General Laws is hereby amended by striking out the first sentence, as amended by section 198 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:— There shall be two justices appointed for the Hampden county division, two justices appointed for the Worcester county division, one justice appointed for the northeastern division, two justices appointed for the southeastern division, two justices appointed for the city of Boston division of the housing court department and one justice who shall be and perform the duties of a circuit justice in such counties as the chief justice shall from time to time designate."; and by inserting after section 90 the following two sections:—

"SECTION 90A. Section 1 of chapter 211B of the General Laws is hereby amended by striking out the second sentence, as amended by section 206 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:—The trial court, as an administrative unit, shall consist of no more than 363 justices and special justices.

SECTION 90B. Section 2 of said chapter 211B is hereby amended by striking out the first sentence, as amended by section 207 of said chapter 194, and inserting in place thereof the following sentence:— There shall be 80 justices appointed to the superior court department, 10 justices appointed to the housing court department, 4 justices appointed to the land court department, 49 justices appointed to the probate and family court department, 11 justices appointed to the Boston municipal court department, 37 justices appointed to the juvenile court department and 172 justices and special justices appointed to the district court department."

The amendment was *rejected*.

Messrs. Creedon, Lynch, Berry, Ms. Walsh, Messrs. Nuciforo, Brewer, Pacheco, Glodis, Ms. Creem and Mr. Clancy moved to amend the bill in section 2 by striking out item 0330-0301 and inserting in place thereof the following item:

"0330-0301 For the operation of the trial court office of community corrections, including the costs of personnel; provided, that \$200,000 shall be expended in an alternative probation program honor court, so-called, in the district court of Hampshire (Northampton); provided further, that not more than 65 employees shall be funded from this item
.....3,515,557".

The amendment was *rejected*.

Messrs. Creedon, Lynch, Berry, Ms. Walsh, Messrs. Nuciforo, Brewer, Pacheco, Glodis, Ms. Creem and Mr. Clancy moved to amend the bill, in section 2, by striking out item 0330-0302 and inserting in place thereof the following item:

"0330-0302 For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be 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 intensively-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 the programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that the funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hamp den, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2000; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with the probation offices and sheriffs' offices for the provision of the programs, including 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 the agreements and memoranda shall be entered into at the direction of the executive director; provided further that the executive director shall submit a spending and management plan for the programs to the house and senate committees on ways and means not later than September 15, 1999; provided further, that the plan shall include the projected number of probationers to be served by each program and include a description of the oversight and services provided to 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 the office and sheriffs' offices
.....10,400,002".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, in item 0330-0400, by adding the following words:— "; and provided further, that not less than \$100,000 shall be expended from this item for a contract with Massachusetts General Hospital for a research program on abused children."

After debate, the amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 2, in item 0330-0410, by adding the following words:— "; provided further, that not less than \$30,000 shall be expended for North Central Court Services, Inc. in Fitchburg".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, by inserting after item 0330-4303 the following item:

"0330-4305 For the acquisition and improvement of land in the city of Brockton, known as Parcel B, in a block bounded by Clinton Avenue, West Elm Street, Belmont Street and Warren Avenue for additional parking spaces for the new court house nearing completion in the fall of 1999
..... 6,500,000".

The amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 0330-0410, by striking out the figure "142,835" and inserting in place thereof the following figure:— "810,000".

After remarks, the amendment was *rejected*.

Ms. Creem and Mr. Antonioni moved to amend the bill, in section 2, in item 0321-1504, by striking out the figure "412,234" and inserting in place thereof the following figure:— "441,503".

After remarks, the amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 0331-2100, by adding the following words:— "; provided further, that not less than \$136,562 shall be expended for 2 assistant clerks; and provided further, that not less than \$80,552 shall be expended for 4 procedure Clerk 1 positions"; and in item 0331-2100, by striking out the figure "508,533" and inserting in place thereof the following figure:— "725,667".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 0332-2700, by striking out the figure "2,790,976" and inserting in place thereof the following figure:— "2,953,559".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, by striking out item 0332-3500 and inserting in place thereof the following item:

"0332-3500 For the district court of Springfield; provided, that five additional probation officers, one additional sessions clerk and one additional courtroom procedures clerk shall be appointed and funded from this item; and provided further, that \$63,000 shall be expended for facility operational expenses, and \$108,000 shall be expended for equipment purchases
.....4,888,985".

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill, in section 2, by striking out item 0332-4000 and inserting in place thereof the following item:

"0332-4000 For the district court of Somerville; provided, that an additional sessions clerk, an additional assistant clerk magistrate and two additional procedures clerk 1 positions shall be funded from this item in fiscal year 2000; and provided further, that not more than 66 employees shall be funded from this item in fiscal year 2000
.....2,517,901".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 0332-4000, by inserting after the word "clerk" the following words:—"; and one assistant clerk magistrate" and in said item 0332-4000, by striking out the figure "2,412,389" and inserting in place thereof the following figure:— "2,511,482".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 0332-5700, by adding the following words:— "; provided, that one additional assistant magistrate shall be appointed and funded from this line item in fiscal year 2000"; and in said item 0332-5700, by striking out the figure "3,241,734" and inserting in place thereof the following figure:— "3,301,734".

The amendment was *rejected*.

Messrs. Lynch and Joyce moved to amend the bill, in section 2, in item 0332-6400, by adding the following words:— "; provided further, that four additional probation officers shall be appointed and funded from this item"; and in said item 0332-6400, by striking out the figure "4,164,570" and inserting in place thereof the following figure:— "4,284,570".

The amendment was *rejected* .

Mr. Antonioni moved to amend the bill, in section 2, in item 0332-7100, by inserting after the words "procedures clerk I" the following words:— "and an additional head administrative assistant and an additional account clerk I"; and in said item 0332-7100, by striking out the figure "913,446" and inserting in place thereof the following figure:— "984,219".

The amendment was *rejected* .

Mr. Antonioni moved to amend the bill, in section 2, in item 3032-7300, by adding the following words:— "; provided, that two additional sessions clerks shall be appointed and funded from this line item in fiscal year 2000"; and in said item 0332-7300, by striking out the figure "913,446" and inserting in place thereof the following:— "992,933".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2, by striking out item 0332-7500 and inserting in place thereof the following item:

"0332-7500 For the second district court of eastern Worcester at Clinton; provided, that an additional clerk magistrate and additional probation officer shall be appointed and funded from this item
.....715,906".

The amendment was *rejected* .

Mr. Rosenberg moved to amend the bill, in section 2, in item 0333-0600, by adding the following words:— "; provided further, that \$63,700 be expended for the funding and appointment of one administrative deputy assistant"; and by striking out the figure "753,148" and inserting in place thereof the following figure:— "816,848".

The amendment was *rejected* .

Mr. Travaglini moved to amend the bill, in section 2, by striking out item 0333-1300 and inserting in place thereof the following item:

"0333-1300 For the Suffolk probate court; provided, that notwithstanding the provisions of any general or special law to the contrary, the register of probate shall designate one additional deputy assistant register and appoint two administrative deputy assistants to be funded from this line item in fiscal year 2000; and provided further, that not more than 88 employees shall be funded from this item in fiscal year 2000
.....3,359,838".

The amendment was *rejected* .

Mr. Travaglini moved amend the bill, in section 2, in item 0333-1313, by striking out the figure "138,921" and inserting in place thereof the following figure:— "205,341".

The amendment was *rejected* .

Mr. Shannon moved to amend the bill, in section 2, in item 0337-0003, by striking out the figure "13,965,608" and inserting in place thereof the following figure:— "14,842,642".

The amendment was *rejected* .

Mr. Creedon moved to amend the bill, in section 2, in item 0337-0003, by striking out the word "Plymouth"; in said item 0337-0003 by striking out the figure "13,965,608" and inserting in place thereof the following figure:— "12,421,664"; and

By inserting after item 0337-0500 the following item:

"0337-0900 For the Plymouth county juvenile court
.....1,543,944".

The amendment was *rejected* .

Ms. Tucker and Mr. Jajuga moved to amend the bill, in section 2, in item 0337-0003, by striking out the words "Lawrence district court" and inserting in place thereof the following words:— "Lawrence juvenile court".

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill, in section 2, in item 0337-0300, by adding the following words:— "; provided, that two additional probation officers shall be funded from this item".

The amendment was *rejected*.

Messrs. Creedon, Lynch, Berry, Ms. Walsh, Messrs. Nuciforo, Brewer, Pacheco, Glodis, Ms. Creem and Mr. Clancy 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 the 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 the associate probation officers shall perform in court functions only 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 0330-0302; and provided further, that an additional associate probation officer for the Worcester juvenile court shall be funded from this item
.....9,616,253".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 0339-1001, by inserting the following words:— "; provided further, that an additional chief probation officer in the programs division shall be funded from this item for the purposes of providing outreach and coordinating services with the executive branch, nonprofit agencies and local school districts for Central Massachusetts"; and in said item 0339-1001, by striking out the figure "9,111,427" and inserting in place thereof the following figure:—"9,183,627".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 0339-1001, by striking out the words "provided, that the salaries of up to 205 associate probation officers shall be funded from this item in fiscal year 2000" and inserting in place thereof the following words:— "provided, that the salaries of up to 206 associate probation officers shall be funded from this item; provided further, that an additional associate probation officer for the Worcester juvenile court shall be funded from this item"; and in said item 0339-1001, by striking out the figure "9,111,427" and inserting in place thereof the following figure:— "9,136,577".

The amendment was *rejected*.

Messrs. Creedon, Lynch, Berry, Ms. Walsh, Messrs. Nuciforo, Brewer, Pacheco, Glodis, Ms. Creem and Mr. Clancy 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
.....9,100,937".

The amendment was *rejected*.

Ms. Fargo and Messrs. Panagiotakos, Tolman, Magnani, Ms. Creem and Mr. Magnani moved to amend the bill, in section 2, in item 0340-0200, by striking out the figure "10,133,195" and inserting in place thereof the following figure:— "10,441,043".

After debate, the amendment was *rejected*, by a vote of 7 to 21.

Messrs. Knapik and Rosenberg moved to amend bill, in section 2, in item 0340-0600, by striking out the words "that not less than \$100,000" and inserting in place thereof the following words:— "that not less than \$150,000".

The amendment was adopted.

Mr. Morrissey moved to amend the bill, in section 2, in item 0340-0700, by inserting after the words "domestic violence unit" the following words:— "; provided, that not less than \$447,418 be appropriated for the cost of rental space increase"; and by striking out the figure "6,508,293" and insert in place thereof the following figure:— "6,955,711".

After debate, the amendment was *rejected* by a vote of 7 to 12.

Mr. Morrissey moved to amend the bill, in section 2, by inserting after item 0521-0001 the following item:

"0521-0006 For the operation of a program to increase accuracy and completeness in the enumeration of the population of the commonwealth in the federal decennial census; provided, however, that the state secretary shall award grants for census education and completeness to community-based organizations representing undercounted populations; and,

provided further, that said secretary may verify with municipalities new construction addresses and establish complete count committees with local governments and to provide education about the necessity of completeness with the federal census
.....900,000".

After debate, the amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 0526-0100, by adding the following words:— "; provided further, that not less than \$360,000 shall be expended for a restoration project for the tobey house in the town of Wareham".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 0526-0100, by adding the following words:— "; provided further, that not less than \$45,000 shall be provided for the Worcester women's history project to preserve and exhibit historic artifacts".

The amendment was *rejected*.

Mr. Tolman and Ms. Creem moved to amend the bill, in section 2, in item 0526-0100, by striking out the figure "2,514,505" and inserting in place thereof the following figure:— "2,614,505"; and in said item 0526-0100, by adding the following words:— "; provided further, that not less than \$100,000 shall be expended for a historic commemorative clock and accompanying beautification at Cleveland Circle in Boston and Brookline".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 0526-0100, by inserting after the words, "Bellingham Square of Chelsea;" the following words: "provided further, that not less than \$40,000 shall be expended for a one-time grant to the town of Hopedale for the rehabilitation of the statue of hope on the grounds of the Bancroft Memorial Library"; and in said item 0526-0100, by striking out the figure "2,514,505" and inserting in place thereof the following figure:— "2,554,505".

The amendment was *rejected*.

Mr. Tarr 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 expended for the restoration of the area known as Centennial grove in the town of Essex".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 0526-0100 by adding the following words:— "; provided further, that \$11,550.00 shall be expended for the completion of the Groveland Veto Museum Building in the town of Groveland".

The amendment was *rejected*.

Messrs. Nuciforo, Rosenberg, Lees, Brewer and Ms. Melconian moved to amend the bill, in section 2, in item 0333-0711, by striking out the words "for the Hampden probate court family services clinic" and inserting in place thereof the following words:— "for the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administrative located in the city of Springfield and to serve the Berkshire, Franklin, Hampden, and Hampshire divisions of the probate court".

The amendment was adopted.

Mr. Morrissey moved to amend the bill, in section 2, in item 0540-0000, by striking out the figure "1,260,000" and inserting in place thereof the following figure:— "1,800,000".

After remarks, the amendment was *rejected*.

Mr. Brewer moved to amend the bill, in section 2, by inserting after item 0540-0000 the following item:

"0540-0001 For the replacement of the registry of deeds computer systems
.....4,470,000".

The amendment was *rejected*.

Ms. Tucker, Messrs. Jajuga, Tarr and Panagiotakos moved to amend the bill, in section 2, in item 0540-0900, by striking out the figure "1,007,640" and inserting in place thereof the following figure:— "1,244,160"; and in said item 0540-0900, by adding the following words:— "; provided further, that not less than \$70,000 shall be made available for the renovation of the Northern Essex registry of deeds . . .".

After remarks, the amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 0540-1000, by striking out the figure "2,421,220" and inserting in place thereof the following figure:— "2,711,220".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, by inserting after item 0540-1500 the following three items:

0540-1600 For the northern Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001 259,918

0540-1700 For the central Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001
.....470,298

0540-1800 For the southern Berkshire registry of deeds; provided, that not later than January 1, 2000, the register shall submit a final spending plan for fiscal year 2000 to the house and senate committees on ways and means, detailing the level of resources deemed necessary for the operation of said registry; provided further, that said register shall report all expenditures on the Massachusetts management accounting reporting system, so-called, in accordance with the latest expenditure classification requirements promulgated by the state comptroller pursuant of the provisions of section 27 of chapter 29 of the General Laws; provided further, that all spending plans shall be detailed by subsidiary and object code in accordance with any and all expenditure classification requirements promulgated by the comptroller; provided further, that said spending plans shall be accompanied by a delineation of all personnel employed by said registry including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that said spending plans shall be accompanied by a delineation of all automated equipment owned or operated by said registry; and provided further, that said spending plan shall include the delineation of all sources of deeds excise tax revenue, including, but not limited to, the total projected collection of all deeds excise tax revenue for the end of fiscal year 2000 and the total projected deeds excise tax revenue for fiscal year 2001
.....244,780".

After remarks, the amendment was adopted.

Mr. Bernstein moved to amend the bill, in section 2, in item 0540-2100, by striking out the figure "2,444,974" and inserting in place thereof the following figure:— "2,585,494".

The amendment was *rejected*.

Mr. Hedlund 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, 2000, 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, 1999
.....7,916,682".

After debate, the amendment was *rejected* .

Mr. Joyce 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, 2000, 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
.....7,916,682".

The amendment was *rejected* .

Mr. Jajuga moved to amend the bill, in section 2 in item 0640-0300, by adding the following words:— "; provided further, that a one-time grant of \$65,000 shall be obligated to the Newburyport Choral Society for its sixty-fifth anniversary celebration."

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2, in item 0640-0300, by inserting after the words "Riverside Theater Works, so-called" the following words:— "; provided further, that not less than \$400,000 shall be expended for the repair and renovation of Tuckerman Hall in Worcester; and provided further, that not less than \$25,000 shall be expended for the Central Massachusetts Symphony Orchestra's Summer Family Concert Series."

The amendment was *rejected* .

Messrs. Lees and Hedlund moved to amend the bill, in section 2, in item 1000-0001, by striking out the figure "7,606,831" and inserting in place thereof the following figure:— "7,253,739".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 31):

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.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.

Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela

Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.

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

ABSENT OR NOT VOTING.

Tucker, Susan C. — 1.

Ms. Melconian in the Chair, the yeas and nays having been completed at nine minutes before twelve o'clock noon, the amendment was *rejected*.

The President in the Chair, Mr. Glodis moved to amend the bill, in section 2, in item 1102-3205, by adding the following words:— "; and provided, further, that not less than \$300,000 shall be expended for the rehabilitation of the third floor of the New England Shelter for Homeless Veterans in the city of Boston to comply with the health and safety codes upon said shelter providing a matching fund in the amount of \$300,000 for projects funded from this item with an estimated cost of not more than \$500,000 upon determination that said division has the ability to control and supervise the project"; and in said item 1102-3205, by striking out the figures "6,500,000" and inserting in place thereof the following figure:— "6,800,000".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill, in section 2, in item 1102-3206, by adding the following words:— "; and provided further, that not more than \$500,000 shall be expended for basic maintenance and security needs of the state buildings at Medfield state hospital."

After debate, the amendment was *rejected*.

Ms. Creem and Messrs. Creedon and Morrissey moved to amend the bill, in section 2, in item 1102-3210, by adding the following words:— "; provided further that not less than \$100,000 shall be expended for the purpose of a study to determine the feasibility and cost benefit associated with the relocation of the Norfolk probate court, and a report shall be submitted to the general court no later than March 1, 2000."

The amendment was *rejected*.

Ms. Creem, Messrs. Creedon and Tolman, Ms. Resor and Mr. Havern moved to amend the bill, in section 2, in item 1102-3210, by adding the following words:— "; provided further that not less than \$100,000 shall be expended for the purpose of a study to determine the feasibility and cost benefit associated with the relocation of the Middlesex probate court, and a report shall be submitted to the general court no later than March 1, 2000."

After remarks, the amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 1102-3210, by inserting after the words "said bonds;" the following words:— "provided further, that \$250,000.00 shall be expended to conduct a needs assessment of the district court of southern Essex;"

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 1102-9999, by inserting after the words "consistent with the amount appropriated herein;" the following words:— "provided further, that not less than \$100,000 shall be expended for costs associated with the removal of asbestos at the University of Massachusetts at Amherst;"

The amendment was adopted.

Ms. Walsh and Messrs. Lynch, Rauschenbach and Joyce moved to amend the bill, in section 2, in item 1108-1011, by striking out the figure "508,882" and inserting in place thereof the following figure:— "636,000".

The amendment was *rejected* .

Messrs. Joyce and Panagiotakos moved to amend the bill, in section 2, item 1108-5500, by striking the wording thereof and inserting in place thereof the following words:— "For the costs, notwithstanding the provisions of chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth and of a housing or redevelopment authority by vote of the governing body, but not including employees of other authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that said employees shall pay 15 per cent of the monthly premium established by the commission for such benefits; and provided further, that the commission shall expend all necessary funds from this item to restore benefits to the level in effect on June 30, 1998."

After debate, the amendment was *rejected* .

Messrs. Tolman, Panagiotakos and Magnani moved to amend the bill, in section 2, in item 1233-2010, by inserting after the words "chapter 59 of the General Laws;" the following words:— "; provided further, that not more than \$3,000,000 shall be expended from this item for a low income sewer and water assistance program pursuant to the provisions of section 24B of chapter 23B of the General Laws, prior appropriation continued."; and

By inserting after section 25 the following two sections:—

"SECTION 25A. The first sentence of section 24B of chapter 23B of the General Laws, as amended by section 41 of chapter 43 of the acts of 1997, is hereby further amended by inserting after the word 'government' the following words:— or homeowners who are eligible for one and two household fuel assistance program, so-called.

SECTION 25B. Said section 24B of said chapter 23B is hereby amended by striking out clause (a), as amended by section 42 of said chapter 43, and inserting in place thereof the following clause:—

(a) The department shall use the same grantee agencies, similar applications and similar verification procedures as are used in the Low Income Home Energy Assistance Program, to the maximum extent possible. The department may also utilize a reasonable percentage of any funds appropriated, not exceeding ten per cent of such funds, for administrative costs of the program."

After remarks, the amendment was adopted.

Ms. Melconian, Messrs. Brewer and Lees moved to amend the bill, in section 2, in item 1410-0010, by striking out the words "Winchendon provided" and inserting in place thereof the following words:— "Winchendon; provided that not less than \$147,320 shall be obligated for maintenance, operations and administration of the State Veteran's Cemeteries in Agawam and Winchendon; provided".

The amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 2, in item 1410-0012, by striking out the words "\$90,420 shall be obligated for a contract with the Montachusett Veterans;" and inserting in place thereof the following words:— "\$110,000 shall be obligated for a contract with the Montachusett Veterans".

The amendment was *rejected* .

Mr. Knapik moved to amend the bill, in section 2, in item 1410-0250, by adding the following words:— "; provided further, that not less than \$50,000 shall be obligated for a contract with the Springfield Bilingual Veterans Outreach Center for the maintenance and operation of a Transitional Housing Unit at the Chapin Mansion of Holyoke;".

The amendment was *rejected* .

Mr. Antonioni moved to amend the bill, in section 2, in item 1410-0250, by striking out the words "\$50,000 shall be obligated for a contract with Unity House located in the city of Gardner;" and inserting in place thereof the following words:— "\$65,000 shall be obligated for a contract with Unity House located in the city of Gardner".

The amendment was *rejected* .

Mr. Shannon moved to amend the bill, in section 2, in item 1599-0036, by adding the following words:— "; provided further, that \$750,000 be awarded for the repair and completion of rehabilitation of the Chevalier Memorial auditorium in Medford".

The amendment was *rejected* .

Messrs. Shannon and Tolman moved to amend the bill, in section 2, by inserting after item 1599-3838 the following item:

"1599-3839 For a reserve for payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers for targeted local pipeline improvement projects, or portions thereof, which have been approved by the department of environmental protection or otherwise authorized by law 861,525".

The amendment was *rejected*.

Messrs. Knapik, Lees and Tarr moved to amend the bill, in section 2, by inserting after item 1599-3856 the following item:

"1599-6060 For a reserve for costs associated with the establishment and operation of long-term care units, so-called, at the Massachusetts soldiers' home in Chelsea and the Holyoke soldiers' home; provided, that one 15 bed unit may be established at each soldiers' home; provided further, that no funds shall be allocated to a soldiers' home until such soldiers' home verifies, in writing, to the secretary of health and human services, that all long term care beds in the units currently operated by each such soldiers' home are adequately staffed and achieving an average daily occupancy rate of not less than 90 per cent; and provided further, that to prevent the jeopardizing of high quality patient care, staff from said currently operated units shall not be used to staff newly established long-term

care units 1,497,316".

The amendment was *rejected*.

Messrs. Lees, Knapik and Tisei moved to amend the bill, in section 2, in item 1599-6898, by striking out the figure "29,500,000" and inserting in place thereof the following figure:— "75,000,000".

The amendment was *rejected*.

Messrs. Berry, Travaglini, Ms. Murray, Messrs. Bernstein, Lees, Rosenberg, Brewer, Glodis, Shannon and Clancy moved to amend the bill, in section 2, by striking out item 1599-6898 and inserting in place thereof the following item:

"1599-6898 For a reserve to adjust the wages, compensation or salary and associated employee-related costs and benefits, including health insurance premiums and employee training of personnel 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, and for costs relating to the improvement and upgrading of information technology necessary for the delivery of human and social services; provided, that the reserve shall be distributed according to two mechanisms as set forth herein; provided further, that under the first mechanism the secretary of administration and finance may allocate the funds appropriated herein to such departments in order to implement the initiative; provided further, that the operational services division shall condition the expenditure of the reserve upon assurances that such funds shall be used solely for the purposes of adjustments to items enumerated herein; provided further, that where a provider's employees are represented by a certified collective bargaining agent, funds shall be allocated to the provider for such employees on the same basis as with other providers but shall be distributed as wages or other compensation in the manner provided in the collective bargaining agreement governing the employees, so long as such agreement has been settled before the thirty-first day following allocation of the funds to the provider; provided further, that said division shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2000 and the average percentage adjustment funded by this reserve; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, so-called, as established by the division of health care finance and policy, except for substance abuse and comprehensive family planning programs which otherwise meet the standards herein; provided further, that no funds shall be allocated from this item for contracts funded exclusively by federal grants delineated in section 2D; provided further, that the total fiscal year 2000 cost of the salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$28,000,000; provided further, that the annualized cost of the adjustments in fiscal year 2001 shall not exceed the amount appropriated herein; provided further, that under the second mechanism funds shall be distributed to meet the otherwise unreimbursed cost of funding collective bargaining and other bona fide agreements between employees or their representatives and human service providers, entitled to funding through the first mechanism for distribution of the reserve; provided further, that such agreements commit the provider to 1) quality of care, employee training and employee participation in policy decisions; and 2) provide reasonable wage and benefit increases to employees; provided further, that funds shall only be used to finance compensation increases which do not exceed two percent over employee compensation levels established with funds available under the first mechanism; provided further, that funds distributed pursuant to this mechanism shall not be in lieu of funding otherwise received under any item herein; provided further, that funds allocated and expended through this mechanism shall not exceed \$1,500,000; and provided further, that the annualized cost of this initiative shall not exceed \$1,500,000
.....29,500,000".

The amendment was *rejected*.

Ms. Walsh moved to amend the bill, in section 2, in item 1750-0111, by striking out the figure "369,919" and inserting in place thereof the following figure :— "899,019".

After remarks, the amendment was *rejected*.

Ms. Walsh moved to amend the bill, in section 2, in item 1750-0116, by striking out the figure "15,750" and inserting in place thereof the following figure:— "165,750".

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill, in section 2, in item 1750-0300, by adding the following words:— "provided further, that notwithstanding the provisions of chapter 150E or any general or special law to the contrary, or any collective bargaining agreement, the commonwealth's minimum weekly contribution per union member shall, at a minimum, be equal to the average weekly contribution per employee funded by line item 1108-5500."

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 2000-0100, by striking out the words "; provided further, that not more than \$50,000 shall be expended on a study of the closure of the Northeast Solid Waste Committee facility due to environmental concerns" and inserting in place thereof the following words:— "; provided further, that not more than \$50,000 shall be expended on a study on the closure of the Northeast Solid Waste Committee solid waste incinerator located in the town of North Andover due to environmental concerns; and provided further, 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 not be required to expend funds for the installation of certain air pollution control equipment in said facility as required by the United States Environmental Protection Agency's 'Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Municipal Waste Combusters', pursuant to section 129 of the Clean Air Amendments of 1990, 40 CFR 60, until such time as said study is completed."

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2, in item 2000-0100, by adding the following words:— "; and provided further, that the executive office of environmental affairs is hereby authorized and directed to conduct a study of the establishment of a grant program providing to municipalities monies for the design, permitting, construction, and renovation of park and recreation facilities. Said study shall include an analysis of the environmental impact of preserving open space, the unmet need for the construction and renovation of park facilities within the commonwealth, and the cost of establishing and maintaining such a grant program. The executive office of environmental affairs shall file the results of said study, along with any recommendations for legislation, with the clerk of the house of representatives, the clerk of the senate, the house and senate committees on state administration, and the governor not later than December 31, 1999".

After debate, the amendment was adopted.

Ms. Creem, Messrs. Pacheco, Tolman, Ms. Fargo, and Messrs. Lynch and Magnani moved to amend the bill, in section 2, in item 2000-0100, by striking out the words " that not less than \$1,000,000 shall be expended for the implementation of the Watershed Initiative;" and inserting in place thereof the following words:— "that not less than \$1,945,000 shall be expended for the implementation of the Watershed Initiative; provided further, that said program shall include not less than \$200,000 for an office of watershed protection, not less than \$345,000 to provide grants to support those watershed teams required to produce either a comprehensive plan or watershed assessment report in fiscal year 2000, not less than \$300,000 to fund a training program based at the University of Massachusetts, not less than \$200,000 to support a wetlands restoration program, not less than \$900,000 to provide matching grant funds to communities for studies of water management;" and in said item 2000-0100, by striking out the figure "5,052,093" and inserting in place thereof the following figure:— "5,997,093".

After remarks, the amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 2000-0100, by adding the following words:— "; provided further, that \$500,000 shall be provided for making repairs to Echo Bridge in Newton, and the secretary shall direct the Massachusetts Water Resource Authority to make such repairs"; and in said item 2000-0100, by striking out the figure "5,052,093" and inserting in place thereof the following figure:— "5,552,093".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 2000-0100, by adding the following words:— "; and provided further, that not less than \$200,000 shall be expended for a study of the Blackstone Canal, so-called, and to uncover portions of the canal in the city of Worcester."; and in said item 2000-0100, by striking out the figure "5,052,093" and inserting in place thereof the following figure:— "5,252,093."

The amendment was *rejected*.

Messrs. Lynch, Tarr, Clancy and Pacheco moved to amend the bill, in section 2, in item 2000-0100, by striking out the words "that not less than \$200,000 shall be expended on a program of coastal resources monitoring and restoration focusing on all coastal regions of the commonwealth; provided further, that said program shall include technical assistance through the Massachusetts bays program, so-called" and inserting in place thereof the following words:— "that not less than \$950,000 shall be expended on a program of coordinated coastal pollution monitoring focusing on all coastal regions of the commonwealth; provided further, that said program shall include not less than \$70,000 for citizen's coastal monitoring grants; provided further, that not less than \$260,000 shall be expended for database development and management; provided further, that not less than \$100,000 shall be expended for embayment flushing studies; provided further, that not less than \$225,000 shall be expended for long-term monitoring, including the purchase of automated buoys; provided further, that not less than \$120,000 shall be expended for embayment monitoring; provided further, that not less than \$75,000 shall be expended for technical assistance through the Massachusetts bays program; provided further, that not less than \$100,000 shall be expended for program coordinator and support staff"; and in said item 2000-0100, by striking out the figure "5,052,093" and inserting in place thereof the following figure:— "5,802,093".

After debate, the amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2, in item 2000-0100, by inserting after the words "; provided, that not less than \$510,000 of the amount appropriated herein shall be expended on the operations of an office of geographic and environmental information as established by section 4B of chapter 21A of the General Laws, as added by section 63 of chapter 194 of the acts of 1998;" the following words:— "; provided further, that not less than \$65,000 shall be expended through said office of geographic and environmental information for geographic information services and global planning systems in the town of Franklin;".

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill, in section 2, by inserting after item 2000-0100 the following item:

"2000-0101 For the executive office of environmental affairs to purchase the so-called Arrowwood property in the town of Scituate for water protection and conservation purposes
.....1,000,000".

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr and Hedlund moved to amend the bill, in section 2, by inserting after item 2000-0100 the following item:

"2000-0200 For the urban self-help program to provide assistance to cities and towns in the acquisition and development of land pursuant to the provisions of chapter 933 of the acts of 1977, as amended, and any regulations promulgated by the secretary to effect the provisions of this act or said chapter 933; provided, that notwithstanding the provisions of any general or special law to the contrary, the title to any land acquired with the funds authorized herein which is no longer used pursuant to the provisions of said chapter 933 as open space shall revert to the commonwealth
.....5,000,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 5 — nays 34):

YEAS.

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

Tarr, Bruce E.
Tisei, Richard R. — 5.

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.
Montigny, Mark C.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 34.

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

Messrs. Clancy and Berry moved to amend the bill, in section 2, in item 2010-0100, by striking out in line 22 the figure "1,000,000" and inserting in place thereof the following figure:— "1,500,000"; and in said item 2010-0100, by inserting after the words "packaging, storage and labor;" the following words:— "provided further, that only redemption centers registered with the commonwealth as of April 1, 1999 shall be eligible for monies appropriated in this act;".

The amendment was *rejected*.

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

After debate, the amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, in item 2000-0100, by inserting after the words "Buzzards Bay;" the following words:— "provided further, that not less than \$50,000.00 be expended for the formation of a technical advisory group to conduct a coastal monitoring study in Salem Sound to investigate declining fish and lobster populations in Salem Sound;".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 2010-0100, by striking out the words "provided, that a grant shall be made to E-Call, Inc. to promote recycling" and inserting in place thereof the following words:— "provided, further, that \$250,000 shall be appropriated to E-Call, Inc., a nonprofit organization, to assist in the implementation and improvement of recycle-related programs and to improve the access to recycling information to citizens of the commonwealth with limited or nonexistent recycling programs".

After debate, the amendment was adopted.

Messrs. Tolman and Tarr, Ms. Resor and Ms. Fargo moved to amend the bill, in section 2, by inserting after item 2020-0100 the following item:

"xxxx-xxxx For the first 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, 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, 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 such cities and towns for the debt service costs
.....3,000,000".

After debate, the amendment was *rejected* .

Mrs. Sprague moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that \$35,000 shall be expended for a matching grant for the repair of Memorial Park Dam in West Bridgewater."

The amendment was *rejected* .

Mr. Moore moved to amend the bill, in section 2, in item 2100-2030, by inserting after the word "Milford" the following words:— "; provided further, that not more than \$200,000 shall be expended for the restoration of Milford Pond, also known as Cedar Swamp Pond, in the town of Milford".

The amendment was *rejected* .

Mr. Havern moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that not less than \$300,000 shall be expended to repair the wading pool at Warren Manning state park".

The amendment was *rejected* .

Ms. Murray moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not less than \$179,450 of the amount appropriated herein shall be expended for the Olmstead historic landscape preservation project in the town of Wareham".

The amendment was *rejected* .

Ms. Murray moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not more than \$25,000 shall be expended for the fish ladders in the town of Kingston."

The amendment was *rejected* .

Ms. Murray moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not more than \$75,000 shall be expended for the fish ladder system in the town of Pembroke."

The amendment was *rejected* .

Mr. Hedlund moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not less than \$30,000 shall be expended for dredging at the boat launching facility in the town of Duxbury."

The amendment was *rejected* .

Messrs. Hedlund and Tarr moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that \$200,000 shall be expended for the office of waterways to establish a study to identify a comprehensive needs analysis for coastal infrastructure improvement and a definitive spending plan for such improvements."

The amendment was *rejected* .

Mr. Creedon moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not more than \$100,000 shall be expended for the repair of the Forge Pond Dam in the town of East Bridgewater".

The amendment was *rejected* .

Mr. Jajuga 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 shall be expended for the construction of a waterfront pier located in the town of Salisbury".

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 less than \$500,000 shall be expended for the costs of the design and construction of Phase II of the construction plan for the Forte Memorial Park in the city of Newton."

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 less than \$50,000 shall be expended for the costs of designing Phase II of the Forte Memorial Park construction plan in the city of Newton".

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not more than \$35,000 be expended to restore Southwell Park in Chelmsford."

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, the department shall hire two full-time staff, a visitor services supervisor and a laborer for the Great Brook Farm in the town of Carlisle;"

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "that \$250,000 shall be expended on grants for community tree planting and care;" the following words:— "provided further that not less than \$5,000 be expended to the town of Wayland for tree plantings;"

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided, further, that the department of environmental management is authorized to issue grants to public and non-public entities from this line item."

After debate, the amendment was adopted.

At one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Ms. Melconian) declared a recess; and, at twenty-nine minutes past 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 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Bernstein moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "the town of Abington" the following words:— "; provided further, that not less than \$50,000 shall be expended for repairs to the Worcester Regatta Point Boathouse".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that not less than \$200,000 shall be expended for the repair of Leesville pond dam in the town of Auburn"; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "23,414,402".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that \$25,000 shall be expended to the town of Auburn for repairs to the Pondville dam in said town"; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "23,239,402".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; and provided further, that \$75,000 shall be expended to the town of Millbury for repairs to the Dorothy pond dam in said town"; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "23,289,402".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "Aberjona river in the town of Winchester" the following words:— "; provided further, that \$100,000 shall be expended for improvements to Sunset lake in the town of Braintree;".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "Moore state park in the town of Paxton" the following words:— "; provided further, that not less than \$100,000 shall be expended for improvements to Merry mount park in the city of Quincy;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2100-2030, by adding the following words: "; provided further, that \$3,500,000 shall be expended for the purchase of the seven acre parcel of land known as Hellenic hill adjacent to Jamaica pond in the city of Boston".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "; provided further, that not less than \$125,000 shall be expended for recreational facility renovations at Fort Phoenix state park;" the following words: — "; provided further, that \$4,000,000 shall be expended for the purchase of certain land parcels in D.W. Field park in the town of Avon for the purpose of preserving and protecting open space and the Brockton water supply;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that \$1,200,000 shall be expended for repairs, improvements and the restoration of the Walter Baker administration building, so-called, in the Dorchester section of the city of Boston"; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "24,414,402".

The amendment was *rejected*.

Messrs. Pacheco, Brewer and Nuciforo moved to amend the bill, in section 2, in item 2100-2030, by adding the following words: "; and provided further, that not less than \$1,431,000 shall be expended for full staffing of the state forest program."; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "24,085,402".

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill, in section 2, in item 2100-2030, by adding the following words:— "; provided further, that not less than \$200,000 be available for the repair or rehabilitation of the Oliver Mill park in the town of Middleborough."; and in said item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "23,414,402".

The amendment was *rejected*.

Mr. Pacheco, Ms. Fargo and Messrs. Knapik and Shannon moved to amend the bill, in section 2, in item 2100-2030, by striking out the figure "23,214,402" and inserting in place thereof the following figure:— "23,394,342".

The amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 2100-2040, by adding the following words:— "; provided further, that not less than \$175,000 shall be expended to repair and upgrade the Rocky Pond cranberry bogs, so-called, at the Myles Standish Forest."

The amendment was *rejected*.

Messrs. Hedlund and Morrissey moved to amend the bill, in section 2, in item 2100-2040, by striking out the figure "4,500,000" and inserting in place thereof the following figure:— "4,700,000"; and in said item 2100-2040, by adding the following words: "; provided further, that not less than \$200,000 shall be expended to demolish certain buildings on Hingham Annex property adjacent to Wompatuck state park in the town of Hingham."

The amendment was *rejected*.

Messrs. Hedlund and Tarr moved to amend the bill, in section 2, by inserting after item 2100-2040 the following item:

"2100-2041 For the department of environmental management to repair, improve and maintain seawalls in the towns of
Duxbury, Gloucester, Scituate, Hull and Marshfield
.....2,045,000".

The amendment was *rejected*.

Ms. Fargo, Messrs. Brewer and Tolman, Ms. Creem, and Messrs. Nuciforo, Glodis, Tarr, Havern and Hedlund moved to amend the bill, in section 2, by inserting after item 2100-2050 the following item:

"2100-2051 For the expense of the non-native invasive aquatics species control program to protect the commonwealth's
lakes, rivers and streams
.....1,000,000".

After remarks, the amendment was *rejected*, by a vote of 4 to 9.

Mr. Tarr moved to amend the bill, in section 2, in item 2100-3010, by inserting after the words "year-round seasonal employees, so-called" the following words:— "; provided further, that \$375,845 shall be expended for the hiring of 45 seasonal rangers;"; and in said item 2100-3010, by striking out the figure "3,572,170" and inserting in place thereof the figure:— "3,681,784".

The amendment was *rejected*.

Messrs. Pacheco and Rauschenbach, Ms. Tucker and Mr. magnani moved to amend the bill, in section 2, in item 2100-3010, by striking out the figure "3,572,170" and inserting in place thereof the following figure:— "4,043,152"; in item 2100-3011, by striking out the figure "349,113" and inserting in place thereof the following figure:— "389,458"; in item 2100-3022, by striking out the figure "37,405" and inserting in place thereof the following figure:— "52,813"; and in item 2100-3023, by striking out the figure "2,275,466" and inserting in place thereof the following figure:— "2,385,000".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill, in section 2, in item 2200-0100, by inserting after "Braintree/Weymouth interceptor, so-called" the following words:— "; provided further, that not more than \$542,000 shall be allocated to the town of Norton for the completed sewer/interceptor project, #WPC-MASS-S145;".

The amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 2200-0100, by adding the following words:— "; provided further, that not less than \$50,000 shall be expended for a growth management plan for the town of Plymouth."

After debate, the amendment was adopted.

Mr. Rauschenbach moved to amend the bill, in section 2, in item 2200-0100, by inserting after the words "Braintree/Weymouth interceptor, so-called;" the following words:— "; provided further, that not less than \$175,000 shall be allocated to the Massachusetts Military Reservation Environmental Technology Center, pursuant to section 252 of chapter 38 of the acts of 1995;".

After remarks, the amendment was adopted.

Messrs. Tarr and Jajuga moved to amend the bill, in section 2, in item 2200-0100, by inserting after the words "Braintree/Weymouth interceptor, so-called;" the following words:— "; provided, that \$1,800,000 shall be expended for the construction of a water line on Plum island in the city of Newburyport and the town of Newbury;".

After remarks, the amendment was *rejected*.

Messrs. Joyce and Morrissey moved to amend the bill, in section 2, in item 2200-0100, by adding the following words:— "; provided further, that not less than \$600,000 shall be expended for improvements to the water pumping system in the towns of Holbrook and Randolph."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 2300-0101, by adding the following words:— "; and provided further, that \$180,000 shall be expended for the completion of the river walk, so-called, along the Ipswich river in the town of Ipswich".

The amendment was *rejected*.

Messrs. Brewer and Pacheco moved to amend the bill, in section 2, by inserting after item 2300-0104 the following item:

"2300-0105 For an anadromous fisheries restoration program to promote research, public education, and recreation, through assessment, evaluation and management of fish runs and fish passage for

herring, shad, and salmon
.....217,000".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, by inserting after item 2300-0104 the following item:

"2300-0106 For the operation of the statewide point-of-sale outdoor recreation transaction (SPORT) system, so-called; provided, that the department may expend funds appropriated herein to acquire necessary information technology equipment and provide it to retail sales establishments participating in said system acting on behalf of the department as licensing agents of the commonwealth; provided further, that such establishments shall reimburse the commonwealth for the cost of the equipment; and provided further, that such reimbursements shall be credited proportionately to the several funds from which this item is appropriated

.....929,173
General Fund.....25.00%
Inland Fisheries and
Game Fund.....25.00%
Marine Fisheries Fund.....25.00%
Environmental Law
Enforcement Fund.....25.00% ".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 2310-0200, 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. Pacheco, Ms. Resor, Mr. Antonioni, Ms. Fargo and Mr. Brewer moved to amend the bill, in section 2, by inserting after item 2310-0500 the following item:

"2310-0600 For the implementation of a statewide biodiversity conservation program
.....3,000,000".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 2320-0200, by adding the following words:— "; provided, that not less than \$125,000 shall be expended for improvements to the area known as Tuck's point in the town of Manchester-by-the-Sea".

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 not less than \$150,000 shall be expended for the purpose of matching funds expended by the town of Rockport for the purchase of public access rights to Pigeon Cove wharf in said town."

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill, in section 2, in item 2320-0200, by adding following words:— "; provided, that not more than \$100,000 be made available for the repair or rehabilitation for the Doublebrook dam in the town of Middleborough."; and in said item 2320-0200, by striking out the figure "711,135" and inserting in place thereof the following figure:— "811,135".

The amendment was *rejected*.

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

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 2330-0100, by adding the following words:— "; provided further, that not less than \$50,000 shall be expended for the repair and refurbishment of the Matthew J. Kuss fishing facility located at Cook Pond in the city of Fall River; and provided further, that any remaining funds shall be expended to restock Cook Pond".

After remarks, the amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 2330-0100, by adding the following words:— "; provided further, that not less than \$100,000 shall be expended for the joint operation of shellfish propagation program on Cape Cod between the division and Barnstable county."

After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill, in section 2, in item 2350-0100, by striking out the figure "9,227,431" and inserting in place thereof the following figure:— "9,641,372".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that \$1,472,000 be expended for the design and replacement of the rink bed and necessary appenditures at the Veterans ice skating rink in Somerville".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 2440-0010, adding the following words:— "; provided further, that not less than \$850,000 be expended for the study, design and repair of the Upper Mystic Dam".

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that \$200,000 shall be expended for the soccer field on Acre Bridge road in Southborough".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 2200-0100, by adding the following words:— "; and provided further, that not less than \$50,000 shall be paid to the town of Clinton for the reconstruction and rehabilitation of the Burditt Hill water tank in the town of Clinton".

After remarks, the amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that not less than \$226,125.00 shall be expended for replacement of jersey barriers so-called on the Nahant Causeway in the town of Nahant"; and in said item 2440-0010, by striking out the figure "28,625,327" and inserting in place thereof the following figure:— "28,851,452".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; and provided further, that not less than \$1,500,000 shall be expended for the reconstruction and rehabilitation of the Dawson Pool recreation area in the town of Holden"; and in said item 2440-0010, by striking out the figure "28,625,327" and inserting in place thereof the following figure:— "30,125,327".

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 \$350,000 shall be expended for renovations and improvements to the buildings and property known as the McCrehan Pool in Cambridge;".

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that not less than \$200,000 shall be expended for renovations and improvements to the buildings and property known as Connors Memorial Pool in Waltham;".

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 a sum of \$100,000 shall be made available for a program of tree planting and replacement with not less than 50 per cent of the trees under this program allocated to cities and towns for use by them in city and town parks and streets"; and in said item 2440-0010, by striking out the figure "28,625,327" and inserting in place thereof the following figure:— "28,725,327".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by inserting after "Charles River road in the town of Watertown;" the following words:— "; provided further, that \$700,000 shall be expended for the design and construction of the expanded Kennedy playground in the Neponset River Reservation in the Mattapan section of Boston;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that \$1,325,000 shall be expended for the reconstruction of recreational facilities at Houghton's pond in the town of Milton;"; and in said item 2440-0010, by striking out the figure "28,625,327" and inserting in place thereof the following figure:— "29,950,327".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, item 2440-0010, by adding the following words:— "; provided further, that not less than \$350,000 shall be expended for development of an Upper Neponset river master plan from Mattapan to Hyde Park".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by striking out the words "; provided further, that the commission shall expend \$150,000 above the amount expended for maintenance of the southwest corridor park in the city of Boston in fiscal year 1998 and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of two horticulturists and a supervisor" and inserting in place thereof the following words:— "; provided further, that \$150,000 shall be expended on operating costs for the Southwest Corridor park, including but not limited to replacement and repair of plantings; and provided further, that \$75,000 shall be expended for the survey and redesign of the children's play areas in the Southwest Corridor park to be in compliance with state and federal disability requirements;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by inserting after the words "McGrath-O'Brien highway and Linwood street in the city of Somerville;" the following words:— "; provided further, that not less than \$100,000 shall be expended for the construction of two Metropolitan District Commission baseball fields at the Nike site, so-called, in the High street area in the town of Randolph;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by striking out the words "provided further, that funds shall be expended for a Neponset Reservation project manager" and inserting in place thereof the following words:— "; provided further, that not less than \$50,000 shall be expended for a Neponset River reservation manager".

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that \$200,000 shall be expended for repairs and improvements to McMorrow playground in the Dorchester section of Boston".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-1000, by striking out the figure "50,000" and inserting in place thereof the following figure:— "250,000".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2444-9004, by adding the following words:— "; provided further, that not less than \$2,000,000 shall be expended for capital improvements to the trailside museum and the Chickatawbut hill center;".

and in said item 2444-9004, by striking out the figure "425,000" and inserting in place thereof the following figure:— "2,425,000".

The amendment was *rejected*.

Messrs. Antonioni and Pacheco moved that the bill be amended in section 2, in item 2511-0100, by adding the following words:— "; provided further, that not less than \$100,000 shall be expended for the garden in every school project, so-called"; and, in said section 2511-0100, by striking out the figure "5,023,385" and insert ing in place thereof the following figure:— "5,123,385".

The amendment was *rejected*.

Mr. Magnani of Framingham moved to amend the bill, in section 2, in item 2511-0105, by adding the following words:— "; and provided further, that \$50,000 shall be expended for the improvement of the kitchen facilities at the Framingham civic league."

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2511-0105, by inserting after the words "Worcester county food bank;" the following words:— "; and provided further, that not less than \$25,000 shall be expended for the operation of the Randolph food pantry located in the town of Randolph;"

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 2511-3002, by striking out the words "provided, that not less than \$150,000" and inserting in place thereof the following words:— "provided, that not less than \$250,000"; and, in said item 2511-3002, by striking out the figure "299,500" and inserting in place thereof the following figure:— "399,500".

The amendment was *rejected*.

Messrs. Moore and Jajuga moved to amend the bill, in section 2, line item 4000-0110, by inserting after the words "Haverhill summer nights program, so-called" the following words:— "; provided further, that the sum of \$640,000 be allocated for the challenge youth intervention program, so-called, and that the sum of \$640,000 appropriated herein shall be available for expenditure as the state match for federal funds received for the Haverhill summer nights program".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 4000-0110, by adding the following words:— "; provided further, that notwithstanding the foregoing provisions, \$1,000,000 of the amount appropriated herein shall be expended for competitively procured matching grants to non-profit organizations, including, but not limited to, boys' and girls' clubs and YMCA organizations, for the purposes of developing programs for delinquency prevention, welfare to work, citizenship, leadership and character development, technology training, job training, drug alcohol and teenage pregnancy prevention and educational enhancement".

The amendment was *rejected*.

Ms. Melconian in the Chair, Mr. Moore moved to amend the bill, in section 2, in item 4000-0300, by adding the following words:— "; provided further, that the federal financial participation, received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and funded in part or in whole by federally permissible provider donations and from hospitals, shall be credited to this item and may be expended without further appropriation and an amount specified in an agreement between the division and each donating provider hospital shall be paid from this item to each hospital, which amount shall be in proportion to each hospital's donated amount; provided further, that the federal financial participation, received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals and federally-qualified community health centers and funded in part or in whole by federally permissible provider donations from said hospitals and health centers, shall be credited to this item and may be expended without further appropriation, and an amount specified in an agreement between the division and each donating provider hospital and health center shall be paid from this item to each hospital and health center, which amount shall be in proportion to each hospital's and health center's donated amount; and provided further, that the division for the costs of outreach and eligibility activities performed by Covering Kids Initiative and funded in part or in whole by federally permissible donations from said organizations, shall be credited to this item and may be expended without further appropriation."

After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill, in section 2, in item 4000-0500, by striking out the figure "1,405,687,366" and inserting in place thereof the following figure:— "1,420,687,366".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 4000-0700, by adding the following words:— "; provided, that \$1,500,000 in funding shall be expended for the state mini-grant program, so-called"; and in said item 4000-0700, by striking out the figure "613,978,363" and inserting in place thereof the following figure:— "615,478,363".

After debate, the amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4110- 1000, by adding the following words:— "; provided further, that not less than \$200,000 shall be expended to fund social work services to conduct needs assessment and rehabilitation training for the elder blind population of the commonwealth"; and in said item 4110-1000, by striking out the figure "3,611,086" and inserting in place thereof the following figure:— "3,811,086".

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 4000-0300, by inserting after the words "that the same standards and regulations for personal care attendants in effect on February 1, 1999 shall be retained in fiscal year 2000" the following words:— "unless an agreement to any changes is reached between the division of medical assistance, designees of the Governor's Advisory Commission on Disability Policy, the Massachusetts office on disability and the Statewide Independent Living Council".

The amendment was adopted.

Mr. Norton moved to amend the bill, in section 2, in item 4130-1000, by striking out the figure "12,847,181" and inserting in place thereof the following figure:— "13,500,000".

After remarks, the amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, by inserting after item 4130-3700 the following item:

"4130-xxxx For the administration of the Adoption Affordability Assistance Fund as established
by section 2WW of chapter 29 of the General Laws
.....250,000".

After debate, the amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 2440-0010, by inserting after "Clocktower" the following words:— "; provided further, that not less than \$50,000 shall be expended for improvements to Lynn Fells Parkway in the town of Saugus".

After debate, the amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that not less than \$226,125 shall be expended for replacement of jersey barriers, so-called, on the Nahant Causeway in the town of Nahant".

After debate, the amendment was adopted.

Mr. Knapik moved to amend the bill, in section 2, in item 4190-0100, by striking out the figure "14,619,187" and inserting in place thereof the following figure:— "14,819,744".

The amendment was *rejected*.

Ms. Creem, Mr. Panagiotakos, Ms. Tucker and Mr. Tolman moved to amend the bill, in section 2, in item 4400-1025, by adding the following words:— "; provided further, that not less than \$467,000 shall be expended for community based programs to prepare victims of domestic violence for work and provided further that said programs shall also work within communities to eliminate barriers to work for said victims."; and in said item 4400-1025, by striking out the figure "206,302" and inserting in place thereof the following figure:— "877,000".

The amendment was *rejected*.

Messrs. Havern and Magnani moved to amend the bill, in section 2, in item 4403-2000, by inserting after the words "may receive a supplemental benefit to compensate them for such loss,"

the following words:— "; provided further, that homeless families whose benefits are reduced because they reside in a shelter shall receive a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in a shelter or the amount provided by department regulations as of April 29, 1999, whichever is greater,".

After remarks, the amendment was *rejected*.

Ms. Fargo, Mr. Tolman and Ms. Resor moved to amend the bill by inserting after section 106 the following seven sections:—

"SECTION 106A. Subsection (f) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the words 'twenty-four months during a continuous sixty month period' and inserting in place thereof the following words:— sixty months.

SECTION 106B. The third sentence of subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the word 'continuous' and inserting in place thereof the following word:— cumulative.

SECTION 106C. The fourth sentence of said subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the words 'thirty-six-month' and inserting in place thereof the following word:— any.

SECTION 106D. The second paragraph of said subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the words 'twenty-four months within said sixty month period' and insert ing in place thereof the following words:— sixty months.

SECTION 106E. The first sentence of the third paragraph of said subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the words 'twenty-four month' and insert ing in place thereof the following words:— sixty month.

SECTION 106F. The second sentence of the third paragraph of said subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the words 'twenty-four month' and insert ing in place thereof the following words:— sixty month.

SECTION 106G. The third sentence of the third paragraph of said subsection (f) of said section 110 of said chapter 5 is hereby amended by striking out the word 'continuous' and inserting in place thereof the following word:— cumulative."

The amendment was *rejected*.

Messrs. Havern and Magnani moved to amend the bill, in section 2, in item 4403-2002, by inserting after the words "may receive a supplemental benefit to compensate them for such loss," the following words:— "; provided further, that homeless families whose benefits are reduced because they reside in a shelter shall receive a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in a shelter or the amount provided by department regulations as of April 29,1999, whichever is greater".

The amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, by striking out item 4403-2119 by and inserting in place thereof the following item:

"4403-2119 For the provision of structured settings as provided in subsection (i) of section 110 of chapter 5 of the acts of 1995 for parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program; provided, that not less than \$1,125,000 shall be expended for the provision of structured settings for which parents under the age of 20 who are receiving benefits under the transitional aid to families with dependent children program may be eligible for up to one year after

their twentieth birthday
.....8,346,172".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 4403-2120, by adding the following words:— "; provided further, that \$500,000 shall be expended from this line item to assist the Somerville Homeless Intercept Program".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill, in section 2, in item 4403-2120, by striking out the words "; provided further, that not less than \$374,148 shall be expended for the operation of the emergency family shelter operated by Emmaus Inc. of Haverhill" and inserting in place thereof the following words:— "; provided further, that not less than \$431,546 shall be expended for the operation of the emergency family shelter operated by Emmaus Inc. of Haverhill".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "less than \$78,935 shall be expended for a contract with Mainspring House" and inserting in place thereof the following words:— "less than \$150,000 shall be expended for a contract with Mainspring House".

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 4406-3000, by adding the following words:— "; provided further, that \$300,000 shall be expended for Sylvia's Haven Inc. in Devens to provide housing, education, counseling and training for homeless women and their children."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "; provided further, that not less than \$241,199 shall be expended for a shelter operated by Emmaus Inc. of Haverhill" and inserting in place thereof the following words:— "provided further, that not less than \$341,010 shall be expended for a shelter operated by Emmaus Inc. of Haverhill".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4800-1400, by inserting after the words "historically underserved battered women;" the following words:— "; provided further, that a sum of not less than \$50,000 be appropriated to the On The Rise shelter for homeless women in Cambridge;"

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "; provided further, that not less than \$1,341,844 shall be expended for a contract with" and inserting in place thereof the following words:— "; provided further, that not less than \$1,461,844 shall be expended for a contract with"; and in said item 4406-3000, by striking out the figure "34,979,958" and inserting in place thereof the following figure:— "35,099,958".

The amendment was *rejected*.

Mr. Berry moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "; provided further, that \$1,400,000 shall be expended for contracts with YMCA and YWCA organizations for not less than 200 transitional units" and inserting in place thereof the following words:— "; provided further, that \$1,400,000 shall be expended to create programs with YMCA and YWCA organizations for not less than 200 transitional units".

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 "Shelter, Inc.;" the following words:— "; provided further, that \$156,871 shall be expended for a contract with the South Middlesex Opportunity Council for the provision of shelter services through the Meadows II program, so-called;"

After debate, the amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 4510-0100, by inserting after the words "braille or large print" the following words:— "; provided further, that not less than \$140,000 shall be expended for a prostate cancer resource guide to be published in English and Spanish by the University of Massachusetts Medical Center and the American Cancer Society"; and in said item 4510-0100, by striking out the figure "8,352,082" and inserting in place thereof the following figure:— "8,492,082".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4510-0100, by adding the following words:— "; and provided further, that not less than \$100,000 shall be expended for a program to raise public awareness and provide health care provider education on colo rectal cancer, including dissemination of materials on preventing and screening said disease and cancer registry reporting".

After remarks, the amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 4510-0110, by adding the following words:— "; provided further, that not less than \$25,000 shall be expended for the Falmouth free clinic."

The amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, in item 4510-0110, by adding the following words:— "; provided further, that not less than \$300,000 shall be expended for the South Boston Community Health Center"; and in said item 4510-0110, by striking out the figure "1,289,238" and inserting in place thereof the following figure:— "1,589,238".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, in item 4510-0110, by adding the following words:— "; and provided further, that not less than \$300,000 shall be expended for the South Boston Community Health Center"; and, in said item 4510-0110, by striking out the figure "1,289,238" and inserting in place thereof the following figure:— "3,750,000".

The amendment was *rejected*.

Messrs. Shannon and Jajuga moved to amend the bill, in section 2, in item 4512-0200, by inserting after the words "doing business as STEP, Inc.;" the following words:— "; provided further, that not less than \$500,000 be provided for a scattered site residential program for young adults 18 to 24 years of age, inclusive, who are homeless or at risk of homelessness and who have substance abuse problems;"; and by striking out the figure "43,460,112" and inserting in place thereof the following figure:— "43,960,112".

The amendment was *rejected*.

Messrs. Morrissey and Lynch moved to amend the bill, in section 2, in item 4512-0200, by inserting after the words "the Hingham district court for a pilot total immersion program;" the following words:— "; provided further, that not less than \$125,000 shall be expended for a contract with the Gavin Foundation Inc. to provide a total immersion program in conjunction with the probation department of the Quincy division of the district court department of the trial court."

The amendment was *rejected*.

Ms. Fargo and Mr. Tolman moved to amend the bill, in section 2, in item 4512-0200, by adding the following words:— "; 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.

Mr. Tolman moved to amend the bill, in section 2, in item 4512-0200, by adding the following words:— "; 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;".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, in item 4512-0200, by striking out the words "provided further, that not less than \$60,000 shall be expended for a contract with Gavin Foundation to provide a pilot total immersion program in conjunction with the probation department of the South Boston division of the district department of the trial court" and inserting in place thereof the following words:— "; provided further, that not less than \$120,000 shall be expended for a contract with Gavin Foundation to provide a total immersion program in conjunction with the probation department of the South Boston division of the district court department of the trial court and other district courts".

After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill, in section 2, in item 4512-0225, by adding the following words:— "; provided, that not less than \$150,000 shall be expended for clinical research programs to combat gambling disorders as a service to veterans."

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill, in section 2, in item 4512-0500, by adding the following words:— "; provided that not less than \$100,000 shall be expended for the commonwealth's mobile adolescent oral health services program which is centrally administered through the oral health division by the director of oral health services at the Dorchester house multi-service center and which provides mobile dental services for the underserved clients of the department of youth services, the department of social services, and other underserved adolescent populations throughout the commonwealth"; and in said item 4512-0500, by striking out the figure "1,321,537" and inserting in place thereof the following figure:— "1,421,537".

The amendment was *rejected*.

Messrs. Norton, Clancy and Nuciforo moved to amend the bill, in section 2, in item 4513-1000, by adding the following words:—

"; provided further, that not less than \$600,000 shall be expended for a child health diary entitled "Growing Up Healthy"; and provided further, that 79 per cent of the diaries shall be printed in English, 14 per cent shall be printed in Spanish and 7 per cent shall be printed in Portuguese."

After remarks, the amendment was *rejected*.

Mr. Rosenberg moved to amend the bill, in section 2, in item 4513-1000, by adding the following words:— "; and provided further, that not less than \$14,800 shall be allocated as a management incentive grant to the Franklin regional council of governments for costs associated with the regional public health agent pilot project, so-called, in Franklin county".

After remarks, the amendment was adopted.

Mr. Bernstein and Ms. Tucker moved to amend the bill, in section 2, in item 4513-1000, by adding the following words:— "; provided further, that not less than \$305,000 shall be expended to expand the capacity of rape crisis centers to provide services to adolescents and people whose first language is not English, of which not less than \$30,000 shall be expended to increase the capacity of Llamnos y Hablemos the state-wide Spanish language hotline for victims of sexual abuse"; and in said item 4513-1000, by striking out the figure "22,343,336" and inserting in place thereof the following figure:— "22,648,336".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 4513- 1000, by inserting after the words "gay and lesbian youth" the following words:— "; provided further, that no funds shall be expended for such programs prior to parental notification of their nature and content".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 4513-1020, by adding the following words:— "; provided further, that \$68,153 shall be expended for an early intervention and case management pilot program at Carney hospital to serve the residents of four public housing locations in the Dorchester and Mattapan sections of Boston".

The amendment was *rejected*.

Mr. Moore moved to amend the bill, in section 2, in item 4513-1111, by adding the following words:— "; provided, that not less than \$500,000 shall be expended for the development and implementation of a public health initiative to inform consumers and providers about arthritis and arthritis prevention"; and in said item 4513-1111, by striking out the figure "502,638" and inserting in place thereof the following figure:— "1,002,638".

The amendment was *rejected*.

Ms. Wilkerson and Mr. Panagiotakos moved to amend the bill, in section 2, in item 4513-1112, by striking out the figure "2,008,689" and inserting in place thereof the following figure:—"3,000,000".

The amendment was *rejected*.

Ms. Jacques and Mr. Panagiotakos moved to amend the bill, in section 2, item 4513-1022, by striking out the words "in collaboration with the department of education through an interagency service agreement".

After remarks, the amendment was adopted.

Mr. Morrissey, Ms. Resor, Mr. Clancy, Ms. Creem and Mr. Rosenberg moved to amend the bill, in section 2, by striking out item 4513-1112 and inserting in place thereof the following item:

"4513-1112 For a prostate cancer screening, education and treatment program; provided, that not less than \$500,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment
.....2,008,689".

After debate, the amendment was adopted.

Mr. Morrissey, Ms. Resor, Mr. Clancy and Ms. Creem moved to amend the bill, in section 2, by striking out item 4513-1112 and insert in place thereof the following item:

"4513-1112 For a prostate cancer screening education and treatment program; provided, that not less than \$1,000,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate

cancer prevention, detection and treatment
.....2,508,689".

The amendment was *rejected*.

Ms. Tucker and Messrs. Travaglini, Panagiotakos, Nuciforo and Jajuga moved to amend the bill, in section 2, in item 4530-9000, by striking out the words "; provided further, that \$250,000 shall be expended for the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided further, that of said \$250,000 not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that of said \$250,000 not less than \$80,000 shall be expended for said program in the city of North Adams"; and in section 2, by inserting after item 7061-9615 the following item:

"7061-9617 For the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided further, that not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that not less than \$80,000 shall be expended for said program in the city of North Adams; and provided further, that the funds appropriated herein shall be transferred to the department of public health to administer said program
.....250,000".

The amendment was *rejected*.

Ms. Tucker and Messrs. Travaglini, Panagiotakos, Nuciforo and Jajuga moved to amend the bill, in section 2, in item 4530-9000, by striking out the words "; provided further, that \$250,000 shall be expended for the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided further, that of said \$250,000 not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that of said \$250,000 not less than \$80,000 shall be expended for said program in the city of North Adams"; and by inserting after said item 4530-9000 the following item:

"4530-9001 For the abstinence-based teen pregnancy prevention program, so-called, to prevent teen pregnancy in the cities in the cities of Lawrence, North Adams, Pittsfield, and the town of Orange; provided further, that not less than \$90,000 shall be expended for said program in the city of Pittsfield; and provided further, that not less than \$80,000 shall be expended for said program in the city of North Adams; and provided further, that the funds appropriated herein shall be transferred to the department of public health to administer said program
.....250,000".

The amendment was *rejected*.

Ms. Creem, Ms. Murray, Ms. Fargo, Mr. Creedon, Ms. Tucker and Mr. Havern, Ms. Wilkerson, Ms. Walsh and Mr. Panagiotakos moved to amend the bill, in section 2, in item 4570-1500, by inserting after the words "or within ten years after completion of clinical training;" the following words:— "; provided further, that \$250,000 of such funds shall be made available to fund research grants studying environmental links to breast cancer;".

After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill, in section 2, in item 4580-1230, by striking out the figure "300,000" and inserting in place thereof the following figure:— "500,000".

The amendment was *rejected*.

Mr. Brewer moved to amend the bill, in section 2, in item 4590-0300, by adding the the following words:— "; provided further, that not less than \$112,000 shall be allocated from this item to Quabbin Media tion for youth violence prevention and peer mediation programs".

After remarks, the amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in items 4590-0300, by adding the following words:— "; provided further, that a school district's eligibility for these grants shall be predicated on the implementation of a pre-K through 12 comprehensive school health education program consistent with the department of education's health curriculum frameworks and completion of required statewide evaluation activities, including active participation in the Massachusetts youth risk behavior survey, if local district is selected, and in all Health Protection Fund evaluation activities"; and in section 2, in item 7032-0500, by adding the following words:— "; provided further, that a school district's eligibility for these grants shall be predicated on the implementation of a pre-K through 12 comprehensive school health education program consistent with the department of education's health curriculum frameworks and completion of required statewide evaluation activities, including active

participation in the Massachusetts youth risk behavior survey, if local district is selected, and in all Health Protection Fund evaluation activities".

The amendment was *rejected*.

Mr. Jajuga, Mrs. Sprague, Messrs. Creedon and Morrissey and Ms. Resor moved to amend the bill, in section 2, in item 4590-0300, by striking out the words "\$1,078,666 shall be expended for the student awareness of fire" and inserting in place thereof the following words:— "\$2,500,000 shall be expended for the student awareness of fire".

After debate, the amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 4800-0018, by adding the following words:— "; and provided further, that not less than \$300,000 shall be provided to establish the family center component of the Greater Lowell Family Resource Center."

After remarks, the amendment was adopted.

Messrs. Rosenberg and Lynch moved to amend the bill, in section 2, in item 4800-0031, by adding the following words:— "; and provided further, that the department shall expand the existing permanency mediation pilot project, currently serving the counties of Berkshire, Hampden and Essex, to also serve the counties of Hampshire, Franklin, Barnstable and Middlesex".

The amendment was adopted.

Messrs. Lynch and Nuciforo moved to amend the bill, in section 2, in item 4800-0031, by adding the following words:— "; and provided further, that not less than \$500,000 shall be allocated for the establishment of four permanency mediation programs in the juvenile and probate courts".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 4800-1100, by striking out the figure "91,200,512" and inserting in place thereof the following figure:— "93,902,191".

The amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 4800-1400, by adding the following words:— "; provided further, that not more than \$75,000 shall be obligated to the Cape Cod Center for Women to maintain the confidential, battered women's support center and shelter"; and in said item 4800-1400, by striking out the figure "15,436,293" and inserting in place thereof the following figure:— "15,611,293".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 4800-1997, by striking out the words "\$250,000 shall be expended for the purposes of juvenile firesetter programs;" and inserting in place thereof the following words:— "\$500,000 shall be expended for the purposes of the juvenile firesetter programs;"; and by striking out the figure "17,262,893" and inserting in place thereof the following figure:— "17,512,893".

After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 5046-2000, by inserting after the words "city of Lynn" the following words:— "; and provided further, that not less than \$90,000 shall be expended for the Lighthouse Job Link Program located in the city of Springfield."

After remarks, the amendment was adopted.

Ms. Tucker and Mr. Panagiotakos moved to amend the bill, in section 2, in item 5920-2000, by adding the following words: "; provided further, that no less than an additional \$500,000 in new monies be designated to address the historic inequity of resources for the Greater Lowell Area; provided further, that such allocation shall be in addition to Greater Lowell's base funding; provided further, that said base funding shall be in addition to the distribution of any new monies appropriated for the purposes of the waiting list, Turning 22 program or other purposes to which the Greater Lowell Area would otherwise be entitled".

The amendment was *rejected*.

Mrs. Sprague and Messrs. Tisei, Knapik and Hedlund moved to amend the bill, in section 2, in item 5920-3000, by striking out the figure "47,533,398" and inserting in place thereof the following figure:— "50,568,398".

The amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 6000-0100, by adding at the end thereof the following words:— "; provided further, that the executive office is hereby authorized and directed to conduct a study of the available methods to design and construct sound barriers along the Massachusetts turnpike as determined necessary by the Massachusetts Turnpike Authority Priority Results, in the city of Newton and the costs associated with such construction."

The amendment was adopted.

Mr. Havern moved to amend the bill, in section 2, in item 6000-0102, by inserting after the words "including public transportation services" the following words:— "and an allowance for work related transportation costs using the lowest cost efficient mode of transportation not to exceed \$150 per month."

The amendment was *rejected*.

Messrs. Tisei and Tarr and Mrs. Sprague moved to amend the bill, in section 2, in item 6005-0011, by adding the following words:— "; provided further, that said authority shall conduct a study of 'The Ride' program, so-called; provided further, that said study shall include, but not be limited to, the number and nature of complaints, including, but not limited to complaints regarding timeliness and service, received by the authority in fiscal years 1999 and 2000 regarding 'The Ride,' the number of such complaints that have been resolved and the number that are outstanding, an evaluation of the performance of providers of services for 'The Ride' under contracts or agreements with said authority, and an analysis of ways of improving the efficiency and timeliness of service under 'The Ride'; and provided further, that said report shall be submitted to the joint committee on transportation and the senate and house committees on ways and means not later than November 17, 1999."

After remarks, the amendment was adopted.

Messrs. Lees, Knapik, Hedlund and Rauschenbach and Mrs. Sprague moved to amend the bill, in section 2, in item 6005-0011, by adding the following words:— "; provided further, that the authority may not expend any funds for the purpose of expanding its operations or its areas of service from the period beginning July 1, 1999, to July 1, 2001, except for projects in which construction was begun before July 1, 1999."

After debate, 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. 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.
Berry, Frederick E.
Brewer, Stephen M.
Clancy, Edward J., Jr.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Montigny, Mark C.
Moore, Richard T.
Morrisey, Michael W.
Murray, Therese
Norton, Thomas C.

Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 32.

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

Messrs. Glodis and Lees moved to amend the bill, in section 2, by inserting after item 6005-0012 the following item:

"6005-0014 For reimbursement to common carriers of passengers for certain fuel excises in accordance with the provisions of paragraph (c) of section 25B

of chapter 58 of the General Laws
.....550,000";

and by inserting at the end thereof the following new section:—

"SECTION . Section 25B of chapter 58 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after subparagraph (b) the following subparagraph (c):—

(c)(1) On or before April 15 of each year, the amount determined by the commissioner to be payable in accordance with this subparagraph to each common carrier of passengers by motor vehicle granted a certificate of public convenience and necessity pursuant to section 7 of chapter 159A, such amount to be the sum of the fuel and special fuels excises paid by such company under the provisions of chapters 64A and 64E during the preceding calendar year with respect to fuel and special fuels consumed in its operation of motor vehicles upon or over the highways of the commonwealth over routes established or operated under a certificate of public convenience and necessity granted pursuant to said section 7 of said chapter 159A and not otherwise reimburseable under said chapters 64A and 64E. The number of gallons of fuel or special fuels so consumed shall not exceed the number of miles that such motor vehicles have been operated during the preceding calendar year over the routes, other than any turnpike constructed by the Massachusetts Turnpike Authority, authorized by said authority or under the certificate, divided by five.

(2) On or before February 15 of each year such company shall by sworn statement submit to the commissioner such information as, in the judgment of the commissioner, is necessary in order to determine the amount to which such company is entitled in accordance with clause (1) of subparagraph (c). If such company fails to furnish such information on or before said date, the commissioner may refuse to certify such amount to the state treasurer. Such amount shall be subject to verification and adjustment by the commissioner and any adjustment shall correspondingly reduce or increase, as the case may be, the amount for the year in which the adjustment is made. For this purpose, the commissioner may at any time examine the accounts, books, documents and other papers of such company, take testimony and proofs under oath, issue summonses and require the attendance and testimony of witnesses and the production of accounts, books, documents and other papers. Such summonses shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to summonses issued hereunder. Any justice of the supreme judicial court or of the superior court may, upon application of the commissioner, compel the attendance of witnesses, the production of accounts, books, documents and other papers and the giving of testimony before the commissioner in the same manner and to the same extent as before the courts."

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

YEAS.

Glodis, Guy W.
Hedlund, Robert L.
Joyce, Brian A.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 9.

Knapik, Michael R.
Lees, Brian P.

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.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
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.

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

The President in the Chair, Mr. Glodis moved to amend the bill, in section 2, in item 6005-0018, by adding the following words:— "; and provided further, that not less than \$213,200 shall be made available to cover the cost of para-transit feeder service to the Grafton rail station by the Worcester Regional Transit Authority"; and in said item 6005-0018, by striking out the figure "15,978,283" and inserting in place thereof the following figure:— "16,191,483".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 6005-0018, by adding the following words:— "; and provided further, that not less than \$10,000 shall be made available to establish commuter boat service between Marina bay in the city of Quincy and the city of Boston.".

The amendment was *rejected*.

Mr. Havern moved to amend the bill, in section 2, in item 6010-0001, by adding the following words:— "; provided further, that not less than \$390,000 be expended to reimburse the town of Burlington for work completed on Wayside Road on behalf of the department of highways."

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2, in item 6010-0001, by adding the following words:— "; and provided further, that not more than \$2,100,000 shall be expended for the Chestnut street turn-back project, so-called, in the town of Needham".

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 \$1,360,000 be provided for traffic signalization projects at the intersections of Route 4 and Dalton Road and at the three way intersection of Route 4, Davis Road and Parkhurst Road."

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 6010-0001, by adding the following words:— "; and provided further, that not less than \$28,600 shall be expended for the reconstruction and signalization of the Chadwick Square intersection in the city of Worcester."

The amendment was *rejected*.

Ms. Wilkerson and Messrs. Tolman and Lynch moved to amend the bill, in section 2, in item 6010-0001, by adding the following words:— "; and provided further, that not less than \$1,420,000 shall be allocated to Community Training Collaborative."

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 \$100,000 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 that not less than \$200,000 be expended for improvements to Middleton road in the town of Boxford".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 6010-0001, by inserting after the words "provided further, that \$150,000 shall be expended for a design engineering study of Route 126 in the town of Ashland;" the following words:— "; provided further, that not less than \$625,000 shall be expended for structural reinforcements of Bolivar street and for the emergency demolition of the embedded public works garage in the town of Canton."

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 6010-0001, by striking out the words "provided further, that the department is directed to conduct a review and analysis of the traffic conditions on Route 138 in the towns of Milton and Canton and report on any improvements thereof which will enhance traffic and pedestrian safety" and inserting in place thereof the following words:— "; provided further, that not less than \$100,000 shall be expended for the department to conduct a review and analysis of the traffic conditions on Route 138 in the towns of Milton and Canton and report on any improvements thereof which will enhance traffic and pedestrian safety and aesthetics."

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 6010-1000, by adding the following words:— "; provided further, that not less than \$3,600 shall be expended for the purpose of replacing a flagpole on route 2 in Charlemont".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7000-9401, by inserting after the words "resident in the commonwealth" the following words:— "; provided further, that not less than \$60,000 shall be expended to install new carpet and venetian blinds in the Academy Hill Branch of the Boston Public Library in Brighton".

After remarks, the amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 7000-9402, by striking out the figure "209,978" and inserting in place thereof the following figure:— "327,300".

The amendment was *rejected*.

Messrs. Bernstein and Glodis move to amend the bill, in section 2, in item 7000-9402, by striking out the figure "209,978" and inserting in place thereof the following figure:— "239,978".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7000-9406, by striking out the words "\$121,000 shall be expended to enlarge" and inserting in place thereof the following words:— "\$212,000 shall be expended to enlarge"; in said item 7000-9406, by striking out the words "\$180,000 shall be expended for adaptive" and inserting in place thereof the following words:— "\$165,000 shall be expended for adaptive"; and in said item 7000-9406 by striking out the figure "1,503,919" and inserting in the place thereof the following figure:— "2,000,000".

After debate, the amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7000-9501, by adding the following words:— "; provided further, that not less than \$600,000 shall be expended for the repair and restoration of the Fall River public library".

After debate, the amendment was *rejected*.

Messrs. Birmingham, Lynch, Montigny, Magnani, Ms. Fargo, Ms. Melconian, Ms. Jacques, and Mr. Rosenberg moved to amend the bill by inserting after section 85 the following four sections:—

"SECTION 85A. Section 1 of chapter 151 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words 'five dollars and twenty-five cents' and inserting in place thereof the following figure:— \$5.75.

SECTION 85B. The second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure '\$5.75', inserted by section 1, and inserting in place thereof the following figure:— \$6.25.

SECTION 85C. Said second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure '\$6.25', inserted by section 2, and inserting in place thereof the following figure:— \$6.75.

SECTION 85D. Said section 1 of said chapter 151 is hereby further amended by adding the following sentence:— As of September 1 of every year, the commissioner shall increase the wage rate specified in the preceding sentence by the same percentage as increases in the consumer price index prepared by the United States Bureau of Labor Statistics for all urban consumers nationally during the most recent 12-month period for which data are available."; and by inserting after section 222 the following section:—

"SECTION 222A. Section 85A shall take effect on September 1, 1999. Section 85B shall take effect on September 1, 2000. Section 85C shall take effect on September 1, 2001. Section 85D shall take effect on July 1, 2002."

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved that the amendment be amended by striking out the text and inserting in place thereof the following:—

"SECTION 85A. Section 1 of chapter 151 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words "five dollars and twenty-five cents" and inserting in place thereof the following figure:— \$5.75.

SECTION 85B. The second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure '\$5.75', inserted by section 1, and inserting in place thereof the following figure:— \$6.25.

SECTION 85C. Said second sentence of said section 1 of said chapter 151 is hereby further amended by striking out the figure '\$6.25', inserted by section 2, and inserting in place thereof the following figure:— "\$6.75."; and by inserting after section 222 the following section:—

"SECTION 222A. Section 85A shall take effect on September 1, 1999. Section 85B shall take effect on September 1, 2000. Section 85C shall take effect on September 1, 2001."

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at seventeen minutes past six o'clock P.M.. 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.
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.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
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-two minutes past six o'clock P.M., the further amendment was *rejected*.

The pending amendment (Birmingham, et al.), was further considered.

The question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past six o'clock P.M., on motion of Mr. Lynch, as follows, to wit (yeas 38 — nays 1):

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.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.

Sprague, Jo Ann
Tarr, Bruce E.

Walsh, Marian
Wilkerson, Dianne — 38.

NAYS.

Rauschenbach, Henri S. — 1.

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

Mr. Lynch moved to amend the bill, in section 2, in item 7002-0100, by adding the following words:— "; provided further, that not less than \$87,000 shall be expended for a full-time AFL-CIO rapid response labor specialist".

Mr. Travaglini in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before seven 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.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
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-three minutes before seven o'clock P.M., the amendment was adopted.

Ms. Wilkerson moved to amend the bill, in section 2, in item 4403-2000, by inserting after the words "may receive a supplemental benefit to compensate them for such loss" the following words:— "; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families, whose benefits are reduced because they reside in shelters, a relocation benefit for expenses related to securing permanent housing equal to the amount by

which benefits were reduced while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000."; and in said section 2, in item 4403-2002, by inserting after the words "may receive a supplemental benefit to compensate them for such loss" the following words:— "; provided further, that the department of transitional assistance shall study the policy and fiscal impacts of providing homeless families whose benefits are reduced because they reside in shelters, a relocation benefit for expenses related to securing permanent housing equal to the amount by which benefits were reduced while they were in shelter or the amount provided by department regulations as of April 29, 1999 for said purposes, whichever is greater; provided further, that the study shall be submitted to the house and senate committees on ways and means not later than March 1, 2000".

After debate, the amendment was adopted.

Ms. Tucker moved to amend the bill, in section 2, in item 7061-9611, by inserting after the words "at-risk middle school students," the following words:— "; provided further, that not less than \$150,000 shall be expended to provide after-school programming to school age children in Andover by Life Focus Center, Inc."; and in said item 7061-9611, by striking out the words "\$10,471,001 may be" and inserting in place thereof the following words:— "\$10,321,001 may be".

The amendment was adopted.

Mr. Nuciforo moved to amend the bill, in section 2, in item 4510-0790, by striking out the words "\$68,000 shall" each time they appear, and inserting in place thereof, in each instance, the following words:— "\$80,000 shall"; and in said item 4510-0790, by striking out the words "\$88,000 shall", each time they appear, and inserting in place thereof, in each instance, the following words:— "\$80,000 shall".

The amendment was *rejected*.

Messrs. Antonioni and Pacheco moved to amend the bill, in section 2, by inserting after item 2300-0104 the following item:

"2300-0106 For the operation of the SPORT program, or Statewide point-of-sale Outdoor Recreation Transaction system, so-called

.....929,173

General Fund.....25.0%

Inland Fisheries

and Game Fund.....25.0%;"

Marine Fisheries Fund.....25.0%;"

Environmental Law

Enforcement Fund.....25.0%";

in item 2310-0200, by striking out the figure "6,955,688" and inserting in place thereof the following figure:— "6,726,925"; in item 2330-0100, by striking out the figure "4,185,000" and inserting in place thereof the following figure:— "3,945,469"; by striking out item 2350-0100 and inserting in place thereof the following item:

"2350-0100 For the operation of the division of environmental law enforcement; provided, that each county in the commonwealth shall be assigned at least one full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that officers shall provide monitoring pursuant to the national shellfish sanitation program; and provided further, that not more than \$20,000 shall be expended on the continued expansion of the communications network to join a statewide communications system with the executive office of public safety

.....8,893,430

Environmental Law

Enforcement Fund.....50.66%

General Fund.....34.20%

Highway Fund.....15.14%".

The amendment was adopted.

Mr. Travaglini moved to amend the bill, in section 2, in item 7002-0800, by striking out the figure "740,919" and inserting in place thereof the following figure:— "838,639".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7003-0603, by striking out the figure "5,087,000" and inserting in place thereof the following figure:— "6,000,000".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 7003-0603, by adding after the words "work-based programs" the following words:— "; and provided further, that \$50,000 in matching grants shall be expended for a pilot program for the purpose of providing paid internship opportunities for high school students to be administered by the Regional Employment Board of Hampden County, Inc.".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill, in section 2, in item 7003-0700, by adding the following words:— "; and provided further, that \$25,000 be expended for a contract to the Northeast Textile Association for a Massachusetts Textile Consortium for the purposes of developing and planning a model employee training program for textile employees".

The amendment was adopted.

Messrs. Lynch and Tolman moved to amend the bill, in section 2, in item 7003-0700, by striking out the words "\$85,000 shall be expended for an incumbent worker training specialist" and inserting in place thereof the following words:— "\$174,000 shall be expended for an incumbent worker training specialist"; and in said item 7003-0700, by striking out the figure "2,147,000" and inserting in place thereof the following figure:— "2,236,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past seven o'clock P.M. on motion of Mr. Lynch, as follows, to wit (yeas 38 — nays 1):

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.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
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.

Lees, Brian P. — 1.

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

Mr. Lynch moved to amend the bill, in section 2, in item 7002-0101, by striking out the figure "325,000" and inserting in place thereof the following figure:— "466,000".

The amendment was *rejected*.

Suspension of Senate Rule 38A.

Mr. Berry 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 ye and nay vote.

Recess.

There being no objection, at a quarter past seven o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-six minutes past eight 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 2000 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. 4401, 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 0526-0100, by inserting after the word "Medford;" the following:— "; provided further, that not less than \$100,000 be expended for the repair and restoration of the Old Coast Guard Station in the town of Nahant;".

The amendment was adopted.

Mr. Magnani moved to amend the bill, in section 2, in item 7003-0700, by inserting after the words "\$127,000 shall be expended for the employee involvement and ownership program, so-called;" the following words:— "; provided further, that the office of employee involvement and ownership shall report by January 1 of each year to the joint committee on commerce and labor on the degree to which the goals of sections 17 and 18 of chapter 23D of the General Laws have been implemented, on the identification of barriers to implementation and with a plan for implementation consistent with said chapter and sections;".

The amendment was adopted.

Mr. Norton move 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"; and in said item 7003-0803, by striking out the figure "3,750,000" and inserting in place thereof the following figure:— "5,750,000".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill, in section 2, in item 7003-0803 by adding the following words:— "; provided further, that not less than \$250,000 shall be expended on a one-stop career center in the city of Lawrence."

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7003- 1000, by striking out the words "\$75,000 in fiscal year 2000" and inserting in place thereof the following words:— "\$100,000 in fiscal year 2000"; and in said item 7003-1000, by striking out the figure "2,495,000" and inserting in place thereof the following figure:— "2,895,000".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 7003- 1000, by adding the following words:— "; provided further, that not less than \$50,000 shall be provided to the Vocational Adjustment Center in Brighton for the purpose of assisting in the provision of employment opportunities for adults with developmental disabilities".

After debate, the amendment was adopted.

Ms. Murray moved to amend the bill, in section 2, in item 7003-1000, by striking out the words "that not less than \$100,000 shall be provided to the Massachusetts maritime academy for a training and work program in maritime trades, including, but not limited to, sailing, seamanship and nautical training; provided further, that the Cape Cod, Martha's Vineyard and Nantucket regional employment board shall oversee and make recommendations regarding said program" and inserting in place thereof the following words:— "that not less than \$200,000 shall be provided to the Massachusetts maritime academy for a training and work program in maritime trades, including, but not limited to, sailing, seamanship and nautical training; provided further, that the Cape Cod, Martha's Vineyard and Nantucket regional employment board and the Southcoastal Regional Employment Board shall oversee and make recommendations regarding said program".

The amendment was *rejected*.

Ms. Melconian and Mr. Lees moved to amend the bill, in section 2, in item 7003-1000, by striking out the words "; provided further, that said organization shall submit a plan to the house and senate committees on ways and means, not later than December 1, 1999, detailing how said organization's funding will be maintained in fiscal year 2001;".

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill, in section 2, in item 7003-1000, after the words "nautical training" by adding the following words:— "; provided further, that the MassJobs council shall expend not less than \$60,000 for the business/community college worker training program to be operated by the Cape Cod Chamber of Commerce economic development division".

The amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 2, in item 7003-2055, by adding the following words:— "; provided further, that not less than \$7,500 shall be provided for the Bonnie Brea Camp, so-called, in the city of Gardner".

The amendment was adopted.

Mr. Glodis moved to amend the bill, in section 2, in item 7004-0099, by adding the following words:— "; provided further, that not more than \$35,000 shall be expended for the demolition of abandoned buildings which pose a serious health and safety risk, at 1551, 1553 and 1555 Main street in the city of Worcester".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 7004-0099, by adding the following words:— "; provided, that not less than \$300,000 shall be expended for the completion of a certain sewer project on South Main street in the city of Worcester as initiated by the provisions of clause (r) of section 3 of chapter 15 of the acts of 1988."; and in said item 7004-0099, by striking the figure "7,698,986" and inserting in place thereof the figure:— "7,998,986".

The amendment was *rejected*.

Messrs. Morrissey and Creedon moved to amend the bill, in section 2, in item 7004-0099, by adding the following words:— "; provided further, that not less than \$100,000 shall be expended for renovations to the Veterans Memorial stadium in the town of Rockland in order to comply with the Americans with Disabilities Act".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 7004-0099, by inserting after the words "provided further, that not more than \$24,865 shall be expended for the native American resource center;" the following words:— "; provided further, that not less than \$520,000 shall be expended for improvements and repairs to public housing facilities in the town of Canton;".

The amendment was *rejected*.

Mr. Morrissey, Ms. Fargo and Messrs. Hedlund and Magnani moved to amend the bill, in section 2, by inserting after item 7004-0099 the following item:

"7004-0200 For the operation of the municipal assistance program to provide grants, technical assistance and training for municipal governments in the areas of planning, zoning, economic development, capital planning and related subject areas to promote cost effective and efficient delivery of local services, including regionalization of services; provided, that said grants may be utilized for the purchase of computer hardware and equipment; and provided further, that funds appropriated herein may be provided in advance; and provided further, that no less than \$60,000 shall be allocated as a grant to the metropolitan area planning council for cost associated with the regional services consortia project in the metropolitan area planning district

.....800,000".

The amendment was *rejected*.

Messrs. Tisei, Lees, Tarr and Knapik and Mrs. Sprague moved to amend the bill, in to section 2, by inserting after item 7004-0099 the following item:

"7004-1000 For the playground initiative fund, 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 requirements

.....1,000,000".

The amendment was *rejected*.

Ms. Murray moved to amend the bill, in section 2, in item 7004-2027, by adding the following words:— "; provided further, that not less than \$50,000 shall be expended for well development and an irrigation system for recreational areas in Hanson."

The amendment was *rejected*.

Messrs. Nuciforo and Magnani moved to amend the bill, in section 2, in item 7004-2027, by striking out the figure "1,900,000" and inserting in place thereof the following figure:— "2,500,000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7004-2027, by inserting after the word "organizations" the following words:— "; provided, 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".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7004-2475, by striking out the figure "3,000,000" and inserting in place thereof the following figure:— "4,000,000".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, by inserting after item 7004-8878 the following item:

"xxxx-xxxx For the purpose of undertaking emergency repairs of state owned public housing including, but not limited to, hazardous material abatement, including asbestos and lead paint; provided, that said department may enter into a contract or contracts with housing authorities for projects undertaken pursuant to section 25 and clause (j) of section 26 of chapter 121B of the General Laws

.....2,000,000".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7004-9005, by striking out the following words:— "and capital reserves".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7006-0000, by adding the following words:— "; provided further, that \$135,000 shall be expended for the homeowners option for Massachusetts Elders Inc. Program"; and in said item 7006-0000, by striking out the figure "1,577,500" and inserting in place thereof the following figure:— "1,712,500".

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Moore, Mrs. Sprague, Ms. Wilkerson and Mr. Shannon moved to amend the bill, in section 2, in item 7006-0000, by striking out the figure "1,577,500" and inserting in place thereof the following figure:— "1,777,203".

After debate, 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 7006-0020, by striking out the figure "5,304,836" and inserting in place thereof the following figure:— "5,567,893".

After debate, the amendment was *rejected*.

Mr. Travaglini moved to amend the bill, in section 2, by striking out item 7006-0060 and inserting in place thereof the following item:

"7006-0060 For the operation of the division of standards; provided that not less than \$638,000 shall be used for item pricing enforcement conducted by the division; provided further, that the functions of the consumer protection division of the Medford Consumer Advisory Commission shall be transferred to the division of standards without interruption of service and without impairment or reduction of employee seniority, retirement benefits, compensation, salary grade, union representation or other employee rights; and provided further, that all such employees shall be considered public employees and shall continue their right to collectively bargain pursuant to chapter 150E of the General Laws; and provided further, that all collective bargaining agreements in effect for the transferred employees immediately prior to the transfer shall continue in effect immediately until the expiration date of the agreements and that the terms and conditions of employment therein shall continue as if the employees had not been transferred; and provided further, that after the expiration date of the collective bargaining agreements, the division of standards shall be responsible for the negotiation of all necessary collective bargaining agreements for the positions representing the transferred employees and shall serve as the employer for the purposes of chapter 150E
.....1,639,370".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7006-1000, by striking out the figure "1,037,841" and inserting in place thereof the following figure:— "1,159,576".

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill, in section 2, by inserting after item 7006-1001 the following item:

"7006-1002 For not more than 25 per cent of the start up cost of a wind turbine in the town of Hull 75,000".

After remarks, the amendment was *rejected*.

Ms. Wilkerson moved to amend the bill, in section 2, in item 7007-0300, by adding the following words:— "; provided further, that \$100,000 shall be allocated to communities designated as federal empowerment zones for the purpose of new market development."

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7007-0400, by inserting after the words "within minority communities;" the following words:— "provided further, that not less than \$500,000 shall be expended for the rural and low-income business development grant program;"; and in said item 7007-0400, by striking out the figure "2,565,000" and inserting in place thereof the following figure:— "3,065,000".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 7007-0400, by inserting after the words "within minority communities" the following words:— "; provided further, that not less than \$250,000 shall be expended for the Martin Luther King, Jr. Business Empowerment Center in Worcester for the expansion of minority business development and employment opportunities"; and in said item 7007-0400, by striking out the figure "2,565,000" and inserting in place thereof the following figure:— "2,815,000".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7007-0401, by striking out the words "provided further, that not less than \$250,000 shall be expended for the Merrimack Valley economic development authority;"; and, in item 7007-1200, by

adding the following words:— "; provided further, than not less than \$250,000 shall be expended for the Merrimack Valley economic development authority".

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, by striking out item 7007-0515 and inserting in place thereof the following item:

"7007-0525 For grants to be allocated by the department in support of regional redevelopment projects in the commonwealth; provided that, \$200,000 of the amount appropriated herein shall be expended for a grant to the Devens enterprise commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient not later than June 30, 2002; provided further, that not more than \$75,000 of the grant shall be obligated to the communities of Ayer, Harvard, Lancaster and Shirley in order to conduct a progress review of the status of the redevelopment effort at Fort Devens; provided further, that not less than \$275,000 shall be expended for a grant to the south shore tri-town development corporation established pursuant to chapter 301 of the acts of 1998; and provided further, that not less than \$800,000 of the amount appropriated herein shall be expended for a grant to the mystic valley development commission established pursuant to section 11 of chapter 294 of the acts of 1996
.....1,275,000".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill, in section 2, by striking out item "7007-0920"; in said section 2, in item 7007-0950, by adding the following words:— "; and provided further, that not less than \$1,500,000 shall be allocated for Sail Boston 2000, Inc."; in said item 7007-0950, by striking out the figure "2,500,000" and inserting in place thereof the following figure:— "4,000,000"; and in said item 7007-0950, by striking out the words "Massachusetts Tourism Fund 100.0%" and inserting in place thereof the following words:—

Massachusetts Tourism

Fund 62.50%.

General Fund 37.50%.

After remarks, the amendment was adopted.

Mr. Norton moved to amend the bill, in section 2, in item 7007-0950, by inserting after the words "Baystate games, so-called;" the following words:— "provided further, that notwithstanding the provisions of any general or special law to the contrary, a grant of \$200,000 shall be transferred from this item to the Massachusetts office of business development for regional tourism and economic development in southeastern Massachusetts".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 7007-0950, by adding the following words:— "; and provided further, that not less than \$25,000 shall be expended for the sports museum of New England at Lowell, so-called, for the support and the expansion of educational programs for children."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7007-1200, by adding the following words:— "; provided further, that the corporation shall expend \$150,000 for the support of the initiative known as the engineering in Massachusetts collaborative; provided further, that the initiative shall seek to achieve financial and organizational independence from the corporation; and provided further, that in the support of such purposes, the corporation shall leverage all available public and private financial resources".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7007-1200, by striking out the figure "900,000" and inserting in place thereof the following figure:— "1,050,000".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7007-1200, by striking out the figure "900,000" and inserting in place thereof the following figure:— "1,350,000".

The amendment was *rejected*.

Ms. Wilkerson, Ms. Fargo and Mr. Tolman moved to amend the bill, in section 2, in item 7010-0012, by adding the following words:— "; provided further, that \$403,500 shall not be distributed to METCO communities until the committee on education, arts and humanities shall have certified that the department of education's reimbursement of participating communities shall be in conformity with the law, and is based on the number of students currently enrolled in the METCO program in each community and on the real costs, including transportation and special education, associated with these students."; and in said item 7010-0012, by striking out the figure "12,371,328" and inserting in place thereof the following figure:— "12,774,828".

The amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 7010-0012, by striking out the figure "12,371,328" and inserting in place thereof the following figure:— "16,900,000".

The amendment was *rejected*.

Ms. Fargo, Ms. Wilkerson, Ms. Creem and Mr. Havern moved to amend the bill, in section 2, in item 7010-0012, by adding the following words:— "; provided further that \$403,500 shall not be distributed to METCO communities until the committee on education, arts and humanities shall have certified that the department of education's reimbursement of participating communities shall be in conformity with the law, and based on the number of students currently enrolled in the METCO program in each community and on the real costs, including transportation and special education, associated with these students."; and in said item 7010-0012, by striking out the figure "12,371,328" and inserting in place thereof the following figure:— "12,774,828".

The amendment was *rejected*.

Messrs. Lynch and Antonioni moved to amend the bill, in section 2, in item 7010-0017, by striking out the figure "2,847,290" and inserting in place thereof the following figure:— "4,347,290".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7027-0016, by striking out the figure "592,800" and inserting in place thereof the following figure:— "736,000".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, by striking out item "7028-0302"; and by adding the following section:—

"SECTION 191A. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the educational expenses of school age children with special needs attending school pursuant to the provisions of section 10 of chapter 71B of the General Laws, and the educational expenses of school age children with special needs attending day or residential programs who have no father, mother or guardian living in the commonwealth, shall be paid for by the department of education. A state agency that transfers a child to the department of education shall be responsible for the non-educational expenses of such child. Said department of education shall not charge back to a city or town any such expenses, including the cost of transportation".

After remarks, the amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 7007-0401, by inserting after the words "Central Massachusetts Economic" the following word:— "Development".

After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7007-1200, by striking out the words "; 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;" and inserting in place thereof the following words:— "; (6) generally improve the perception of the value and benefits of doing business in the commonwealth; and (7) facilitate the development of a workforce educated in math, science, engineering and technology; provided further, that the amount appropriated herein shall be obligated to the Massachusetts technology park collaborative of the Massachusetts technology park corporation; provided further, that in support of the purposes of this item, said corporation shall expend \$200,000 for the initiative known as the Berkshire connect;" and, in said item 7007-1200, by striking out the figure "900,000" and inserting in place thereof the following figure:— "1,100,000".

After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill, in section 2, in item 7030-1000, by adding the following words:— "provided further, that \$175,000 be expended for the Family Partnership Center at the Ayer public school to provide funding for additional students that the Ayer public school must educate as a result of a cooperative agreement to educate children residing on Fort Devens".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7030-2000, by adding the following words:— "; and provided further, that \$150,000 shall be expended for the statewide steering committee for at-risk and out-of-school youth".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7030-2000, by striking out the figure "2,805,968" and inserting in place thereof the following figure:— "2,955,968".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7030-2000, by adding the following words:— "; provided further, that \$500,000 shall be expended for the Commonwealth Alternative Education Revolving Fund Demonstration Program in the cities of New Bedford and Pittsfield, to be administered through the Corporation For Business Work and Learning Center for Youth Development and Education; provided further, that said fund shall be administered with an amount equal to the per-student foundation education aid times 100 students in each of the aforementioned communities;".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7030-2000, by adding the following words:— "; provided further, that \$150,000 shall be allocated for the statewide steering committee for at-risk and out-of-school youth to provide technical assistance and training to community teams, and alternative education;".

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill, in section 2, in item 7030-2000, by adding the following words:— "; provided further, that not less than \$150,000 shall be provided for the Massachusetts statewide steering committee for at-risk and out-of-school youth, to support the communities throughout the commonwealth that deliver integrated services for at-risk and out-of-school youth".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7032-0500, by adding the following words:— "; provided further, that not less than \$400,000 shall be expended and divided among school districts in the commonwealth for the purpose of providing for drug and alcohol-free after-prom events for high school students".

After remarks, the amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 7032-0500, by adding the following words:— "; and provided further, that no funds shall be expended for such programs prior to parental notification of their nature and content".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 7035-0002, by striking out the figure "26,626,751" and inserting in place thereof the following figure:— "33,799,307".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 7035-0002, by adding the following words:— "; provided further, that \$400,000 shall be expended for Operation Bootstrap in the city of Lynn".

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill, in section 2, in item 7035-0003, by striking out the figure "150,000" and, inserting in place thereof the following figure "200,000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7035-0003, by striking out the figure "150,000" and inserting in place thereof the following figure:— "225,000".

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill, in section 2, in item 7035-0006, by adding the following words:— "; provided, that payment of said reimbursements by the commonwealth shall occur not later than September 30;".

After remarks, the amendment was adopted.

Ms. Tucker moved to amend the bill, in section 2, in item 7052-0003, by adding the following words:— "; and provided further, that not less than \$3,600,000 shall be designated for the Lawrence Vocational Technical School"; and in said item 7052-0003, by striking out the figure "9,551,948" and inserting in place thereof the following figure:— "13,151,948".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2, in item 7053-1940, by adding the following words:— "; provided further, that not less than \$350,000 shall be allocated for a payment to the town of Framingham for the educational costs incurred relative to the Learning Center for the Deaf, so-called."; and in said item 7053-1940, by striking out the figure "535,000" and inserting in place thereof the following figure:— "885,000".

After debate, the amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that \$300,000 shall be made available to the city of Pittsfield;".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that \$250,000 shall be made available to the town of Adams;".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that \$191,500 shall be made available to the town of Heath;".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that \$140,000 shall be made available to the town of Savoy;".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that not less than \$200,000 shall be made available to the town of Avon."

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 7061-0011, by adding the following words:— "; provided further, that not less than \$750,000 shall be made available to the town of Milton."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7061-0012, by striking out the words "and an outreach program geared toward special education teachers, students and parents regarding the services of such program" and inserting in place thereof the following words:— "and provided further, that not less than \$75,000 shall be expended for the purpose of training teachers and students in 'Learning Through Listening' methodologies with technical assistance and ongoing support for one school year in Cambridge, Leominster, Fitchburg, Gardner and Boston."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, in item 7061-0012, by striking out the figure "56,397,606" and inserting in place thereof the following figure:— "56,472,606".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 7061-9200, by adding the following words:— "; provided further, that not less than \$250,000 shall be allocated for a demonstration school to work technology project by the city of Boston."

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 7061-9611, by inserting after the words "parent training and education in violence prevention" the following words:— "; provided further, that not less than \$100,000 shall be expended for after-school programs for at-risk students at the Worcester Youth Center."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7061-9611, by striking out the figure "200,000" and inserting in place thereof the following figure:— "300,000".

The amendment was *rejected*.

Mr. Rosenberg in the Chair, Messrs. Lees, Tisei, Tarr and Hedlund and Mrs. Sprague moved to amend the bill, in section 2, in item 7061-9615, by adding the following words:— "; provided further, that use of on-line services shall be expressly limited to those individual educators enrolled in said program and for whom the on-line services were intended."

After remarks, the amendment was adopted.

Ms. Fargo, Messrs. Berry, Tarr and Havern, Ms. Creem and Messrs. Brewer, Hedlund and Norton moved to amend the bill, in section 2, by inserting after item 7061-9615 the following item:

"7061-9616 For the MSPCC ACCESS: Violence Prevention Program, so-called, as part of a comprehensive program to prevent violence in high schools
.....50,000".

After remarks, the amendment was *rejected*.

Ms. Fargo and Ms. Creem moved that the bill be amended, in section 2, by inserting after item 7061-9615 the following item:

"7061-9616 For grants to school districts for the development and establishment of programs to address problems of students who exhibit classroom behavior that interferes with learning, particularly those students who may be suffering from the traumatic effects of exposure to violence and for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; provided further, that such grants shall be contingent upon a match of not less than one dollar in local expenditure for every dollar in state funding distributed through said grant program
.....500,000".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill, in section 2, in item 7061-9626, by inserting after the word "Worcester" the following word:— "Lynn"; and in said item 7061-9626, by striking out the figure "1,800,000" and inserting in place thereof the following figure:— "1,950,000".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2, by inserting after item 7061-9615 the following item:

'7061-xxxx For grants to school districts for the development and establishment of programs to address problems of students who exhibit classroom behavior that interferes with learning, particularly those students who may be suffering from the traumatic effects of exposure to violence and for the development and establishment of alternative education programs and services for suspended or expelled students, which may include but not be limited to, grants to allow school districts to coordinate efforts to establish interdistrict regional alternative education collaboratives or to establish district based alternative education programs; provided further, such grants may also encourage the use of technology to provide education in an alternative setting; provided further, no school district that currently operates an alternative education program for suspended or expelled students shall use grant funds to supplant existing programs or services; provided further, that such grants shall be contingent upon a match of not less than one dollar in local expenditure for

every dollar in state funding distributed through said grant program
.....500,000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 7061-9611, by inserting after the words "provided further, that not less than \$10,417,000 may be expended on after school programs" the following words:— "; provided further, that not less than \$60,000 shall be expended for after-school programs for low income residents of the Allston-Brighton area".

The amendment was adopted.

Mr. Havern moved to amend the bill, in section 2, in item 7070-0065, by striking out the words "\$14,000,000 to provide for matching scholarship grants" and inserting in place thereof the following words:— "\$18,000,000 to provide for matching scholarship grants".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, by inserting after item 7077-1000 the following item:

"7077-1001 For the Brockton 21st Century Corporation to design, develop and lease space for a college collaborative to be located in a commercial center revitalization district which has been designated according to the provisions of section 11F of chapter 23 of the General Laws; provided, that the Brockton 21st Century Corporation shall send requests for proposals to all Massachusetts colleges and universities; provided further, that the request for proposals shall include a description of credit courses to be offered, welfare to work and ESL programs, so called, and the rent, square footage required; and provided further, that the collaborative shall open not later than October 1, 1999 275,000".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7100-0200, by adding the following words:— "; provided further, that not less than \$600,000 shall be expended to establish an endowment for a Portuguese chair at the University of Massachusetts at Dartmouth."

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 7100-0200, by adding the following words:— "; provided further, that a sum of not less than \$11,000,000 be expended for the development of the Advanced Technology Center at the University of Massachusetts at Dartmouth to be located in the city of Fall River".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 7100-0200, by inserting after the word "AHEC;" the following words:— "; provided further, that \$120,000 be expended for the student legal services office at the University of Massachusetts at Boston to assist students in matters including, but not limited to, domestic violence issues, labor relations, landlord and tenant disputes and civil rights complaints;"

The amendment was *rejected*.

Mr. Panagiotakos 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".

The amendment was *rejected*.

Messrs. Moore, Berry and Bernstein moved to amend the bill, in section 2, in item 7116-0100, by striking out the following words:— "; provided, that funds may be expended for the creation of an allied health center at Worcester state college" and inserting in place thereof the following words:— "; provided, that no less than \$250,000 shall be expended for the creation of the Center for Health Professions at Worcester state college to create a statewide health care data base, to conduct and publish health care policy research briefs, to provide consumer information, to offer customized health care education and retraining of health care professionals and to provide research and staff support to assist the health care professionals with improvement of medical quality and patient safety and reduction of medical errors".

After remarks, the amendment was adopted.

Messrs. Moore and Glodis moved to amend the bill, in section 2, by inserting after item 7116-0100 the following item:

"7116-0101 To establish a Center for Health Professions to create a state-wide health-care data base, to conduct and publish health care policy research briefs, to provide consumer information and to offer customized health care education and retraining of health care professionals and to provide research and staff support to assist the health care professionals with improvement of medical quality and patient safety and reduction of medical errors
.....250,000".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill, in section 2, in item 7502-0100, by inserting after the words "Berkshire Community College" the following words:— "; provided, that not less than \$140,000 shall be expended for certain improvements to the athletic and health facilities at said college in accordance with the college's private partnership/community college collaboration program;" and in said item 7502-0100, by striking out the figure "8,343,846" and inserting in place thereof the following figure:— "8,483,846".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 7508-0100, by adding the following words:— "; provided further, that \$80,000 shall be expended for a concrete sidewalk from the Fine Arts Building parking lot to the college's Crescent Street entrance."; and in said item 7508-0100, by striking out the figure "17,555,223" and inserting in place thereof the following figure:— "17,635,223".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 7511-0102, by striking out the figure "1,133,607" and inserting in place thereof the following figure:— "1,650,000".

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill, in section 2, in item 7512-0100, by striking out the figure "12,740,300" and inserting in place thereof the following figure:— "13,103,839".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill, in section 2, in item 7515-0121, by striking out the figure "247,100" and inserting in place thereof the following figure:— "299,100".

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill, in section 2, in item 8000-0010, by striking out the following words:— "; provided further, that not less than \$16,000 shall be provided for community policing in the town of Buckland;" and inserting in place thereof the following words:— "; provided further, that not less than \$20,000 shall be provided for community policing in the town of Buckland;".

The amendment was adopted.

Mr. Creedon moved to amend the bill, in section 2, in item 8000-0010, by inserting after the words "of Mission Hill in the city of Boston for additional enforcement in conjunction with the neighborhood policing program" the following words:— "; provided further, that not less than \$10,000 shall be expended for the Brockton Neighborhood Watch Program".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill, in section 2, in item 8000-0010, by inserting after the word "Waltham" the following word:— ", Westfield".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 8000-0010, by inserting after the words "Stoneham, Turners Falls, Waltham," the following word:— "Watertown,".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 8000-0010, by adding after the word "substation;" the following words:— "; provided further, that \$40,000 shall be expended for community policing in the town of Rowley;".

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill, in section 2, in item 7100-0200, by inserting after the words "DuBois Library, so-called, at the University of Massachusetts at Amherst;" the following words:— "; provided further, that not more than \$50,000 shall be expended by The Donahue Institute at the University of Massachusetts at Boston to conduct a study, in conjunction with the Institute for Regional Development at Bridgewater State College, on the establishment of a regional skills alliance/education and training center, which would combine the resources of public and private educational institutions, the private sector and labor community to meet the education and training needs of the region, which could include, but not be limited to, the incorporation of a continuum of care component for the mentally retarded, skilled nursing, respite, medical/clinical specialties centers, training centers for DMR staff and family supports on the core campus, so called, of the Paul A. Dever State School; provided further, that the Dever Reuse Commission shall serve as an advisory committee to the Donahue Institute and the Institute for Regional Development; and provided further, that the Institutes shall submit a report of their recommendations to the commission no later than February 20, 2000;".

The amendment was adopted.

Ms. Walsh moved to amend the bill, in section 2, in item 8000-0160, by striking out the figure "402,218" and inserting in place thereof the following figure:— "862,053".

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill, in section 2, in item 8100-0301, by striking out the figure "1,725,452" and inserting in place thereof the following figure:— "1,804,966"; and in said item 8100-0301, by striking out the words "; provided further that not less than \$127,486 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" and inserting in place thereof the following words:— "; provided further that not less than \$207,000 shall be expended for the cost of increased police patrols during the months of July to September 1999, inclusive, and May 26 to June 30, 2000, inclusive, for Nantasket beach in the town of Hull."

After remarks, the amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 8100-0301, by striking out the words "; provided further, that \$25,000 be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale, and Readville sections of Boston, and in the Towns of Canton, Milton, Randolph," and inserting in place thereof the following words:— "; provided further, that \$50,000 be expended to provide patrols of Blue Hill and Stonybrook reservations and those parklands and roadways under the care and control of the metropolitan district commission patrolled by the state police in the Hyde Park, West Roxbury, Roslindale and Readville sections of Boston and in the towns of Canton, Milton, and Randolph;".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 8200-0200, by striking out the words "an amount up to" and inserting in place thereof the following words:— "not less than".

After remarks, the amendment was adopted.

Messrs. Tisei and Tarr moved to amend the bill, in section 2, in item 8200-0200, by adding the following words:— "; provided further that said council shall not expend more than \$600,000 for the purchase of two mobile firearms training trailers to be used exclusively by the 63 communities that participated in training exercises at Camp Curtis Guild"; and in said item 8200-0200, by striking out the figure "3,766,568" and inserting in place thereof the following figure:— "4,366,568".

After remarks, the amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2, in item 8200-0200, by inserting after the words "an amount up to \$250,000" the following words:— "for the second year of a contract issued".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2, in item 8200-0200, by striking out the words "shall expend an amount up to \$250,000" and inserting in place thereof the following words:— "shall provide not less than \$250,000".

The amendment was *rejected*.

Messrs. Jajuga and Brewer and Ms. Creem moved to amend the bill, in section 2, in item 8200-0200, by striking out the words "amount up to \$250,000" and inserting in place thereof the following words:— "an amount not less than \$250,000 for the second year of a contract issued in accordance with the provisions of chapter 30B of the General Laws,".

The amendment was *rejected*.

Mr. Glodis and Ms. Wilkerson moved to amend the bill, in section 2, in item 8200-0200, by striking out the words "; provided, that said council shall expend an amount up to \$250,000 in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for police chiefs" and inserting in place thereof the following:—"provided, that said council shall expend not less than \$250,000 for the second year of a contract issued in accordance with the provisions of chapter 30B of the General Laws, for training and technical assistance for police chiefs".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 8315-1000, by inserting after the words "McCormack and Saltonstall office buildings;" the following words:—""; provided further, that \$1 million dollars be expended for the construction of a public safety building in the town of West Newbury".

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 8324-0000, by striking out the figure "2,059,505" and inserting in place thereof the following figure:—"2,170,908".

The amendment was *rejected*.

Mr. Magnani and Ms. Resor moved to amend the bill, in section 2, in item 4401-1000, by inserting after the words "young parents programs;" the following words:—""; provided further, that not less than \$250,000 shall be expended for job training and job placement services for homeless individuals statewide through the MASS CAN program;".

The amendment was adopted.

Ms. Fargo moved to amend the bill, in section 2, in item 4590-0300, by striking out the figure "1,078,666" and inserting in place thereof the following figure:—"2,500,000".

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, in item 8324-1000, by striking out the figure "821,133" and inserting in place thereof the following figure:—"870,180".

The amendment was *rejected*.

Ms. Fargo moved to amend the bill, in section 2, by inserting after item 8324-1000 the following item:

"8324-1006 For the establishment of a retained revenue account for the hazardous materials regional response program to allow the agency to collect funds from responsible parties, and reimburse communities as set forth in chapter 21K of the General Laws
.....100,000".

The amendment was *rejected*.

Messrs. Jajuga and Creedon and Ms. Resor moved to amend the bill, in section 2, by inserting after item 8324-1000 the following item:

"8324-1006 For the operation of a retained revenue account for the hazardous materials regional response program
.....100,000".

The amendment was *rejected*.

Ms. Resor and Mrs. Sprague moved to amend the bill, in section 2, in item 8324-1007, by striking out the figure "1,188,244" and inserting in place thereof the following figure:—"2,906,505".

The amendment was *rejected*.

Messrs. Jajuga and Creedon and Ms. Resor moved to amend the bill, in section 2, in item 8324-1007, by striking out the figure "1,888,244" and inserting in place thereof the following figure:—"2,906,505".

The amendment was *rejected*.

Mr. Jajuga, Mrs. Sprague, Mr. Creedon and Ms. Resor moved to amend the bill, in section 2, in item 8324-1500, by striking out the figure "2,621,465" and inserting in place thereof the following figure:— "3,310,446".

The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 2, in item 8324-1500, by inserting after the words "city of Malden;" the following words:— "; provided further, that not less than \$50,000 shall be made available to the city of Springfield, which shall provide matching funds, to be expended for the operation and administration of the Norris J. Quinn Fire Training Center in said city for the purpose of training firefighters employed by any community located in western Massachusetts".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill, in section 2, in item 8600-0001, by striking out the figure "265,984" and inserting in place thereof the following figure:— "295,516".

The amendment was *rejected*.

Mr. Moore moved to amend the bill, in section 2, by inserting after item 8700-0001 the following item:

"8700-0010 As a one-time expenditure for the 'distance learning initiative', so-called
.....250,000".

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 8850-0001, by striking out the figure "270,341" and inserting in place thereof the following figure:— "290,665".

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 8850-0015, by striking out the figure "176,888" and inserting in place thereof the following figure:— "185,992".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 8900-0003, by adding the following words:— "; and provided further, that not less than \$750,000 shall be expended from this item for sound mitigation at the Essex county correctional facility in the town of Middleton."; and in said item 8900-0003, by striking out the figure "997,000" and inserting in place thereof the following figure:— "1,747,000".

After remarks, the amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 8900-0009, by adding the following words:— "; provided further, that not more than \$200,000 shall be made available for expanding the mandatory functional literacy program with preference given to those within 18 months of release."

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 2, in item 8910-0000, by inserting after the words "promulgated by the state comptroller pursuant to the provisions of section 27 of chapter 29 of the General Laws;" the following words:— "; provided further, that notwithstanding the provisions of any general or special law to the contrary, no county treasurer shall retain revenues derived by sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that such revenues shall be retained by sheriffs, not subject to further appropriation, for use in a canteen fund, so-called;".

The amendment was *rejected*.

Mr. Havern moved to amend the bill, in section 2, in item 8910-0107, by striking out the figure "41,045,440" and inserting in place thereof the following figure:— "41,269,244".

The amendment was *rejected*.

Mr. Havern moved to amend the bill, in section 2, by inserting after item 8910-1100 the following item:

"8910-1101 For a workforce re-entry and training fund of the Middlesex sheriff's department to provide financial assistance to eligible local or regional agencies which retrain eligible persons; provided, that the sheriff shall determine the standards for eligibility in order for such agencies to receive financial assistance; and provided further, that not more

than 10 per cent be expended for administrative costs
.....70,000".

The amendment was *rejected*.

Ms. Creem and Mr. Havern moved to amend the bill, in section 2, in item 8950-0001, by adding the following words:— "; 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 "13,127,247" and inserting in place thereof the following figure:— "15,898,515".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 2, in item 9110-0100, by adding the following words:— "; and provided further, that not less than \$150,000 shall be provided for an interdepartmental service agreement with the University of Massachusetts at Lowell to support research activities of the university performed during fiscal year 2000 on or after the effective date of such interdepartmental service agreement, which activities investigate the causes and potential cures for Alzheimer's disease and associated forms of dementia".

The President in the Chair, after debate, the amendment was *rejected*, by a vote of 6 to 13.

Ms. Murray moved to amend the bill, in section 2, in item 9110-1630, by striking out the figure "88,763,087" and inserting in place thereof the following figure:— "89,263,087".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill, in section 2, in item 9110-1636, by striking out the figure "8,548,713" and inserting in place thereof the following figure:— "8,659,700".

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2, in item 8100-0000, by inserting after the words "explosives technicians;" the following words:— "provided further, that the department shall train as many members of the state police as necessary to attain and maintain a complement of not less than 12 members of the Violent Fugitive Arrest Squad by July 1, 2000;".

After remarks, the amendment was adopted.

Ms. Wilkerson and Mr. Joyce moved to amend the bill, in section 2, in item 8100-0301, by striking out the words "not less than \$238,000 shall be expended to provide patrols along the southwest corridor" and inserting in place thereof the following words:— "not less than \$238,000 shall be expended to provide motorcycle patrols along the southwest corridor".

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill, in section 2, in item 7061-0019, by striking out the figure "200,000" and inserting in place thereof the following figure:— "500,000".

The amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 2, by inserting after item 7100-0500 the following item:

"7100-2000 For a one-time program to provide state matching funds for the purpose of matching private contributions to the permanent endowment funds of the University of Massachusetts; provided, that expenditures from this item shall be contingent upon the prior receipt or prior legally-binding pledge of private contributions in an amount equal to said expenditures
.....10,000,000".

The amendment was *rejected*.

Messrs. Shannon, Tolman and Lynch moved to amend the bill, in section 2, by inserting after item 9110-1660 the following item:

"9110-1700 For residential assessment and placement programs for homeless elders
.....250,000".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 9110-1900, by adding the following words:— "; provided further, that not less than \$300,000 shall be obligated for the 15 retired and senior volunteer programs"; and in said item 9110-1900, by striking out the figure "5,270,259" and inserting in place thereof the following figure:— "5,570,259".

The amendment was *rejected*.

Mrs. Sprague and Messrs. Lees, Tisei and Knapik 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:— "6,810,000".

The amendment was *rejected*.

Ms. Resor moved to amend the bill, in section 2, in item 9110-9002, by adding the following words:— "; provided further, that \$20,000 shall be expended for the purpose of site preparation, a foundation and relocation of the historic Whitcomb House in Boxborough".

The amendment was *rejected*.

Messrs. Glodis and Hedlund 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:— "6,895,000".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill, in section 2, in item 9110-9002, by adding the following words:— "; and provided further, that not less than \$35,000 shall be expended for the construction of a handicap access stair chair lift for the Rowley Center School municipal annex in the town of Rowley".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 9110-9002, by inserting after the words "; provided further, that \$25,000 shall be expended for licensing fees paid to the Motion Picture Licensing Corporation;" the following words:— "provided further, that not less than \$200,000 shall be expended for repairs and improvements to the Avon senior center".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 9110-9002, by inserting after the words "; provided further, that \$25,000 shall be expended for licensing fees paid to the Motion Picture Licensing Corporation;" the following words:— "; provided further, that not less than \$750,000 shall be expended toward the cost of construction of the Milton senior center;".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill, in section 2, by inserting after item 9749-0200 the following item:

"9749-0300 For the special commission on adolescents at risk 50,000".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2440-0010, by inserting after the words "; provided further, that \$200,000 shall be expended for improvements to the Spot Pond area in Stoneham" the following words:— "; provided further, that not less than \$200,000 shall be expended for the construction of an in-line skating rink at Houghton's pond in the town of Milton;".

The amendment was adopted.

Mr. Joyce moved to amend the bill, in section 2, in item 0526-0100, by inserting after the words "; provided further, that not less than \$30,000 shall be expended for the restoration and maintenance of the Walnut Square School Clock Tower in Haverhill;" the following words:— "; provided further, that not less than \$500,000 shall be expended for repairs and improvements to Stetson Hall in the town of Randolph."

The amendment was *rejected*.

Mr. Joyce moved to amend the bill, in section 2, in item 2100-2030, by inserting after the words "; provided further, that \$250,000 shall be expended on grants for community tree planting and care;" the following words:— "; provided further, that not more than \$30,000 shall be expended to dredge Pine Tree brook in the town of Milton;".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill, in section 2, in item 2440-0010, by adding the following words:— "; provided further, that no less than \$35,000 be expended for replacing fencing and backstop at Santoro field in Medford".

The amendment was adopted.

Mr. Joyce moved to amend the bill, in section 3, by striking the second paragraph thereof and inserting in place thereof the following paragraph:—

"Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 of this act shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of sections 3, 6 and 7 of chapter 70 of the General Laws; provided further, that amounts to be distributed to districts from item 7061-0011 in section 2 of chapter 194 of the acts of 1998 shall be redistributed from, said item in section 2 of this act, to said districts in fiscal year 2000, and shall be available on a one-time non-recurring basis; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until she receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws".

The amendment was *rejected*.

At twenty-three minutes past ten o'clock P.M., the President declared a recess until the following day at ten o'clock A.M.; and, at nine minutes past ten o'clock A.M. on Thursday, June 10, the Senate reassembled, the President in the Chair.

Thursday, June 10, 1999.]

**[being the legislative session
of Wednesday, June 9, 1999.]**

At nine minutes past ten o'clock A.M., the Senate reassembled, the President in the Chair.

Communication.

The following communication was received and placed on file, to wit: —

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

June 10, 1999.

Patrick Scanlan

Clerk of the Senate

State House, Room 335

Boston, MA 02133

Dear Mr. Clerk

On Wednesday, June 9th I was absent from the chamber for the roll calls relative to the committee for public counsel services, relative to the compensation of public counsel, and relative to the office of the state comptroller, because I was attending my father's funeral.

Thank you for your attention to this matter.

Sincerely,

SUSAN C. TUCKER,n

Second Essex and.

Middlesex District .

Distinguished Guests.

There being no objection during the Orders of the Day, the president introduced the Norwell High School Clippers football team, accompanied by their coach, Jim Sullivan, team captains Brian Fabrizio, Chris Sullivan, Nick Hajjar and Ryan Smith and team statistician, David Monteiro. The President noted that team statistician David Monteiro had achieved the highest score in the state on the recent MCAS test. The team is the 1998 Division IV Super Bowl champions. They were the guests of Senator Morrissey.

There being no objection, during the Orders of the Day, the President introduced Dr. Nicholas Tsimopolous, Coordinator of Science at Lexington High School, and twenty of his students. Dr. Tsimopolous and his students were in the Senate to be recognized for their outstanding performance in both state and national science competitions. They were the guests of Senator Fargo.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interests sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Rosenberg moved to amend the bill, in section 2, in item 4406-3000, by striking out the words "; provided further, that not less than \$218,943 from this item shall be expended for a contract with ServiceNet, Inc., to operate homeless shelters in Hampshire and Franklin counties;" and inserting in place thereof the following words:— "; provided further, that not less than \$381,350 from this item shall be expended for a contract with ServiceNet, Inc. to operate homeless shelters in Hampshire and Franklin counties;".

The amendment was adopted.

Mr. Rosenberg moved to amend the bill, in section 2, by inserting after item 7505-0100 the following item:

"7505-0101 For costs associated with the campus expansion at Greenfield community college
.....175,000".

The amendment was adopted.

Messrs. Brewer and Rosenberg moved to amend the bill, in section 2, in item 2511-0100, by striking out the words "\$250,000 shall be expended for agricultural fair prizes" and inserting in place thereof the following words:— "\$350,000 shall be expended for agricultural fair prizes".

The amendment was adopted.

Mr. Rosenberg moved to amend the bill, in section 2, in item 0540-1300, by striking out the figure "453,789" and inserting in place thereof the following figure:— "556,980".

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 2, in item 2440-0010 by adding the following words:— "; provided further, that not less than \$50,000 shall be expended from this item for the maintenance, operation and administration of the Harry McDonough Sailing Program, operated in the South Boston section of the city of Boston".

After remarks, the amendment was adopted.

Mr. Bernstein moved to amend the bill by inserting after section 214 the following section:—

"SECTION 214A. The senate committee on ways and means shall forthwith conduct a study in conjunction with the city of Worcester relative to the land acquisition costs associated with the Worcester Medical City project, so called. A copy of the study shall be filed with the clerk of the senate on or before August 15, 1999."

After remarks, the amendment was adopted.

Ms. Creem and Messrs. Tolman and Tisei moved to amend the bill, in section 2, in item 4000-0110, by adding the following words:— "; and provided further, that an amount no less than \$50,000 shall be expended for the Russian Teens-at-Risk Program, so-called, operated by the Jewish Family and children's Service in the city of Boston, town of Brookline, the city of Malden and city of Newton."

After remarks, the amendment was adopted.

Ms. Creem moved to amend the bill by inserting after section 214 the following section:—

"SECTION 214A. The department of education shall conduct a study relative to the development, evaluation, updating or refining of curricula, textbooks, technology and other instructional materials in the commonwealth's school districts. The study shall include, but not be limited to, an analysis of the costs to the school districts and an analysis of the frequency in which the updating of curricula should occur as well as an analysis of the effect of and the costs associated with preparation for the Massachusetts Comprehensive Assessment System exam. The department shall submit the results of the study, along with any recommendations for legislation, to the clerk of the house of representatives, the clerk of the senate and the house and senate committees on ways and means not later than December 31, 1999."

The amendment was *rejected*.

Mr. Berry and Ms. Wilkerson moved to amend the bill, in section 2, in item 4513-1000, by inserting after the words "northeastern university conflict resolution program;" the following words:— "provided further, that not more than \$150,000 shall be expended for black male health, for the purposes of decreasing disparities and improving the health conditions of black males and for the purposes of research, education, and health awareness programs to be executed by the department of public health in conjunction with the interagency agreement;"

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Magnani and Mrs. Sprague moved to amend the bill, in section 2, in item 7061-9611, by inserting after the words "not less than \$10,321,001 may be expended on after school programs", the following words:—"; provided further, that of said \$10,321,001, not less than \$50,000 shall be expended for matching grants of not more than \$5,000 to cities, towns and regional school districts for the development of new school safety initiatives;"

The amendment was adopted.

Ms. Fargo and Messrs. Havern, Pacheco, Panagiotakos and Nuciforo moved to amend the bill, in section 2, by inserting after item 2100-2002 the following item:

"2100-2020 For the operation of the Historic Landscape Grant Program and Scenic Inventory Program
.....300,000".

The amendment was *rejected*.

Ms. Resor and Mr. Pacheco moved to amend the bill, in section 2, in item 2200-0100, by inserting after the words, "Braintree/Weymouth interceptor, so-called;" the following words:— "; provided further, that the department shall conduct a study to determine the adequate staffing level for the Wetlands Protection Program; provided further, that the study shall be submitted to the house and senate committees on ways and means by December 1, 1999;"

After remarks, the amendment was adopted.

Ms. Creem moved to amend the bill, in section 2, in item 0810-0339, by striking out the figure "480,333" and inserting in place thereof the following figure:— "633,135".

The amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 0810-0338, by striking out the figure "248,276" and inserting in place thereof the following figure:— "529,468".

The amendment was *rejected*.

Ms. Creem moved to amend the bill, in section 2, in item 7004-0099, by adding the following words:— "; provided, that not less than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis Community Playground in Newton."

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2, in item 7052-0007, by striking out the word "children", and inserting in place thereof the following words:— "children; and provided further, that the town of Needham shall be reimbursed not less than \$400,000 for costs associated with health and safety improvements at the Pollard Middle School in Needham".

The amendment was adopted.

Mr. Creedon moved to amend the bill, in section 2, in item 4120-4000, by adding the following words:— "; provided further, that \$15,000 shall be expended for the Living Independently for Equality, Inc. of Brockton".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill, in section 2, in item 4513-1000, by adding the following words:— "; provided further, that not less than \$40,000 be expended for a refugee outreach healthcare professional in the city of Westfield."

The amendment was adopted.

Mr. Pacheco, Ms. Resor, Messrs. Antonioni and Brewer, Ms. Fargo and Ms. Creem moved that the bill be amended in section 2, in item 2000-0100, in line 34, by inserting after the words "Buzzards Bay" the following words:— "; and provided further, that not less than \$150,000" shall be expended for the planning for growth program, so-called;"; and in said item 2000-0100, by striking out the figure "5,052,093" and inserting in place thereof the following figure:— "5,202,093".

The amendment was *rejected*.

Messrs. Pacheco, Clancy and Panagiotakos, Ms. Creem and Ms. Tucker moved to amend the bill, in section 2, in item 2300-0101, by adding the following words:— "; provided that not less than \$200,000 shall be expended for the urban rivers neighborhood initiative"; and in said item 2300-0101, by striking out the figure "417,867" and inserting in place thereof the following figure:— "617,867".

The amendment was *rejected*.

Mr. Pacheco, Ms. Resor, Ms. Murray, Mr. Antonioni, Ms. Fargo, Mr. Brewer, Ms. Creem and Messrs. Hedlund and Glodis moved to amend the bill, in section 2, by inserting after item 2310-0500 the following item:

"2310-0600 For the implementation of a statewide biodiversity conservation program
.....250,000".

The amendment was *rejected*.

Messrs. Travaglini and Lynch moved to amend the bill in section 2, in item 4403-2000, by striking out the words "financially eligible for transitional aid to families with dependent children benefits" and inserting in place thereof the following words:— "financially eligible for transitional aid to families with dependent children benefits; provided further, that not less than \$308,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by the Travelers Aid Society of Boston."

After remarks, the amendment was adopted.

Ms. Resor, Mr. Norton, Ms. Tucker, and Messrs. Panagiotakos and Tolman moved to amend the bill, in section 2, in item 5920-1000, by adding the following words:— "; provided further, that the department shall not hire less than 100 new service coordinators,"; and in said item 5920-1000, by striking out the figure "43,504,361" and inserting in place thereof the following figure:— "46,698,682".

The amendment was *rejected*.

Mr. Norton moved to amend the bill, in section 2, in item 4513-1112, by adding the following words:— "; provided, that not less than \$3,000,000 shall be expended for the purposes of a Massachusetts-based scientific research grant program to investigate prostate cancer prevention, detection and treatment"; and in said item 4513-1112, by striking out the figure "2,008,689" and inserting in place thereof the following figure:— "4,500,000".

After debate, the amendment was *rejected*.

Ms. Melconian in the Chair, Messrs. Pacheco, Brewer, Creedon and Nuciforo moved that the bill be amended in section 2, in item 2310-0200, by striking out the figure "6,955,688" and inserting in place thereof the following figure:— "7,255,688".

After remarks, the amendment was adopted.

The President in the Chair, Mr. Magnani moved to amend the bill, in section 2, in item 7027-1000, by adding the following words:— "; provided further, that not less than \$150,000 shall be expended for the initiative known as project RE-SEED; provided further, that a plan by which the services and programs of project RE-SEED, so-called, the Engineering in Massachusetts collaborative, so-called, the Retirees School Volunteer Association, so-called, and PALMS, so-called, shall be effectively coordinated, shall be presented to the senate and house committees on science and technology, the joint committee on education, the senate and house committees on ways and means and the board of the Massachusetts Technology Collaborative not later than September 30, 1999; and provided further, that no disbursements from these funds or other funds provided in this act shall be made to the engineering in Massachusetts Collaborative or to project RE-SEED until said coordination plan is submitted."

The amendment was *rejected*.

Messrs. Antonioni, Travaglini, and Knapick, Ms. Wilkerson and Mr. Tolman moved to amend the bill, in section 2, in item 7030-1000, by inserting after the words "not more than an additional \$2,000,000 shall be made available for family networks;" the following words:— "; provided further, that not less than \$1,000,000 shall be expended for school wide early literacy education programs for grades K through 5, and such programs shall evaluate and track all students' reading and writing skills annually for at least three years, shall include measurable goals and benchmarks, shall include a home book program or other program for parental involvement in reading and writing instruction, and shall be led by a school based planning team which includes teaching faculty and the school principal and shall include a school wide literacy coordinator who shall be a full time teacher who shall coordinate and train other school staff, such grants shall include funding for up to one half of the salary of the literacy coordinator and shall be targeted for elementary schools with low cumulative grade four MCAS scores,".

After remarks, the amendment was adopted.

Ms. Creem moved to amend the bill, in section 2, in item 4401-1001, by striking out the words "assessments at a cost of up to \$2,000,000," and inserting in place thereof the words "assessments at a cost of not less than \$2,000,000".

After debate, the amendment was adopted.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

There being no objection, during the Orders of the Day, an engrossed Bill relative to the redevelopment of the former Lawrence Mills property in the city of Lowell (see Senate, No. 1726, 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 14 to 0.**

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

Resolutions.

There being no objection, during the Orders of the Day, the following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Clancy) "honoring Helaine R. Hazlett";

Resolutions (filed by Mr. Creedon) "congratulating Matthew Delello on receiving the Eagle Award of the Boy Scouts of America";

Resolutions (filed by Mr. Creedon) "congratulating Michael A. Gellman on receiving the Eagle Award of the Boy Scouts of America";

Resolutions (filed by Mr. Morrissey) "congratulating Charles E. Colby on being selected as the Regional Volunteer of the Year by the Joint Action in Community Service, Inc.";

Resolutions (filed by Mr. Morrissey) "congratulating Deputy Chief Joseph Pearson upon his retirement from the Quincy Auxiliary Police Department";

Resolutions (filed by Mr. Pacheco) "congratulating Francis A. Webb on the occasion of his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Rauschenbach) "on the occasion of the fiftieth anniversary edition of 'Tales of Cape Cod'";

Resolutions (filed by Mrs. Sprague) "honoring Jane A. Jackson on the occasion of her retirement from the Walpole Public School System";

Resolutions (filed by Mrs. Sprague) "on the occasion of the dedication of the Richard A. Koffinke Memorial Circle in the town of Walpole";

Resolutions (filed by Mr. Tisei) "on the occasion of the Reading Clock and Bell Fund celebration";

Resolutions (filed by Ms. Walsh) "congratulating Michael McGee on the occasion of his elevation the rank of Eagle Scout"; and

Resolutions (filed by Ms. Wilkerson) "honoring Dr. Basil K. Bryan, Jamaican Consul General to New York".

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The Senate Bill clarifying the abolition of certain county governments, transferring essential county functions to the state, and establishing regional retirement systems in regional councils of government (Senate, No. 1818),— was read a third time. After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at twenty-eight minutes past eleven o'clock A.M., on motion of Mr. Travaglini, 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.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.

Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.

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.

Ms. Melconian in the Chair, the yeas and nays having been completed at twenty-seven minutes before twelve o'clock noon, the bill was passed to be engrossed.

Sent to the House for concurrence.

Paper from the House .

There being no objection, during the Orders of the Day, a Bill making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4412, — on House, No. 2271, in part),— was read.

There being no objection, the rules were suspended, on motion of Mr. Travaglini, and the bill was read a second time, ordered to a third reading and read a third time.

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-three minutes before twelve o'clock noon, on motion of Mr. Montigny, 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.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela

Knapik, Michael R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.

Rosenberg, Stanley C.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 39.

NAYS — 0.

The yeas and nays having been completed at nineteen minutes before twelve o'clock noon, the bill was passed to be engrossed, in concurrence.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Ms. Murray of Plymouth moved to amend the bill, in section 26, by striking out the words, "said department on or before" and inserting in place thereof the following words:— the center on or before.

The amendment was adopted.

Ms. Creem, Mr. Havern and Ms. Wilkerson moved to amend the bill, in section 30, by striking out, in section 5, the words "Said advisory committee shall consist of 24 members" and inserting in place thereof the following words:— "Said advisory committee shall consist of 25 members"; and in section 30, by inserting in section 5, after the words, "one of whom shall be a member of the Massachusetts nurses association" the following words:— "; one of whom shall be a member of the Massachusetts chapter, American academy of pediatrics;".

The amendment was adopted.

Ms. Creem moved to amend the bill, in section 30, in section 5, by striking out the words "Said advisory committee shall consist of 24 members" and inserting in place thereof the following words:— "Said committee shall consist of 26 members"; by striking out the words "and 11 members appointed by the attorney general" and inserting in place thereof the following words:— "and 13 members appointed by the attorney general"; and by inserting after the words "one of whom shall be a member of the Massachusetts nurses association;" the following words:— "one of whom shall be a member of the Asthma and Allergy Foundation of America-New England chapter and one of whom shall be a member of the American Heart Association;".

The amendment was adopted.

Messrs. Clancy, Berry and Rauschenbach moved to amend the bill, in section 30, by striking out, in section 5, in the first line the word "number 24" and inserting in place thereof the following word:— number 25; by striking out, in section 5, the figure "11" and inserting in place thereof the following figure:— 12; and by inserting after the words "Massachusetts Municipal Association", in section 5, the following words:— "one of whom shall be a representative of the Massachusetts Association of Health Maintenance Organizations,".

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 30, by striking out, in section 5 of chapter 29D, the words "shall consist of 24 members" and inserting in place thereof the following words:— "shall consist of 25 members"; by striking out, in said section 5 of said chapter 29D, the words "11 members appointed by the Attorney General" and inserting in place thereof the following words:— "12 members appointed by the attorney general"; and in said section 5 of said chapter 29D, by inserting after the words "Massachusetts Hospital Association" the following words:— "one of whom shall be a member of the Massachusetts Extended Care Federation,".

The amendment was adopted.

Messrs. Joyce and Tolman moved to amend the bill, in section 31, by inserting after the words "teachers' retirement system" the following words:—"or teacher employed by the city of Boston".

The amendment was adopted.

Messrs. Joyce and Tolman moved to amend the bill, in section 32, by striking out the words "teachers' retirement system employed", and inserting in place thereof the following words:—"teachers' retirement system or teacher employed by the city of Boston who is employed"; and by inserting after the words "had the member been a member of the teachers' retirement system" the following words:—"or teacher employed by the city of Boston."

The amendment was adopted.

Mr. Pacheco moved to amend the bill, in section 65, section 2, by adding the following sentence:—"The Bristol county agricultural high school shall not become an independent agricultural and technical school pursuant to the provisions of this chapter."; in section 65, by striking out section 16 and inserting in place thereof the following section:—

"Section 16. Employees of independent agricultural and technical schools shall suffer no impairment of employment rights held immediately prior to the designation of such institutions as independent agricultural and technical schools pursuant to this chapter. Such employees shall suffer no interruption of service; no impairment of seniority, retirement, civil service or other rights; no reduction in rate of compensation or salary grade; and no change in union representation. All such employees shall continue their right to collectively bargain pursuant to chapter 150E and shall be considered public employees within the meaning of section 1 of chapter 150E, subject to the definitions set forth therein. The board of trustees shall serve as the public employer for purposes of chapter 150E. Rights and obligations under collective bargaining agreements covering such employees that are in effect immediately prior to the designation of such institution as an agricultural charter school shall be assumed by and imposed upon the board of trustees immediately upon such designation. Employees who are subject to such collective bargaining agreements shall continue to be represented by the employee organizations that are parties to such agreements until such times as those employees elect to alter such representation in accordance with chapter 150E. This provision shall not apply to employees of the Essex county agricultural school who, prior to the designation of such school as an independent agricultural and technical school, were employed exclusively in post-secondary educational programs."; and in section 65, in section 22, by adding the following sentence:—"Employees who are transferred to and become employees of said college pursuant to this section shall suffer no interruption of service, no impairment of retirement rights and no reduction in rate of compensation or salary grade. Said employees shall be public employees for purposes of section 1 of chapter 150E, subject to the definitions contained therein. Those employees in any and all post-secondary programs transferred to said college pursuant to this provision, who hold professional staff or faculty positions, shall become members of the faculty/professional staff bargaining unit and shall be represented for collective bargaining purposes by the employee organization that represents such unit until such times as the employees in that bargaining unit elect to alter such representation in accordance with chapter 150E."

The amendment was adopted.

Ms. Murray moved to amend the bill, in section 66, by striking out the words "of the board of trustees of the university of Massachusetts at Worcester" and inserting in place thereof the following words:—"of the board of trustees of the university of Massachusetts and based at the Worcester campus".

The amendment was adopted.

Mr. Berry moved to amend the bill, in section 85, in paragraph (1) of subsection (c) of section 187 of chapter 149 of the General Laws, by inserting after the words "activity, policy or practice" the following words:—"if a violation occurred".

The amendment was *rejected*.

Mr. Berry moved to amend the bill, in section 85, by inserting before the words "professional standards of practice", wherever they appear, the following words:—"generally accepted".

The amendment was *rejected*.

The President in the Chair, Messrs. Lees and Knapik moved to amend the bill, in section 96, by inserting after the words "the Berkshire and Hampden counties division held at North Adams shall have an assistant clerk;" the following words:—"Hampden county division held at Springfield and Holyoke shall have a first assistant clerk and four assistant clerks;".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill by striking out section 103.

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 108, by inserting after the words "subsections (d) and (g)", the following words:—
"; provided further, that a recipient who is working at least an average of 20 hours per week, but is not earning enough to make the family ineligible for cash assistance shall be granted an extension unless such recipient fails, without good cause, to comply with a plan that does not interfere with the recipient's ability to retain existing employment and is designed to assist the recipient in obtaining employment that will render the family ineligible for cash assistance".

The amendment was *rejected* .

Messrs. Magnani, Shannon and Norton moved to amend the bill, in section 109, by striking out the words "up to 50 percent of".

The amendment was *rejected* .

Messrs. Tarr and Hedlund moved to amend the bill, in section 111, by striking out the words "Massachusetts business development council", each time they appear, and inserting in place thereof, in each instance, the following words:—
"Massachusetts office of business development".

The amendment was *rejected* .

Mr. Morrissey moved to amend the bill, in section 120, by striking out the following words:— "commonwealth under the supervision of the".

The amendment was *rejected* .

Mr. Morrissey moved to amend the bill, in section 122, by striking out the words "said transferee agency" and inserting in place thereof the following words:— "the secretary of the commonwealth".

The amendment was *rejected* .

Messrs. Tolman, Moore and Brewer, Ms. Resor, Messrs. Glodis and Joyce, Ms. Jacques, and Messrs. Pacheco and Rosenberg moved to amend the bill, in section 126, by adding the following subsection:—

"Section 26C. Notwithstanding any general or special law to the contrary, no regional council of government or other regional coalition of municipalities formed, shall abrogate in whole or in part any agreement, including any collective bargaining agreement, negotiated with any employee organization under the provisions of chapter 150E or to interfere with or detract from the rights of any employee under chapter 31. Furthermore, they shall not supplant or supersede any rights of any employee organization under any law, including, but not limited to, chapter 150E, including any agreements negotiated under said chapter 150E, or agreements or rights under chapter 31. The labor relations commission shall not modify the scope of bargaining units within any regional council of government or other regional coalition of municipalities. It shall not be a prohibited practice under section 10 of chapter 150E for any public employer or any labor organization from a community in the regional council of government or other regional coalition of municipalities to refuse to negotiate concerning modifying the scope of any bargaining unit. Nothing in this law shall result in the impairment of employment rights, interruption of service, impairment of seniority, retirement or other rights, reduction in compensation or salary, grade or change in union representation. Nothing in this law shall result in the displacement of current employees of the member municipalities".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past twelve o'clock noon, on motion of Mr. Tolman, as follows, to wit (yeas 33 — nays 6):

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.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
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.
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 — 33.

NAYS.

Knapik, Michael R.
Lees, Brian P.
Rauschenbach, Henri S.

Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 6.

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

Mr. Morrissey moved to amend the bill, in section 138, by striking out the following word:— "; reassign,".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 155, by striking out the last sentence and inserting in place thereof the following two sentences:— "The amount transferred from said city to said college shall not exceed \$603,118, which is that portion of said city's state education aid, calculated pursuant to the provisions of chapter 70 of the General Laws and which is directly attributable to the fiscal year 1999 post-secondary enrollment in programs at Worcester Technical Institute that are moving to Quinsigamond Community College. For the purposes of this section, said chapter 70 funds transferred to Quinsigamond Community College shall be considered net school spending."

The amendment was *rejected* .

Messrs. Shannon, Magnani and Hedlund moved to amend the bill, in section 186, by inserting after the words "metro west water supply tunnel" the following words:— "and the walnut hill water treatment plant."

The amendment was *rejected* .

Mr. Jajuga moved to amend the bill by inserting after section 102 the following section:—

"SECTION 102A. Chapter 265 of the General Laws is hereby amended by inserting after section 24C the following section:—

Any person who, in the course of his employment, work or service, engages in or attempts to engage in sexual relations with any inmate of a state or county correctional institution, whether on or off site, shall be guilty of a felony punishable by imprisonment for not more than five years or by a fine of \$10,000 or both. In a prosecution under this section, an inmate shall be presumed incapable of consent to any sexual relations with such person. For purposes of this section, sexual relations means any inappropriate intentional contact of an intimate or sexual nature, including, but not limited to, conduct prohibited by section 13H, 22 or 24 of chapter 265 or section 2, 3, 16, 35 or 53A of chapter 272."

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 190, by adding the following sentence:— "The memorial shall be established with input from the South Boston community and The Castle Island Association".

The amendment was adopted.

Mr. Clancy moved to amend the bill, in section 196, by striking out the words "Massachusetts Health Education and Finance Council", and inserting in place thereof the following words:— "Massachu setts Health and Education Facilities Authority".

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 197, by striking out the third sentence and inserting in place thereof the following sentence:— "The commission shall consist of 13 members as follows: three members of the senate, one of whom shall be the senate chairman of the committee on health care, or his designee, one of whom shall be the senate chairman of the committee on ways and means, or his designee, and one of whom shall be the ranking member of the senate committee on ways and means from the minority party, or his designee; three members of the house of representatives, one of whom shall be the house chairman of the committee on health care, or his designee, one of whom shall be the house chairman of the committee on ways and means, or his designee, and one of whom shall be the ranking member of the house committee on ways and means from the minority party, or his designee; the secretary of administration and finance, or his designee; the commissioner of the division of medical assistance, or his designee; the commissioner of health care finance and policy, or his designee; the commissioner of public health, or his designee and three members appointed by the governor, as follows: one representative from an institution of higher education with expertise in public health and insurance issues, one representative of Health Care for All; and one consumer."

The amendment was adopted.

Messrs. Clancy, Berry and Rauschenbach moved to amend the bill, in section 197, by striking out the figure "11" and inserting in place thereof the following figure:— "12"; by striking out the words "three members" and inserting in place thereof the following words:— "four members"; and by inserting after the words "insurance issues," the following words:— "one representative of the Massachusetts Association of Health Maintenance Organizations."

The amendment was adopted.

Messrs. Rauschenbach and Magnani moved to amend the bill, in section 197, by striking out after the words "commissioner of public health, or his designee and three" and inserting in place thereof the following words:— "commissioner of public health, or his designee and four"; and by inserting after the words "Health Care for All;" the following words:— "one representative of the Massa chu setts League of Community Health Centers".

The amendment was adopted.

Messrs. Clancy, Berry and Lynch moved to amend the bill, in section 199, by striking out the third sentence and inserting in place thereof the following sentence:— "The commission shall consist of 22 members as follows: the senate and house chairs of the joint committee on health care, the chairs of the house and senate committees on ways and means or their designees, two persons appointed by the president of the senate, one of whom shall represent consumers; two persons appointed by the speaker of the house of representatives, one of whom shall represent consumers; the secretary of elder affairs, the executive director of the group insurance commission; the commissioner of medical assistance; the commissioner of health care finance and policy; the commissioner of rehabilitation; a representative of the Massachusetts Biotech Council; a representative of Health Care for All; a representative of the Massa chusetts Senior Action Council; a representative of the American Asso ciation of Retired Persons; a representative of the Massachusetts Association of Health Maintenance Organizations; and four persons appointed by the governor, one of whom shall be from higher education institutions and shall have expertise in public health or health care economics, one of whom shall represent the pharmaceutical industry, one of whom shall be a registered pharmacist associated with a local pharmacy and one of whom shall be a registered pharmacist associated with a national chain."

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 201, by inserting after the words "two members of the senate," the following:— "one of whom shall be appointed by the minority leader of the senate,,"; and by inserting after the words "two members of the house of representatives," the following words:— "one of whom shall be appointed by the minority leader of the house of representatives,".

The amendment was adopted.

Messrs. Clancy, Berry and Rauschenbach moved to amend the bill, in section 201, by inserting after the words "Behavioral Health System," the following words:— "the Massachusetts Association of Health Maintenance Organizations,".

The amendment was adopted.

Messrs. Rauschenbach and Magnani moved to amend the bill, in section 201, by striking out the words "consist of 29 members" and inserting in place thereof the following words:— "consist of 30 members"; and by inserting after the words "Massachusetts Hospital Association," the following words:— "Massa chusetts League of Community Health Centers,".

The amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 206, by striking out the words "12 members" and inserting in place thereof the words:— "13 members"; and by inserting after the words "; one teacher who shall be appointed by the Massachusetts Teachers' Association", the following words:— "; one teacher shall be appointed by the Massachusetts Federation of Teachers".

The amendment was adopted.

Mr. Jajuga moved to amend the bill, in section 2, in item 7061-9611, by adding the following words:— "; provided further, that an amount of no less than \$250,000 shall be expended for a pilot program for the 29 communities in the areas of Essex and Middlesex included in the North Eastern Massachusetts Law Enforcement Council, the NEMELC communities, so-called, for the implementation of a school threat assessment and response program; provided further, that said pilot program shall report its findings to the commission established in section 206 on or before February 1, 2000."; and in section 206, by striking out the words "September 1, 1999" and inserting in place thereof the following words:— "October 1, 1999"; by striking out the words "November 1, 1999" and inserting in place thereof the following words:— "January 1, 2000"; and by striking out the words "November 30, 1999" and inserting in place thereof the following words:— "February 1, 2000."

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 206, by striking out the words "The commission shall consist of 12 members as follows: the house and senate chairmen of the joint committee on public safety; the house and senate chairman of the joint committee on education;" and inserting in place thereof the following words:— "The commission shall consist of 14 members as follows: the house and senate chairmen of the joint committee on public safety; the house and senate chairman of the joint committee on education, arts, and humanities; a member of the senate to be appointed by the minority leader of the senate; a member of the house to be appointed by the minority leader of the house;".

The amendment was adopted.

Mr. Tarr moved to amend the bill, in section 208, by striking out the second paragraph and inserting in place thereof the following paragraph:—

"Said task force shall consist of 21 members which shall include the commissioner of education or his designee, the principal of the Essex agricultural and technical institute, the superintendent of the North Shore vocational high school, two members of the senate who shall reside in Essex county, two members of the house of representatives who shall reside in Essex county, at least one of whom shall be a member of the minority party, and 14 members to be appointed by the governor, one of whom shall represent the parents of students currently enrolled in the Essex agricultural and technical institute, one of whom shall represent the parents of students currently enrolled in the North Shore vocational high school, a faculty member of the Essex agricultural and technical institute, a faculty member of the North Shore vocational high school, a member of the North Shore vocational high school committee, a member of the Essex agricultural and technical institute's board of trustees, the mayor of a city located within Essex county, one city councilor from an Essex county municipality, one selectman from an Essex county municipality, and two town managers of towns located within Essex county. The governor shall appoint one member to be the chairperson of the task force."

The amendment was adopted.

Mr. Lynch moved to amend the bill, in section 209, by striking out the words "representative of the business community to be appointed by the governor, and a representative of organized labor to be appointed by the governor" and inserting in place thereof the following words:— "a representative of the business community to be appointed by the governor and selected from three nominees provided by the Massachusetts Business Roundtable and a representative of organized labor to be appointed by the governor and selected from three nominees provided by the Massachusetts State Labor Council".

The amendment was adopted.

Mr. Panagiotakos moved to amend the bill, in section 211, by adding the following sentence:— "The results of the study shall have no bearing on the results of the study commission established pursuant to section 18 of chapter 257 of the acts of 1998."

The amendment was adopted.

Mr. Rauschenbach moved that the bill be amended by inserting after section 214A (inserted by amendment) the following new section:—

"SECTION 214B. Notwithstanding the provisions of any general or special law to the contrary, the executive office for administration and finance and the division of capital asset management and maintenance, in conjunction with the department of public health, shall find permanent quarters to house the Boston municipal court department of the trial court, satisfactory to the

chief justice of said Boston municipal court department. Until such time as permanent, satisfactory quarters are found and said court is relocated to such quarters, said court shall hold all sessions and house all personnel in the historic Suffolk county courthouse, so-called, effective August 15, 1999. The commissioner of capital asset management and maintenance shall expend any bond funds authorized in prior capital outlay acts necessary to relocate any personnel and equipment of said court, currently located in the high-rise Suffolk county courthouse, so-called, to the historic Suffolk county courthouse and to make necessary improvements, including information technology improvements, to the historic courthouse to support said court's automation requirements. Relocation shall be implemented not later than August 15, 1999."

The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. The siting of a trash transfer station in the city of Revere shall be prohibited if such proposed site is within 1,000 feet of a school, park, playground, drinking water supply, nursing home or elderly housing complex unless approval is granted by the city council and the mayor of that city."

After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 25 the following section:—

"SECTION 25A. The General Laws are hereby amended by inserting after chapter 23G the following chapter:—

CHAPTER 23H.

MASSACHUSETTS FILM INVESTMENT BOARD.

Section 1. It is hereby found and declared that:

There exists within the commonwealth an emerging industry of the production of motion picture, television and video recording projects experiencing significant growth and employing increasing numbers of Massachusetts residents.

To encourage film and television investment in the commonwealth and to assist in the financing of distribution, marketing, print and advertising costs contingent upon a significant portion of production expenditures occurring in the commonwealth, providing financing assistance may create an equivalent or greater amount of private investment, otherwise not available, for the industry.

Therefore, it is found that it is in the public interest of the commonwealth to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, to encourage and facilitate the formation of comprehensive cooperative relationships between business and industry which provide for the development and significant expansion of the production of motion picture, television and video recording projects programs consistent with employment need, and to make interested individuals aware of the employment opportunities presented thereby.

Section 2. (a) There is hereby created a body corporate and politic to be known as the Massachusetts Film Investment Board, in this chapter called MFIB. The purpose of which shall be to solicit, review, evaluate, approve or deny any proposals or projects submitted to the MFIB for financing by the contracting agent.

The board is hereby placed in the department of economic development but shall not be subject to the supervision or control of said office or of any board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

(b) The MFIF created in section 5 shall be governed by a board of directors, which shall consist of nine directors: the executive director of the Massachusetts Film Office, five persons appointed by the governor, including persons having knowledge and experience in the film, motion picture, television or video industries in the areas of production, investing or financing, three persons appointed by the board of directors of the nonprofit group entitled Massachusetts Organizations Vying for the Industry of Entertainment in this section called M.O.V.I.E. Each member appointed by the governor shall serve a term of four years, except that in making the initial appointment the governor shall appoint one member to serve for two years, two members to serve for three years and two members to serve for four years. Each member appointed by M.O.V.I.E. shall serve for a term of four years. At least five members of the board must be residents of the commonwealth. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause. Members may be reappointed. Any member who misses three consecutive meetings may be replaced by the governor. The board shall meet monthly, except in those months when no projects are available for review. Each member of the board shall be reimbursed for reasonable expenses incurred in pursuit of MFIB business. The board shall annually elect a chairperson and vice chairperson from among the members of the board. The board shall annually elect a secretary/treasurer who need not be a member of the board. Five members of the board shall constitute a

quorum and the affirmative vote of five members shall be necessary for any action to be taken by the board. The members shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of the duties.

Section 3. The board shall have, but not be limited to, the following powers:

- (a) to make, amend and repeal by-laws, rules and regulations for the management of its affairs and to adopt an official seal;
- (b) to make and execute contracts and other instruments necessary to exercise its function and purposes;
- (c) to enter into or cause to be entered into through the contracting agent, agreements or other transactions with investors or investor groups or other individuals, partnership or corporations, public or private, for the furtherance of the purposes of this act.
- (d) to acquire or cause to be acquired through the contracting agent, real property or any interest therein or any other asset by purchase or foreclosure or other action, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the board has an interest and to sell, transfer, convey or lease or cause the same to such property or asset.
- (e) to do any and all things necessary or convenient to carry out the purposes of this chapter.

Section 4. (a) The board shall expressly be required to enter into a contract with a qualified investment agent, to be known as the contracting agent. The contracting agent shall originate, underwrite, perform due diligence, set all terms and conditions and present for approval or disapproval to the board all loans and investments or any other financial arrangement that is in the form of a loan or investment or combination thereof that is in furtherance of the purposes of this chapter and is within the limits of the appropriation for the MFIF and is subject to any loan investment policy or policies attendant thereto. The contracting agent shall be further required to close, fund from the MFIF service, administer and collect all loans or investments or any other financial arrangement in accordance with the terms negotiated. The contracting agent shall have the following qualifications: (1) be an institution that specializes in financing small businesses or commercial or industrial companies, not necessarily within the film industry; (2) not be a state or federally chartered depository; (3) have expertise and experience in marketing and developing financing vehicles for purposes of job creation; and (4) be a for-profit Massachusetts corporation in good standing;

(b) Within the foregoing limitations, the board shall: (1) use of public bidding process to determine the appropriate contracting agent; (2) execute and contract with the selected contracting agent; (3) provide, within the contract, compensation for the contracting agent as determined by estimating the cost of the resources devoted to managing the MFIF, a reasonable percentage of federal overhead, and a success incentive determined by mutual agreement between the board and the contracting agent; (4) make the term of the contract for three years with a performance review of the contracting agent by the board required annually; (5) upon funding, cause the contracting agent to invest all funds, appropriated on a short term basis, consistent with the prudent, fiscally responsible manner described as follows:

ii(i) direct general obligations of the United States of America;

i(ii) obligations, the payment of principal and interest on which, are, by Act of the Congress of the United States of America, unconditionally guaranteed by the United States of America;

(iii) bank time deposits evidenced by certificates of deposits or money market funds issued by banks which are members of the Federal Deposit Insurance Corporation; but to the extent such deposits exceed available federal deposit insurance, such deposits are fully secured by obligations described in clauses (i) or (ii) above, which at all times have a market value, exclusive of accrued interest, at least equal to such bank deposits so secured, including interest, or such deposits are due within one year and are issued by; banks which have a combined capital and surplus aggregating at least \$50,000,000 provided that the deposits in any bank do not exceed at any time 25 per cent of the combined capital and surplus of the bank; and

(iv) commercial paper having a rating of at least "A1" by Standard & Poor's rating services and a rating of "PI" or better by Moody's rating services. Such investments shall have a maximum maturity of 270 days. Investment in any one commercial paper issuer shall not exceed 10 per cent of the total pool of funds at the time of purchase without the express content of the MFIB. The average day-to-maturity of all commercial paper investments made by the manager on behalf of MFIB shall not exceed 90 days.

The contracting agent shall submit an investment report to the MFIB indicating how much money has been invested in what types of instruments with what institutions within 90 days of the start of its contract, and update this information quarterly.

In order to protect the positive image of the commonwealth in any film, television or video project of the MFIF, the board or its designees shall: (1) review all projects and reject any that it deems inappropriate or that would impair the reputation, image and good will of the commonwealth and (2) require, if appropriate, that funded projects include a screen credit or other credit for the commonwealth.

In order to ensure that economic benefits of funded projects accrue to the commonwealth and to further ensure, to the extent possible, the financial integrity of funded projects, the board shall: (1) require that any film, television or video project applicant

requesting funds pursuant to this act certify that a significant percentage of the project's projection or other budget be expended in the commonwealth, such percentage for each project to be determined by the board, and (2) require that any applicant submit all documentation necessary under the loan policy negotiated with the contracting agent as well as documentation attesting to the applicant's expending that portion of any budget required by the board and any other documentation deemed necessary by the board to be received by the board prior to release of any funding.

Section 5. (a) There is hereby created the Massachusetts Film Investment Fund, in this chapter called MFIF, from which money may be expended for loans or investments as authorized by the Massachusetts Film Investment Board and in a manner determined by contract with the contracting agent.

(b) The MFIF is designed to encourage and assist the motion picture, television and video industries to select the commonwealth as their production or business location in whole or in part as determined by the board, and also to foster the development of the motion picture television and video industries within the commonwealth.

(c) The MFIF shall be the repository of funds appropriated for the purposes of this act and will be invested as required in section 4. All earnings, principal repayments and liquidation of loans and investments pursuant to the operations of the MFIF, less management expenses and loan or investment losses, shall revert back to the MFIF for future reinvestment.

Section 6. (a) On August 15 of each year, the board shall submit to the department of economic development or other appropriate agency a complete report setting forth the following: (1) a description of all operations of the board and its contracting agent for the prior fiscal year; (2) the number, amount and brief description of loans or investments made under the MFIF during the year; (3) an enumeration of additional private funds invested or loaned in conjunction with such project; (4) a description of any and all other transactions or ventures entered into by the board involving the MFIF for furtherance of the purposes of this act; (5) the estimated value of expenditures made in the commonwealth pursuant to the funding of projects for that year; and (6) a complete financial report of the financial status of the MFIF as of the end of the fiscal year."

The amendment was *rejected*.

Messrs. Travaglini and Rosenberg moved to amend the bill by inserting after section 91 the following seven sections:—

"SECTION 91A. Chapter 217 of the General Laws is hereby amended by inserting after section 23A, as amended by section 219 of chapter 194 of the acts of 1998, the following new section:—

Section 23B. In addition to other officers and employees, the registers of the following probate divisions may, subject to the approval of the chief justice for administration and management as to compliance with established personnel standards promulgated pursuant to section 8 of chapter 211B, appoint and, without such approval, remove at their pleasure, one or more administrative deputy assistants who shall be deemed to meet the definition of both confidential and managerial employees as those terms appear in chapter 150E. Administrative deputy assistants shall perform the functions assigned by the register, but shall have no judicial duties. Those appointed under this section shall be compensated at the same rate as assistant registers. Any administrative deputy assistant may from time to time, subject to approval of the register, be designated by a first justice to serve as a session clerk. Subject to appropriation of sufficient funds, said appointments shall be as follows:

Essex, one administrative deputy assistant;

Franklin, one administrative deputy assistant;

Hampshire, one administrative deputy assistant;

Suffolk, two administrative deputy assistants;

Worcester, one administrative deputy assistant.

SECTION 91B. Section 27 of said chapter 217, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 2, the words 'direction of the register' and inserting in place thereof the following words:— direction of the first justice.

SECTION 91C. Said section 27 of said chapter 217, as so appearing, is hereby further amended by adding the following sentence:— In those divisions of the probate court having one or more employees designated by the register of probate as deputy assistant registers, the employees, so designated after the effective date hereof, shall work under the direction of the register with the same powers as assistant registers, and in those divisions of the probate court having a clerk appointed to administer oaths and the like, the clerk shall work under the direction of the first justice.

SECTION 91D. Section 28 of said chapter 217, as so appearing, is hereby amended by striking out, in line 3, the words 'Said first justice' and inserting in place thereof the following words:— The register of probate.

SECTION 91E. Section 29 of said chapter 217, as so appearing, is hereby amended by striking out, in line 7, the words 'Said first justice' and inserting in place thereof the following words:— The register of probate.

SECTION 91F. Section 29A of said chapter 217, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— The register of probate of this division may, with the approval of the chief justice, designate one employee as deputy assistant register and another as administrative deputy assistant and may revoke any such designation with the approval of the chief justice.

SECTION 91G. Section 29B of said chapter 217, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— The register of probate of this division may, with the approval of the chief justice, designate one employee as deputy assistant register and another as administrative deputy assistant and may revoke any such designation with the approval of the chief justice."

In section 92 by striking out the words "first justice" and insert ing in place thereof the following words:— "register of probate".

By inserting after section 92 the following section:—

"SECTION 92A. Section 29D of said chapter 217, as so appear ing, is hereby amended by striking out, in line 1, the words 'first justice' and inserting in place thereof the following words:— register of probate."

In section 93 by striking out the words "first justice" and insert ing in place thereof the following words:— "register of probate".

In section 94 by striking out the words "first justice" and insert ing in place thereof the following words:— "register of probate".

By inserting after section 94 the following five sections:—

"SECTION 94A. Section 29H of said chapter 217, as inserted by section 37 of chapter 319 of the acts of 1998, is hereby amended by striking out, in the first sentence, the words 'first justice' and inserting in place thereof the following words:— register of probate.

SECTION 94B. Section 29I of said chapter 217, as inserted by section 222 of chapter 194 of the Acts of 1998, is hereby amended by striking out, in the first sentence, the words 'first justice' and inserting in place thereof the following words:— register of probate.

SECTION 94C. Section 35 of said chapter 217, as appearing in the 1996 Official Edition, is hereby amended by inserting, in line 1, after the words 'assistant registers' the following words:— , includ ing administrative deputy assistant.

SECTION 94D. Section 35B of said chapter 217, as so appearing, is hereby amended by inserting after the word 'registers', in line 5, the following words:— , including administrative deputy assistants.

SECTION 94E. Said chapter 217, as so appearing, is hereby amended by inserting after section 35B the following section:—

Section 35C. Notwithstanding any special or general law to the contrary, the designation of deputy assistant register may be revoked only by the first justice of the probate and family court division in which the designation was made. This section shall only apply to any deputy assistant register appointed as of the effective date of this section."

The amendment was *rejected* .

Ms. Wilkerson moved to amend the bill by inserting after sec tion 191 the following section:—

"SECTION 191A. \$1.5 million shall be expended to Edmund Narine for injuries that he sustained in the April 22, 1976 bombing of the Suffolk county courthouse in Boston.

The amendment was *rejected* .

Mr. Travaglini moved to amend the bill by inserting after sec tion 86 the following two sections:—

"SECTION 86A. Subsection 1 of section 25G of chapter 152 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) a current certified financial statement of each member, includ ing at a minimum, a balance sheet, a profit and loss statement, a statement of change in fund position and a statement showing the combined net worth of all members applying for coverage on the inception date of the fund. The combined net worth shall be of an amount that establishes the financial strength and liquidity of the business. However, the requirement of this paragraph shall not apply to self-insurance groups which have been in existence

for at least five years as of the effective date of this section and at all times remain in compliance with the minimum net worth requirements of paragraph (a) of subsection 2.

SECTION 86B. Paragraph 3 of section 25O of said chapter 152, as appearing, is hereby amended by adding the following sentence:— Any self-insured group which has been in existence for a period of five consecutive years as of the effective date of this section and which remains in compliance with the requirements of paragraph 2 of section 25G shall not be required to have its members experience rated pursuant to the uniform experience rating plan filed with and approved by the commissioner, unless its by-laws or similar rules require otherwise."

The amendment was *rejected* .

Mr. Travaglini moved to amend the bill by inserting after section 105 the following two sections:—

"SECTION 105A. Paragraph (a) of section 12 of chapter 372 of the acts of 1984 is hereby amended by striking out the fifth sentence, as amended by section 256 of chapter 194 of the acts of 1998, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed \$4,750,000,000 outstanding at any one time; but bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION 105B. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as amended by section 257 of said chapter 194, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed the sum of \$4,750,000,000 outstanding at any one time; but bonds for the payment of redemption of which, either at or prior to maturity, refunding of bonds shall have been issued shall be excluded in the computation of outstanding bonds."

The amendment was *rejected* .

Mr. Norton moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. No generation company or generation facility, as defined in section 1 of chapter 164 of the General Laws, shall operate within a municipality that is situated within 15 miles of the border of the commonwealth unless said company or facility is protected and maintained by a security system of which no more than 10 per cent is non-human surveillance.

The amendment was *rejected* .

Mr. Norton moved to amend the bill by inserting after section 111 the following section:—

"SECTION 111A. Item 6001-9699, in section 2H of chapter 205 of the acts of 1996, is hereby amended by striking out the words, 'For the extension of the commuter rail from the city of Fall River' and inserting in place thereof the following words:— 'For the planning, design and construction of a commuter rail station to be located at the State Pier within the city of Fall River, and for the extension of the commuter rail from the city of Fall River' "; and

In said item 6001-9699, in said section 2H of said chapter 205, by striking out the words, "funds shall be expended from this authorization," and inserting in place thereof the following words:— "more than two million dollars be allocated from these monies for the planning, design and construction of said commuter rail station, and that no other funds shall be expended from this authorization."

After debate, the amendment was *rejected* .

Mr. Norton moved to amend the bill by inserting after section 191A (inserted by amendment) the following section:—

"SECTION 191B. The Massachusetts board of library commissioners shall implement an ongoing public awareness campaign supporting public libraries across the commonwealth including, but not limited to, the so-called Summer Reading Program, National Library-Card Sign Up Month, National Library Week, volunteer support and public service announcements. The commissioners shall coordinate the campaign with representatives of each regional library system, as chosen by peer groups within each regional system; but one representative shall represent youth services and one shall represent adult services."

After remarks, the amendment was adopted.

Messrs. Lynch and Magnani moved to amend the bill by inserting after section 84 the following five sections:—

"SECTION 84A. Paragraph (1) of subsection (a) of section 27C of chapter 149 of the General Laws, as appearing in section 7 of chapter 236 of the acts of 1998, is hereby amended by inserting after the figure '148' the following:— 148A.

SECTION 84B. Paragraph (2) of said section (a) of said section 27C of said chapter 149, as so appearing, is hereby amended by inserting after the figure '148', in the first sentence, the following:—, 148A.

SECTION 84C. Paragraph (1) of subsection (b) of said section 27C of said chapter 149, as so appearing, is hereby amended by striking out, in the first sentence, the words 'upon the inspection of a public works or other workplace'.

SECTION 84D. Section 148A of said chapter 149 is hereby amended by striking out the second paragraph, added by section 11 of chapter 236 of the acts of 1998, and inserting in place thereof the following paragraph:—

Any employer who discharges or in any other manner discriminates against any employee because such employee has made a complaint to the attorney general or any other person, or assists the attorney general in any investigation under this chapter, or has instituted, or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceedings, shall have violated this section and shall be punished or shall be subject to a civil citation or order as provided in section 27C.

SECTION 84E. Section 150 of said chapter 149, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 21 to 23, inclusive, the words 'one hundred and forty-eight, one hundred and forty-eight B, one hundred and fifty C, one hundred and fifty-two and one hundred and fifty-two A' and inserting in place thereof the following:— 148, 148A, 148B, 150C, 152 or 152A, or section 19 of chapter 151,."

After remarks, the amendment was adopted.

Mr. Rosenberg in the Chair, Mr. Rosenberg, Ms. Fargo, and Messrs. Moore, Havern, Lees, Knapik, Tarr and Tisei moved to amend the bill by inserting after section 59 the following section:—

"SECTION 59A. Chapter 59 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 5J the following section:—

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such persons over the age of 60 on their tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$500 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for the purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of unemployment insurance as provided in chapter 151, for purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws but shall be considered an employee for the purposes of chapter 258."

After debate, pending the question on adoption of the amendment, at eight minutes past one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Rosenberg) declared a recess; and, at thirteen minutes before two o'clock P.M., the Senate reassembled, Ms. Melconian in the Chair.

The pending amendment (Rosenberg, et al.) was further considered.

Mr. Rosenberg in the Chair, after further debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37— nays 0):

YEAS.

Antonioni, Robert A.
Bernstein, Robert A.

Jacques, Cheryl A.
Jajuga, James P.

Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 37.

NAYS — 0.

ABSENT OR NOT VOTING.

Clancy, Edward J., Jr.

Lynch, Stephen F. — 2.

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

Moments later, Mr. Lynch asked unanimous consent to make a brief statement; and, there being no objection, he addressed the Senate as follows:

Mr. President: Due to other business, I was unable to be present to vote on the amendment relative to Senior Volunteer Tax Credit (offered by the Senator from Hampshire and Franklin, Mr. Rosenberg and other members of the Senate).

This matter has always been an important issue for both my constituents, and myself and had I been present, I would have voted yes on the adoption of the amendment.

However, I do take comfort from the fact that I will be able to vote on this matter when it comes up on engrossment and enactment.

On motion of Mr. Lynch, the above statement was ordered printed in the journal of the Senate, and the motion prevailed.

Mr. Nuciforo moved to amend the bill, in section 201, by inserting after the words "Institute for Healthcare Improvement," the following words:— "Home & Health Care Association of Massachusetts,".

After remarks, the amendment was adopted.

Mr. Shannon moved to amend the bill by inserting after section 105 the following section:—

"SECTION 105A. Section 9 of chapter 372 of the acts of 1984 is hereby amended by striking out subsection (c), as amended by section 254 of chapter 194 of the acts of 1998, and inserting in place thereof the following subsection:—

(c) Subject to the prior approval of the governor and general court and the applicable provisions of the laws and constitution of the commonwealth, including without limiting the generality of the foregoing, article ninety-seven of the Amendments to the Constitution of the Commonwealth, doctrines of laws concerned with the diversion of lands devoted to public use to other

inconsistent public use the authority may relinquish to the commonwealth, through its division of capital asset management, any portion of the system real property under its operational management control and jurisdiction pursuant to paragraphs (b) and (c) of section four, upon compliance with the following conditions: (i) such property or interest in property is no longer needed for the construction, maintenance or operation of the sewer and waterworks systems; (ii) such disposition shall not impair the maintenance and operations of said systems; and (iii) the commissioner of capital asset management shall proceed in accordance with sections 40F and 40F½ of chapter seven of the General Laws. The Authority may restrict the usage of any portion of such relinquished system real property for the benefit of the Authority's mission and said commissioner shall accept such property as restricted. Upon the sale of such relinquished system real property, the commonwealth shall reimburse the Authority for capital expenditures made to improve and maintain the property during the period in which said property was in the care and control of the Authority."

The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding any general law, rule or regulation to the contrary, employees of the bureau of special investigation who are classified as United States veterans shall not be involuntarily separated from their position due to funding cutbacks within the bureau regardless of the employee's civil service status, unless all other positions within the bureau held by non-veterans have first been eliminated."

The amendment was *rejected*.

Mr. Shannon moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. The sum of \$3.75 million shall be appropriated from the general fund for the purposes of offsetting the commonwealth's loss of federal Medicare reimbursements for the first three quarters of calendar year 1998. Said appropriation shall be used to reimburse qualified elders who apply for compensation through the division of medical assistance."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 126 the following section:—

"SECTION 126A. Chapter 163 of the acts of 1997 is hereby amended by adding the following section:—

Section 12. Any current or future employees assigned to the clinical division of the University of Massachusetts Medical School or to the Worcester City Campus Corporation, formerly controlled by the board of trustees of the University of Massachusetts and now controlled by UMASS/Memorial Healthcare, Inc., are entitled to select group health insurance plans offered through the group insurance commission whenever such plans are not offered to these employees by UMASS/Memorial Healthcare, Inc. UMASS/Memorial Healthcare Inc. is required to make contributions for these benefits comparable to those which it makes for its other employees' health insurance benefits."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Section 2 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following three sentences:— However, vendors of boats or vessels requiring registration shall not be required to collect a 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 and boats or vessels not requiring registration."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 39 the following sections:—

"SECTION 39A. Section 6 of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 66, the word 'one' and inserting in place thereof the following word:— two.

SECTION 39B. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 77, the word 'five' and inserting in place thereof the following word:— fifteen."

The amendment was *rejected*.

Messrs. Moore and Brewer moved to amend the bill by adding the following section:—

SECTION . Notwithstanding the provisions of any general or special law to the contrary, an abolished county's employees who retired on or before the transfer date, shall be members of the regional retirement system, which shall pay the cost of benefits to the retired county employees and their survivors. The system shall be responsible for the accrued pension liability attributable to the service of such retirees.

The employees of an abolished county who become state employees pursuant to the provisions of this act or any prior or subsequent act abolishing any county, shall become members of the state retirement system, notwithstanding the provisions of any general or special law to the contrary including, but not limited to, paragraph (c) of subsection (8) of section 3 of chapter 32 of the General Laws, said system shall be responsible for all liability attributable to the service of such employees. All liabilities attributable to the service of such employees shall be recoverable by the commonwealth pursuant to the terms of section 18 of chapter 32 of the General Laws. The accumulated deductions and employer contribution, including interest, credited to the accounts of members of an abolished county's retirement system who become members of the state retirement system pursuant to this act or any prior or subsequent act abolishing any county shall be transferred from such abolished county's retirement system in a manner prescribed by the secretary of administration and finance provided further that the amount of employer contribution to be transferred is to be determined by assigning system assets to retiree liability, then assigning any remaining system assets to active employees in the regional retirement system after the transfer at a level that is not less than funded ratio prior to the transfer. In no event shall an amount less than the annuity savings fund of the transferred members be transferred; but if such an amount is less than the total of the annuity savings fund to be transferred, the secretary of administration and finance shall include such amount as a liability in the calculation required pursuant to section 18 of chapter 32 of the General Laws.

Any calculations to be determined pursuant to this section and said section 18 of said chapter 32 shall be performed by the actuary that performed and shall be based on the assumption used, in the most recent valuation of a county retirement system subject to review and approval by the actuary at the public employment retirement administration commission; but all funds subject to transfer shall be transferred within 90 days of approval, by PERAC.

All transfers made pursuant to this section shall include interest at the interest rate used in the most recent actuarial valuation of the county retirement system from the date of abolition until the funds are transferred."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by adding the following section:—

"SECTION . (a) Notwithstanding the provisions of chapter 32 of the General Laws or any general or special law to the contrary, the retirement system of a county abolished pursuant to this act, or abolished pursuant to chapter 151 of the acts of 1996, shall continue pursuant to this section and shall be managed by the retirement board as provided in this section beginning on the transfer date.

A contributory retirement system established for an abolished county operating under the terms of sections 1 to 28, inclusive, of said chapter 32 shall be known as a regional retirement system, and all business shall be transacted under a name designated by the board bearing the title of the geographic location of said system.

(b) The system shall be managed by a retirement board which shall have the general powers and duties set forth in subdivision (5) of section 20 of chapter 32 of the General Laws. The board shall consist of five members as follows:

(i) The first member, who shall serve as chairman, shall serve until the expiration of his term as treasurer on January 1, 2003, and the qualification of his successor first member. Thereafter, the first member shall be elected by the other four members for successive three-year terms. If the first member is not chosen by the other four members within 30 days of the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the first member.

(ii) The second member shall be the member of the county retirement board advisory council as of the effective date of this act and shall serve until the expiration of his term on January 1, 2001 and the qualification of his successor. Thereafter, the second member shall be a member of the regional retirement board advisory council, and shall be elected by a majority of those present and voting at a public meeting of said council, properly posted, called specifically for such election pursuant to paragraph (g), for successive three-year terms. If the second member is not chosen as set forth within 30 days of the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the second member.

(iii) A third and fourth member, in this section called the elected members, shall in the first instance be, respectively, the currently elected member who was elected pursuant to chapter 306 of the acts of 1996, who shall be the third member, and the previously elected current member, who shall be the fourth member. The third member shall serve until the expiration of his term on January 1, 2002 and the qualification of his successor. Thereafter the third member shall be elected by the membership in accordance with the provisions of paragraph (h) for successive three year terms. The fourth member shall serve until the expiration of his term on January 1, 2000 and the qualification of his membership in accordance with the provisions of paragraph (h) for successive three year terms. The elected members shall be active or retired members of the regional retirement system or

one whose retirement is being reimbursed by that system in accordance with the provisions of paragraph (c) of subdivision (8) of section 3, at the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the third and fourth member.

(iv) A fifth member, who shall not, except as hereinafter provided, be an employee, retired or official of the retirement system or of any of its constituent governmental units, shall be chosen by the other four members and serve for a term of five years. In the first instance, the fifth member shall be the currently serving second member, whose term of office as second member shall expire on the date of transfer. Thereafter, his successor shall be chosen as aforesaid. If the fifth member is not chosen as aforesaid within 30 days of the expiration of his term, or of any earlier vacancy in his office, the public employee retirement administration commission shall appoint the fifth member. Any person on the effective date of this act becomes the fifth member upon the expiration of his term notwithstanding that said member is an employee, retiree or official of a constituent governmental unit within the system.

Upon the expiration of the term of office of any elected or appointed member or in the event of a vacancy in either of said offices, his successor shall be elected as aforesaid for a term of three years or for the unexpired portion thereof, as the case may be.

In Essex county, the regional retirement board may require the Essex county treasurer as of the effective date of transfer to serve as a full time employee of the retirement board in the capacity of chief executive officer of the regional retirement system for the duration of his term as elected county treasurer. Thereafter, his continued employment and compensation shall be at the sole discretion of the regional retirement board; but if the treasurer is retired pursuant to the provisions of chapter 32 of the General Laws, and the regional retirement board selects him as chairman after the expiration of his term as treasurer and appoints him as chief executive officer of the regional retirement system, he may work more than 960 hours per year notwithstanding the provisions of section 91 of chapter 32 of the General Laws; provided further, that the earnings therefrom when added to any pension or retirement allowance he is receiving do not exceed the salary paid for the position from which he was retired or, if said position no longer exists, any successor position with similar duties.

(d) The retirement board may employ clerical and other assistants as may be required to transact the business of the retirement system. All permanent employees employed pursuant to this paragraph shall be members of the retirement system, but shall not be eligible to be a member or candidate for election to the retirement board, but this prohibition shall not apply to a county treasurer when employed as a chief executive officer of the regional retirement board pursuant to paragraph (b).

(e) A regional retirement board may purchase or lease property, facilities and equipment and employ any personnel necessary for the proper administration and transaction of business of the retirement system.

(f) The board of a regional retirement system and the chairman thereof shall respectively be and act as the board and treasurer-custodian of such system with respect to the employees of any town or district who become members of such system as provided for in paragraph (b) or (c) of subdivision (3) or paragraph (b) of subdivision (4) of section 28 of chapter 32 of the General Laws or who have become members thereof under corresponding provisions of earlier laws. The treasurer or other disbursing officer of any such town or district, as the case may be, shall act as a liaison officer between the employees thereof and the board of such system.

(g) There shall be a regional retirement board advisory council consisting of all the treasurers, elected or appointed, of each town, unit, or district belonging to the prior county retirement system established by this section. The members of the advisory council shall elect a chairman from among the members. The council shall meet at the call of the chairman, but in no event less than twice in each year. The council shall supervise and certify the procedures involved in the election of the elected members of the retirement board, as provided in paragraphs (b) and (h). Upon certification by the retirement board and the council, the actuary shall be furnished with an estimate of the expenses and costs of administration of the system for the ensuing year. The actuary shall, on or before December fifteenth in each year, specify by written notice to the council and the board the amounts so required to be paid from the pension fund, the annuity reserve fund, the military service fund, and the administration fund, as provided in subdivision (7) of section 22 of chapter 32 of the General Laws. The actuary shall also advise and determine the amounts to be allocated to each governmental unit for the aforementioned amounts. The regional retirement board advisory council, at a meeting called specifically for that purpose, shall elect one of its members as a member of the regional retirement board at the expiration of the current appointed member's term, as provided in paragraph (e).

(h) The regional retirement board advisory council, which shall serve as the election board, shall supervise the election of the elected members of the retirement board. The council shall make available nomination papers to any member in or retired from service upon request and shall require that such nomination papers shall be signed by the candidate, and returned to the office of retirement board for safekeeping until the election board shall meet. The chairman of the council shall give a duplicate receipt for such nomination papers to each candidate. Completed nomination papers shall contain the signatures and addresses of at least five active or retired members of the retirement system. The election board shall determine whether each candidate has filed nomination papers containing the requisite signatures and addresses. If, after investigation, the election board determines that a candidate has filed nomination paper containing less than five signatures as required, the election board shall declare the nomination papers invalid and shall notify the candidate of such determination. If, after an investigation, the election board

determines that only one candidate has filed the requisite number of signatures, the election board shall declare the candidate to be the elected member of the county retirement board. If, after an investigation, the election board determines that more than one candidate has obtained the requisite number of valid signatures, the election board shall notify said candidates of such determination and shall immediately prepare election ballots, and set the date for an election to be held within 40 days.

The election board shall mail ballots to all members of the retirement system whether active or retired. The election board shall instruct each member to place an appropriate marking on the face of the printed ballot envelope and the ballot envelope into the pre-stamped envelope, seal the pre-stamped envelope and mail the envelope to the election board in care of the county retirement board, within 20 days after they were mailed. An envelope postmarked later than 20 days after such mailing shall not be used to determine the elected member. The election board shall notify each candidate of the time and location of the tabulation of the ballots and shall permit all such candidates to be present at the tabulation. At the specified time for tabulation, the election board shall assemble all envelopes and inspect the envelopes. An envelope which has been opened prior to said date or which has not been signed on the rear by the appropriate addressee shall be invalidated and shall not be used to determine the elected member. The election board shall assemble all properly signed, unopened envelopes and shall open each envelope and separate the enclosed ballot from the envelope. The election board shall assemble all ballots and shall tabulate the vote for each candidate. Any ballot which contains a marking for more than the number of vacancies shall be declared invalid.

The election board shall notify each candidate in writing of the results of the election. All envelopes and ballots received by the election board, including those determined to be invalid, shall be preserved by the election board for two years. The costs incurred by the election board in administering the election shall be paid from the county retirement system administration fund.

(i) The group insurance commission shall make applicable to employees of a regional board of health, life and disability benefits, and the employees shall be eligible to participate in all benefits administered by the group insurance commission. The costs thereof, including any administrative costs incurred by the group insurance commission shall be borne by said employees and the regional retirement system. Any benefits provided to employees and retirees of the retirement system prior to the abolition of county government and not available through the group insurance commission may be provided through the regional retirement system provided that said system is fully reimbursed for the cost of such benefits by retirees and is reimbursed by employees in such a percentage equal to that of the percentage paid by state employees for similar benefits.

(j) An employer shall provide a board member under its employ with all necessary leave required for service to such board. A board member who is an active member of a contributory retirement system shall receive creditable service for such periods the member is so serving.

(k) The abolished county's retirement board and retirement board advisory council shall continue to serve until such time as the members of the new retirement board and the new retirement board advisory council pursuant to this section have been duly elected, selected or appointed, as the case may be.

(l) Any provisions of chapter 32 of the General Laws that are not consistent with the provisions of this act shall apply to a regional retirement system.

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 191 the following section: —

"SECTION 191A. Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts Water Resources Authority Retirement System Board may grant creditable service to a present employee who is a member of said retirement system who served as an employee of the United States House of Representatives and who has completed ten or more years of membership service. The creditable service shall be determined by the board. The creditable service shall not be credited until the member has paid into the Massachusetts Water Resources Authority Retirement System, in one sum or in installments, upon terms and conditions that the retirement board may prescribe, make-up payments equal to the payments made by the member while in employment of the United States House of Representatives, plus the interest accrued on those payments."

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting the following section:—

"SECTION . Notwithstanding the provisions of any memorandum of understanding, general or special law to the contrary, the Massachusetts Port Authority shall transfer not less than \$1,750,000 to the Massachusetts Water Resources Authority for the purposes of design and construction costs associated with the relocation of the section eight low service pipeline, so called, located in the Chelsea River approximately 800 feet east of McArdle Bridge."

The amendment was *rejected*.

Ms. Murray and Messrs. Lees, Pacheco, Jajuga and Tolman, moved to amend the bill by inserting after section 70 the following section:—

"SECTION 70A. The General Laws are hereby amended by insert ing, after Chapter 111I, the following chapter:—

CHAPTER 111J.

LICENSING OF ALCOHOL AND DRUG COUNSELLORS.

Section 1. As used in this chapter, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

‘Approved continuing education’, continuing education approved by the department, including research and training programs, college and university courses, in-service training programs, seminars and conferences designed to maintain and enhance the skills of alcohol and drug counselors.

‘Approved program’, a program approved by the department for the education and training of alcohol and drug counselors.

‘Approved work experience’, supervised work experience, approved by the department, in alcohol and drug abuse treatment, intervention and prevention.

‘Department’, the department of public health.

‘Licensed alcohol and drug counselor I’, a person licensed by the department to conduct an independent practice of alcohol and drug counseling and to provide supervision to other alcohol and drug counselors. A licensed alcohol and drug counselor I shall have received a master’s or doctoral degree in behavioral sciences, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credit as may be established by the department, shall have at least three years of approved work experience and shall have passed a licensing examination approved by the department.

‘Licensed alcohol and drug counselor II’, a person licensed by the department to practice alcohol and drug counseling under clinical supervision. A licensed alcohol and drug counselor II shall have completed an approved program of education, including a supervised counseling practicum which meets the requirements established by the department or such equivalent educational credits as may be established by the department, shall have at least three years of approved work experience and shall have passed licensing examination approved by the department.

Section 2. The department shall establish the requirements for the licensing of alcohol and drug counselors practicing in the commonwealth, evaluate the qualifications of applicants, supervise licensing examinations, collect fees established for licensing and examination, grant and issue licenses to alcohol and drug counselors who satisfy the department’s requirements for licensing, require and establish continuing education requirements, investigate complaints and take appropriate disciplinary action to protect the public health, safety and welfare.

The department shall establish requirements for licensed alcohol and drug counselors I and II and may establish other reasonable classifications for alcohol and drug counselors as it finds necessary and appropriate, taking into consideration different levels of education, training and work experience.

The department shall approve and issue certificates of approval of programs for the training of alcohol and drug counselors. The department shall maintain a list of approved programs as well as a current roster of persons serving as licensed alcohol and drug counselors in the commonwealth.

The department shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter including rules and regulations establishing the educational and professional requirements for licensing alcohol and drug counselors, establishing fees for licensing and examination and governing the practice and employment of licensed alcohol and drug counselors to promote the public health, safety and welfare.

Section 3. Each applicant for a license shall furnish the department with proof of satisfactory completion of the educational, training and experience requirements for licensure, including completion of an approved program and approved work experience and proof of having passed such licensing examination as approved or administered by the department.

A person serving as a licensed alcohol and drug counselor seeking license renewal shall submit proof of having successfully completed requirements for such approved continuing education as may be established by regulations.

Applications for licenses and license renewal shall be submitted in accordance with procedures established by the department. Each application shall be accompanied by the payment of a fee to be determined by the department.

Section 4. Except as otherwise provided in this chapter or by regulation, a person who is not licensed or exempt from licensing shall not hold himself out as a licensed alcohol and drug counselor and shall not use the title, initials or description of a licensed alcohol and drug counselor or practice or attempt to practice alcohol and drug counseling without a valid license. Whoever engages in alcohol or drug counseling without a license shall be subject to a fine of not less than \$500. In addition, the department may bring a petition in superior court to enjoin such action or any other violation of this chapter or regulations of the department.

Section 5. The following individuals shall be exempt from the licensing requirements of this chapter:

(a) an educational psychologist, marriage and family therapist, mental health counselor, nurse practitioner, occupational therapist, physician assistant, practical nurse, psychologist, registered nurse, rehabilitation counselor or social worker;

(b) an employee or other agent of a recognized academic institution or employee assistance program or a federal, state, county or local government institution, program, agency or facility or school committee, school district, school board or board of regents while performing alcohol and drug counseling duties solely for the respective agency or under the jurisdiction of the agency; but a license granted under this chapter need not be a requirement for employment in any state, county or municipal agency;

(c) an employee of an alcohol or drug treatment program or facility which is licensed or approved by the department under chapters 111B and 111E, as long as such individual is performing alcohol and drug counseling solely within or under the jurisdiction of such program or facility.

Nothing in this section shall be construed to prevent qualified members of other professions, including attorneys, Christian Science practitioners or members of the clergy, from providing alcohol or drug counseling consistent with accepted standards of their respective professions. No person shall use a title stating or implying that he is a licensed alcohol and drug counselor.

Nothing in this section shall be construed to prevent members of peer groups or self-help groups from performing peer group or self-help activities; but no member of peer or self-help groups shall use a title stating or implying that he is a licensed alcohol and drug counselor.

Section 6. The department shall establish procedures for consumers to file written complaints regarding an alcohol and drug counselor who is subject to requirements for licensure.

The department shall investigate all complaints relating to the proper practice of an alcohol and drug counselor holding a license and all complaints relating to any violation of this chapter or regulations of the department.

The department may conduct an adjudicatory proceeding pursuant to chapter 30A, but shall not have the power to issue, vacate, modify or enforce subpoenas pursuant to section 12 of said chapter 30A.

The department may, after a hearing pursuant to chapter 30A, deny, refuse renewal, revoke, limit or suspend a license or otherwise discipline an alcohol and drug counselor licensed under this chapter. Grounds for denial, refusal to renew, revocation, limitation, suspension or other discipline shall include the following: (1) fraud or misrepresentation in obtaining a license; (2) criminal conduct which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor as evidenced by criminal proceedings which resulted in a conviction, guilty plea or plea of nolo contendere or an admission of sufficient facts; (3) violation of any rule or regulation of the department governing the practice of alcohol and drug counselors; (4) violation of ethical standards which the department determines to be of such a nature as to render such person unfit to practice as a licensed alcohol and drug counselor; (5) other just and sufficient cause which the department may determine would render a person unfit to practice as a licensed alcohol and drug counselor.

Where denial, refusal to renew, revocation or suspension is based solely on the failure of the licensee to file timely application or pay lawfully prescribed fees or to maintain insurance coverage as required by law or regulation, the department may act without first granting the applicant or licensee a hearing.

Section 7. Examinations for licensed alcohol and drug counselors shall be conducted at least twice a year and at places designated by the department. Examination shall be written; but a portion thereof may be conducted orally. A person who has failed an examination may be admitted to the next subsequent examination.

The department may accept, in lieu of its own examination, a current certificate of any recognized certifying body issued on the basis of an examination satisfactory to the department; but the standards of such body shall be at least as stringent as those established by the department.

Section 8. The department may issue a license without examination to an applicant whose qualifications meet the requirements for licensure established by the department if such applicant is licensed or certified in alcohol and drug counseling or a comparable field in another state wherein the requirements for licensure are deemed by the department to be equivalent to or in excess of the requirements of this chapter"; and by adding the following section:—

"SECTION . Notwithstanding the provisions of chapter 111J of the General Laws to the contrary, subject to such rules and regulations as the department of public health may prescribe, the department may issue a license in alcohol and drug counseling without examination to an applicant who is practicing in the commonwealth as an alcohol and drug counselor on the effective date of this act and who applies for licensure within one year of the effective date of this act; so long as the applicant meets all other qualification and requirements for licensure and establishes, through an alternate means acceptable to the department, competency in each subject area covered by the examination."

The amendment was *rejected* .

Ms. Murray, Messrs. Morrissey, Creedon and Tolman and Mrs. Sprague moved to amend the bill by inserting after section 214B (inserted by amendment) the following section:—

"SECTION 214C. The department of revenue, in consultation with the commissioner of veteran services and the Massachusetts veterans' agents association shall conduct a study of public benefits for veterans. The study shall include an analysis and recommendations on (a) the scope of benefits provided to veterans pursuant to the provisions of chapter 115 of the General Laws or any other general or special law of the commonwealth, or local or federal law providing said benefits to veterans; (b) the definition of the word 'veteran' in the General Laws, and whether changes to said definition are appropriate or necessary in order to include in said definition individuals who have served or are serving in the armed forces and do not meet the 'wartime service' requirement of clause forty-third of section 7 of chapter 4 of the General Laws; (c) the application of said definition to any benefits provided to such veterans under the laws of the commonwealth; (d) the number of additional veterans who will be included in an expanded definition and the fiscal impact of this expansion to the commonwealth and cities and towns; and (e) the benefits provided to the surviving spouses of servicemen or servicewomen who died while serving in the armed forces of the United States or suffered service connected disabilities. The department shall report its findings and recommendations, including any fiscal impact and proposed legislation, to the secretary of administration and finance and the house and senate committees on ways and means not later than March 1, 2000."

The amendment was adopted.

Ms. Murray moved to amend the bill by inserting after section 191B (inserted by amendment) the following section:—

"SECTION 191C. The Plymouth county correctional facility may, with the approval of the sheriff of the county, be used as a regional lockup facility within the county. The facility may, with the approval of the sheriff and at the discretion of the chief of police of the county, be used for the detention of persons detained or committed by the courts or any person arrested under civil process. The Plymouth county correctional facility, when used as a lock-up facility, shall have the same functions and powers as a lock up established under the provisions of section 34 of chapter 40 of the General Laws."

The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 191C (inserted by amendment) the following section:—

"SECTION 191D. (a) The division of health care finance and policy shall calculate rates for nursing facilities, as currently defined in the division's regulations, that open on or after February 1, 1998 and that have a determination of need approved before January 1, 1989, as provided in this section. The rate shall be effective from the date of licensure until the end of the rate year in which the total number of beds approved in the determination of need become fully licensed.

(b) The costs for nursing and director of nurses shall be 120 per cent of the median claimed 1997 average nursing cost and director of nurses cost per management minute, plus division-allowed inflation. For the calculation of the ten nursing per diem rates, the division shall use the industry median minutes plus 110 per cent for each category. Calculation of weighted nursing per diem rates for four nursing payment groups shall be according to 114.2 CMR 6.04(1)(a)3.

(c) Other operating costs shall be 120 per cent of the median claimed 1997 average other operating costs plus administrative and general costs, adjusted for division-allowed inflation.

(d) Allowable construction costs shall be limited to the maximum capital expenditure amounts as approved by the determination of need program of the department of public health."

The amendment was adopted.

Mr. Brewer moved to amend the bill by inserting after section 111 the following section:—

"SECTION 111A. Section 640 of chapter 151 of the acts of 1996 is hereby repealed."

The amendment was *rejected* .

Mr. Brewer moved to amend the bill by inserting after section 25 the following section:—

"SECTION 25A. Section 57 of chapter 22C of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the words 'cruelty to', in line 15, the following word:— domesticated."

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik and Mrs. Sprague moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Subsection (i) of section 89 of chapter 71, as appearing in amended section 2 of chapter 46 of the acts of 1997, is hereby amended by inserting after the words 'net school spending' the following words:— , provided, however, that siblings of enrolled charter school students shall not be included in the calculation of said 6 per cent limit of a district's net school spending."

After remarks, the amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 84 the following two sections:—

"SECTION 84A. Section 87 of chapter 149 of the General Laws, as most recently amended by section 81 of the acts of 1997, is hereby further amended by adding the following paragraph:—

For the purposes of this section and sections 86, 89 and 95A, the term 'school committee' shall be deemed to include any charter school board of trustees and any local educational agency authorized by the department of education in writing to issue employment permits. For the purposes of this section and sections 86, 89 and 95A the term 'superintendent of schools' shall be deemed to include the chief executive officer of any charter school and the chief executive officer of any local educational agency authorized by the department of education in writing to issue employment permits.

SECTION 84B. Section 89 of chapter 149 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the thirteenth sentence and inserting in place thereof the following sentence:— The blank permits and other papers required in connection with the issuing of employment permits and educational certificates under this chapter shall be prepared by the attorney general after conference with the department of education and furnished by the attorney general to local school committees, to the boards of trustees of charter schools, and to any local educational agencies designated by the department of education in writing to issue employment permits."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 11 — nays 28):

YEAS.

Antonioni, Robert A.
Clancy, Edward J., Jr.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Walsh, Marian — 11.

NAYS.

Bernstein, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.

Glodis, Guy W.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.

Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Wilkerson, Dianne — 28.

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

Messrs. Tisei, Lees, Knapik, Mrs. Sprague and Messrs. Tarr and Magnani moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Section 1 of chapter 117A of the General Laws, as appearing in the 1996 Official Edition, 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 the provisions of this chapter, who are not maintaining their own homes, but are 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 seventy dollars 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 dollars."; and by inserting after section 74 the following section:—

"SECTION 74A. Section 15 of Chapter 118E of the General Laws, as appearing in the 1996 Official Edition, 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 the provisions of this chapter, who are not maintaining their own homes, but are 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 \$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 seventy dollars, the recipient shall be paid monthly in advance the difference between such income and \$70."

After remarks, the amendment was *rejected*.

Ms. Melconian and Messrs. Lees, Brewer, Glodis, Knapik, Panagiotakos and Antonioni moved to amend the bill by inserting after section 30 the following three sections:—

"SECTION 30A. Section 2 of chapter 30B of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word 'thereof', in line 21, the following words:—, or for abolished counties, an individual duly appointed by a sheriff to procure all supplies and services for the office of a sheriff.

SECTION 30B. Said section 2 of said chapter 30B, as so appearing, is hereby further amended by inserting after the word 'county,' in line 42, the following words:— or in the case of abolished counties, office of a sheriff.

SECTION 30C. Said section 2 of said chapter 30B, as so appearing, is hereby further amended by striking out the words 'or county,' in line 43, and inserting in place thereof the following words:—, county, or in the case of abolished counties, office of a sheriff."

The amendment was adopted.

Messrs. Hedlund and Morrissey moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. (a) The metropolitan district commission may, notwithstanding any general or special law to the contrary, in consultation with the inspector general, subject to section 40J of chapter 7 of the General Laws, execute and deliver in the name and behalf of the commonwealth one or more instruments to lease, for consideration described in subsection (b), a certain parcel of land, with the buildings thereon and under the jurisdiction and control of the commission, known as the Blue Hills Ski Area, for a term set forth in subsection (c), for the operation and management of a downhill recreational ski area. The more exact location and configuration of the premises to be leased shall be shown on a plan on file with the commission entitled 'Land to be leased for skiing facilities known as the Blue Hills Ski Area.'

(b) The consideration for the lease shall be in the form of the expenditures for the stabilization and restoration of the structures, ski lifts, snow making system and appurtenances on the premises which are subject of the lease as described in subsection (c) and for such additional consideration, if any, that the inspector general deems necessary to effectuate and achieve the full and fair market value of the lease or leases authorized in this section. Any such determination of additional consideration in the form of compensation, shall be determined by the inspector general only after an appraisal of the value of the property in its proposed improved condition as stabilized and restored.

(c) The commission shall grant a lease for a period of 25 years to an experienced third party. The deputy commissioner, in consultation with the metropolitan district commission, may renew such a lease for additional five year periods so that the total of renewals does not exceed 15 years. Upon the signing of a lease, the lessee shall immediately, at their sole expense and under the supervision and approval of the commission, improve, rehabilitate or replace the ski lift system on the premises. In addition, the lessee shall expend at least \$500,000 to stabilize, rebuild, replace or demolish the ski lodge, ski school and all other buildings subject to the lease.

The commission may grant the following lease or leases and extensions and any other related documents to implement the provisions of this section.

(d) The commission shall provide the clerk of the house of representatives, who shall forward copies to the legislature's joint committee on state administration and to the inspector general of the commonwealth, a copy of any lease or leases at least 20 business days prior to the execution thereof by the commission. The inspector general shall review and comment within 15 business days of the receipt of such lease or leases by the inspector general. A copy of the review and comments, and any recommendation thereon by the inspector general, shall thereupon be forwarded to the clerk of the house of representatives. The lease or leases, when executed by the commission, shall be deemed conclusively authorized hereby; but all provisions therein shall be consistent with the provisions of this section. The commissioner of the metropolitan district commission from time to time may execute and deliver, in the name and on behalf of the commonwealth, a notice of such lease or leases for recording and any and all other agreements and instruments related to the lease or leases authorized hereby.

(e) The lease or leases authorized in this section shall provide that all capital improvements to the Blue Hills Ski Area become the property of the commonwealth upon termination of same, without payment of compensation of any kind by the commonwealth. The lessee shall carry comprehensive general and public liability insurance, with the commonwealth as co-insured, protecting the lessee and the commonwealth against personal injuries and property damage occurring on the leased premises or within any structure or building thereon, and such fire and extended risk insurance as deemed appropriate by the commission.

(f) No lease or leases other than that provided for by this section, nor any new construction by the lessee other than that as set forth within the lease or leases, nor any sale, transfer, conveyance or any other disposition of such land and buildings, may be made without the prior approval of the general court; but the metropolitan district commission may, under this section, grant utility easements to enhance and otherwise promote park operations at the Blue Hills Reservation as such commission deems necessary.

(g) In the event that the purpose described in subsection (a) ceases at any time, the lease or leases authorized hereunder shall be terminated under such terms and conditions as the commission may prescribe.

(h) The metropolitan district commission shall have final design review for all buildings and structures to be built, erected and installed on the premises. No buildings or structures shall be built, erected, installed, renovated, demolished or replaced upon said leased premises other than as authorized by said lease or leases, without the prior approval of the metropolitan district commission.

(i) Prior to the signing of any lease under the provisions of this section, the commission shall prepare traffic impact and visitor safety studies."; and by inserting after section 27, the following section:—

"SECTION 27A. Chapter 29 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding after section 2U the following section:—

Section 2U½. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Blue Hills Ski Area Recreational Trust. All payments, proceeds, and other sums received by the metropolitan district commission under the leases and agreements relative to the Blue Hills Ski Area, shall be deposited in the Blue Hills Ski Area Recreational Trust.

Amounts credited to the fund shall be used, subject to appropriation, for capital improvements, equipment, and maintenance of said ski area, including costs of personnel.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill by inserting after section 191D (inserted by amendment) the following section:—

"SECTION 191E. Notwithstanding the provisions of any general or special law to the contrary, the department of environmental protection shall not approve plans submitted after April 1, 1999 for the closure or post-closure of any privately owned landfill located in the town of Cohasset until such time as the department has (1) held a public hearing on such plans in the town, (2) has accepted public comments on such plans for a 30 day period, and (3) includes in any decision with respect to such plans the response to all public comments received."

The amendment was adopted.

Mr. Hedlund moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. (a) In consideration of the unresolved conflicts, listed in this section, that exist between the data and conclusions in the Massachusetts Bay Transportation Authority, in this section called the MBTA, draft environmental impact report, in this section called the EIR, and subsequent reports concerning the restoration of the Greenbush Line, so-called, of the Old Colony Railroad, the MBTA shall conduct a new EIR for the purpose of ascertaining potential environmental impact of restoring the Greenbush Line.

(b) In addition, the MBTA shall conduct a study for the purpose of determining to what extent the proposed project will reduce use of alternative transportation methods and to what extent such a shift in transportation use will impact the environment, especially as it pertains to the increased impact of locomotive-related diesel emissions. The study shall use the most recent scientific data available pertaining to the pollutants created by diesel emissions. In addition, the MBTA shall conduct a study pertaining to the potential impact on public safety as relates to all grade crossings in the proposed project using all regulations and guidelines related to railroad safety as adopted by any agency of the commonwealth. As part of the study, the MBTA shall hold public hearings in each of the communities in which the proposed project is to be located to fully assess its safety impact. The MBTA shall complete a report including all information produced in the studies. The report shall contain documentation of all methodology used in the gathering and dissemination of any data gathered in the completion of the studies.

(c) The report shall be distributed to each agency of the commonwealth that assisted in the developing or conducting the study, the local legislative body in each community in which the proposed project is to be located, and the house and senate committees on ways and means not later than April 15, 2000."

The amendment was *rejected*.

Messrs. Hedlund, Lees and Knapik, Mrs. Sprague, and Messrs. Tarr and Tisei moved to amend the bill by adding at the end thereof the following section:—

"SECTION . Section 31 of chapter 111 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word, 'requirements', in line 20, the following words:—, and any such regulation or amendment promulgated after January 1, 1998 that exceeds state regulations relative to septic and cesspool systems shall not take effect in a city or town unless approved by vote of the town meeting or city council."

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

YEAS.

Brewer, Stephen M.
Glodis, Guy W.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.

Morrissey, Michael W.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 10.

NAYS.

Antonioni, Robert A.
Bernstein, Robert A.
Berry, Frederick E.

Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.

Clancy, Edward J., Jr.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.

Havern, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 29.

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

Mr. Hedlund moved to amend the bill by inserting after section 191E (inserted by amendment) the following section:—

"SECTION 191F. The office of the treasurer shall conduct a study to develop a lottery ticket litter reduction plan. The study shall include an analysis of effective and cost-incentive methods to reduce and prevent the littering of public areas of the commonwealth with non-winning lottery tickets. The office shall submit the results of the study, along with any recommendations for legislation, to the clerk of the house of representatives, clerk of the senate, the house and senate committees on ways and means and the governor not later than December 31, 1999."

The amendment was adopted.

Mr. Creedon moved to amend the bill by inserting after section 112 the following section:—

"SECTION 112A. Item 7004-8975 of section 2E of chapter 88 of the acts of 1997 is hereby amended by adding the following words:— ; provided, that not less than \$275,000 shall be expended for the demolition of abandoned buildings which are a threat to public safety or to eliminate blight in the city of Brockton by said city."

The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 102 the following two sections:—

"SECTION 102A. Chapter 645 of the Acts of 1948 is hereby amended by striking out section 4, as most recently amended in section 1 of chapter 232 of the acts of 1989, and inserting in place thereof the following section:—

Section 4. A project shall become an approved school project, as defined in section three: (i) after it has been approved by the board for the purposes of sections 7 to 12, inclusive; (ii) upon certification by the department of education that adequate provisions have been made for children with special needs, as defined in section 1 of chapter 71B of the General Laws; and (iii) upon a determination by the department that, for all applications submitted after June 1, 1999 for elementary school projects, adequate provisions have been made for anticipated enrollment levels and projected demand for kindergarten and pre-kindergarten education, as determined by the department. Applications to the board for capital construction projects shall be made and approval shall be obtained before construction is undertaken.

Section 102B. Chapter 645 of the acts of 1948 is hereby further amended by inserting after section 10 the following section:—

Section 10A. Notwithstanding the provisions of any general or special law or rule to the contrary, the board shall approve school projects and reimbursements to renovate existing schools regardless of whether the community has land available where a new school could be constructed and whether or not the existing building is wood framed."

The amendment was *rejected*.

Messrs. Norton and Joyce moved to amend the bill by inserting after section 214C (inserted by amendment) the following section:—

"SECTION 214D. A special commission is hereby established, to consist of 23 members as follows: three members of the senate, one of whom shall be appointed by the senate chairman of the joint committee on public service, who shall serve as co-chair of the commission, one of whom shall be appointed by the senate president and one of whom shall be appointed by the senate minority leader; three members of the house, one of whom shall be the house chairman of the joint committee on public service, who shall serve as co-chair of the commission, one of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the house minority leader; the governor or his designee; one member to be appointed by the Professional Fire Fighters of Massachusetts; one member to be appointed by the Massachusetts Coalition of Police; one member to be appointed by the Massachusetts Police Association; one member to be appointed by the International Brotherhood of Police Officers; one member to be appointed by the Massachusetts Corrections Officers Federated Union; one member to be appointed by the Massachusetts Mayor's Association; one member to be appointed by the Massachusetts Selectman's Association; the president of the Massachusetts Municipal Association; one member to be appointed by the Service Employees International Union; one member to be appointed by the National Association of Government Employees; one member to be appointed by the Association of Federal, State, County, and Municipal Employees; and six members to be appointed by the Governor, one each from the Public Employee Retirement Administration Commission, the executive office of administration and finance, the department of corrections, the department of public safety, the Retired State, County and Municipal Employees Association of Massachusetts, and a representative of a local retirement board; for the purpose of investigating and studying early retirement incentives for public safety officers including, but not limited to, municipal police officers, firefighters, Logan Airport public safety officers, state and county corrections officers, parole officers, state environmental police, probation officers, court officers, University of Massachusetts police officers, investigators in state agencies, and forensic social workers. Said commission shall also study and recommend formulas, contribution rates, effective dates, and any other matters as said commission deems appropriate with respect to group classifications and retirement for all public safety employees. Said commission shall report to the general court the results of its study and its recommendations, together with proposed legislation necessary to carry such recommendations into effect by filing the same with the clerk of the house of representatives and the clerk of the senate on or before January 1, 2000."; and

By inserting after item 9749-0000 the following item:

"9749-0001 For the expenses related to the work of the special commission established in section 214A of this act relative to the retirement of public safety employees, including, but not limited to, staff, travel, consultants and other related services; provided, that the commission may also accept in-kind research work and product from appointed members
.....100,000".

The amendment was adopted.

Mr. Creedon moved to amend the bill by inserting after section 102 the following three sections:—

"SECTION 102A. The first paragraph of section 58 of chapter 276 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last sentence.

SECTION 102B. Said chapter 276 is hereby amended by inserting after section 58, as so appearing, the following section:—

Section 58½. If the justice of the superior court or district court or juvenile court, the master in chancery or the bail commissioner determine that cash bail is required, the defendant shall be allowed to provide an equivalent amount in a surety bond and the amount of bail set whether in either cash or surety shall be the same.

The judge or other authorized court personnel shall set the amount of bail but the defendant shall have the right to make the choice of how the bail shall be paid which could be by either cash or corporate surety.

SECTION 102C. Section 80 of said chapter 276, as so appearing, is hereby amended by adding the following sentence:— All such moneys so deposited with the state treasurer shall be kept in a separate account by the treasurer and annually transferred to the victim and witness assistance fund established by section 49 of chapter 10 and so far as possible to be used to compensate or reimburse any victim of a crime committed by a person whose bail and surety has been defaulted under this section"; and

By inserting after section 222 the following section:—

"SECTION 222A. Sections 102A, 102B and 102C shall take effect upon the passage of this act and the chief justice of the superior court, the chief justice of the district court and the chief justice of the juvenile court shall provide notification to all court personnel, under the jurisdiction involved in bail proceedings as to the new uniform standards and requirements for acceptance of surety as set forth in sections 102A, 102B and 102C."

The amendment was *rejected*.

Messrs. Creedon and Antonioni moved to amend the bill inserting after section 214 the following section:—

"SECTION 214A. (a) Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to study the level of compensation for assistant district attorneys in the commonwealth relative to assistant district attorneys in other states and other attorneys employed by the commonwealth. The special commission shall recommend suggested salary levels and how to implement them.

(b) The commission shall consist of five members, one of whom shall represent the Massachusetts Association of District Attorneys, one of whom shall represent the Massachusetts Bar Association, one of whom shall represent the Massachusetts State Prosecutors Association and one member of the house and one member of the Senate.

(c) The commission shall issue its report not later than October 31, 1999."

The amendment was *rejected*.

Messrs. Knapik, Lees, Magnani and Tarr moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Chapter 70 of the General Laws is hereby amended by inserting after section 3, as appearing in the 1996 Official Edition, the following section:—

Section 3A. The commonwealth shall assume 100 per cent of the portion of the cost of an individual student's special education services that exceeds three times the per pupil expenditure of the school district."

The amendment was *rejected*.

Mr. Knapik moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Chapter 74 of the General Laws is hereby amended by inserting after section 2B, as appearing in the 1996 Official Edition, 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 dollars; 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."

After remarks, the amendment was *rejected*.

Engrossed Bills.

There being no objection during the Orders of the Day, the following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Relative to the Somerville budget (see Senate, No. 1793);

Relative to the town of Plymouth (see House, No. 4378, amended); and

Making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4412).

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Messrs. Knapik and Lees moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. The first paragraph of section 7C of chapter 74 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— The department of education shall reimburse towns that pay a tuition fee for a person accepted to an approved vocational school as a nonmember student, the difference between the average per pupil expenditure for secondary students of the nonmember town and the tuition fee set forth herein."

The amendment was *rejected* .

Ms. Resor moved to amend the bill by inserting after section 70 the following section:—

"SECTION 70A. Section 6 of chapter 131A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after subsection (b) the following subsection:—

(b½) Any person who violates section 2, or any rule or regulation promulgated under this chapter, shall be subject to a civil penalty of not more than \$10,000 for each separate offense. The civil penalty may be asserted in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

The superior court shall have jurisdiction in equity to enforce the provisions of this section and to restrain violations of this chapter and any rules and regulations adopted pursuant to this chapter upon petition of the director or the attorney general."

The amendment was *rejected* .

Ms. Resor and Ms. Creem moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Section 6 of chapter 70 of the General Laws is hereby amended by striking out the last paragraph, inserted by section 126 of chapter 194 of the acts of 1998."

The amendment was *rejected* .

Ms. Walsh moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding any provisions of any general or special law, rule, or regulation to the contrary, to the extent that the division of medical assistance or the division of health care finance and policy or any successor agencies continue to regulate or provide capital reimbursement to nursing facilities, neither division shall in any manner discriminate among nursing facilities, for capital reimbursement purposes, based upon date of application or issuance, by the public health council, of a determination of need for construction, renovation or replacement of such facility or on the date of commencement or completion of any nursing facility construction, renovation and/or replacement. For the purposes of this section 'capital' means costs associated with the acquisition and upkeep of a nursing facility, including, without limitation, debt, equity, depreciation and long term interest. This section shall take effect on the earlier of, the date the division begins contracting for nursing facility services on a managed care basis, or January 1, 2000."

The amendment was *rejected* .

Ms. Resor moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Chapter 70 of the General Laws is hereby amended by inserting after section 3, as appearing in the 1998 Official Edition, the following section:—

Section 3A. The commonwealth shall assume 100 per cent of the portion of the cost of an individual students' special education services that exceeds two and a half times the per pupil expenditure of the school district."

After remarks, the amendment was *rejected* .

Ms. Murray moved to amend the bill by inserting after section 214D (inserted by amendment) the following section:—

"SECTION 214E. For the purpose of protecting consumers and improving the effectiveness of the provision of gas, electricity, energy, telecommunications and cable services to the citizens of the commonwealth, there is hereby established a special commission to investigate and examine the feasibility of transferring the department of telecommunications and energy, its operations, duties, functions and responsibilities to the office of the attorney general.

The commission shall include seven members, which shall include the attorney general or his designee; the secretary of administration and finance or his designee; the commissioner of the department of telecommunications and energy or his designee; the inspector general or his designee; a member of the senate to be appointed by the senate president; a member of the house to be appointed by the speaker of the house of representatives; and one individual appointed by the governor with demonstrated experience and background in consumer protection and advocacy.

The commissioner shall investigate and examine: (1) the functions, duties and responsibilities of the department of telecommunications and energy and its effectiveness in carrying out such functions, duties and responsibilities; (2) the consumer protection obligations and activities of said department and its effectiveness in carrying out such obligations and activities; (3) the responsiveness, effectiveness, and accessibility of said department, and the entities, industries and companies that it regulates, to consumer questions and complaints in every municipality in the commonwealth; (4) the environmental protection obligations and activities of said department and its effectiveness in carrying out such obligations and activities; and (5) the feasibility of transferring all or any portion of the functions, duties, responsibilities, obligations and activities of said department to the office of the attorney general.

The commission shall report to the general court the results of its study and its recommendations, together with drafts of legislation necessary to carry out such recommendations, by filing the same with the house and senate committees on ways and means, and clerks of the house of representatives and the senate on or before April 1, 2000."

The amendment was adopted.

Mr. Antonioni, Ms. Walsh, Messrs. Berry and Tolman, Ms. Creem, Messrs. Bernstein, Lynch, Travaglini, Joyce, Ms. Resor and Messrs. Pacheco and Magnani moved to amend the bill by inserting after section 191F (inserted by amendment) the following section:—

"SECTION 191G. Notwithstanding the provisions of any general or special law to the contrary, the board of education shall not amend the regulations promulgated pursuant to chapter 71B of the General Laws in a manner which would alter the procedural or substantive protections provided to children with special needs as embodied in regulations in effect on March 1, 1999, until the earlier of: 1) completion of the general court's contracted study of the standard of care for the delivery of education services to children with special needs and passage thereafter of any amendments to said chapter 71, or 2) August 31, 2000; provided, however, that nothing in this section shall limit the board of education's authority to amend such regulations, in order to be consistent with the federal special education law.

The amendment was adopted.

Messrs. Antonioni and Lynch moved to amend the bill by inserting after section 19 the following section:—

"SECTION 19A. Section 1E of chapter 15 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word 'terms', in line 21, the following words:— "but only service on or after July 1, 1996 shall be counted for this purpose."

The amendment was adopted.

Mr. Jajuga, Ms. Resor, Mrs. Sprague and Mr. Creedon moved to amend the bill by inserting after section 19 the following section:—

"SECTION 19A. Section 3 of chapter 32 of the General Laws, as appearing in the 1996 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 four for ten years or have had ten years of more employment at the department of fire services or its predecessor agencies, the division of fire prevention and the Massachusetts firefighting academy, prior to being eligible for benefits under this section."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 191 the following section:—

"Section 191A. Notwithstanding the provisions of chapter 32 of the General Laws or any other general or special law to the contrary, the Essex County retirement system shall credit John V. O'Brien with the service he rendered between 1944 and 1946, inclusive, while in the United States Navy and 1946 to 1950, inclusive, while in the Naval Reserve of the United States, for the purpose of determining a retirement allowance pursuant to the provisions of said chapter 32. John V. O'Brien shall not be required to make any makeup payments to receive credit for this service."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 84 the following section:—

"Section 84A. Chapter 140 of the General Laws is hereby amended by inserting after section 122A, as appearing in the 1996 Official Edition, the following section:—

Section 122A½. Copies of all records created by the firearms record bureau of the criminal history systems board pursuant to chapter 140 which are certified and attested to by the director of said bureau or his designee, shall be admissible as evidence in any court of the commonwealth to prove the facts contained therein."

The amendment was *rejected*.

Messrs. Jajuga and Moore moved to amend the bill by inserting after section 69 the following section:—

"SECTION 69A. The sixth paragraph of section 72Y of chapter 111 of the General Laws, as amended by section 420 of chapter 161 of the acts of 1998, is hereby further amended by adding the following five sentences:— The rate for services provided by nursing pools to licensed nursing facilities shall not exceed 135 per cent of the median salary cost per hour for direct care nursing staff employed by nursing facilities. The division of health care finance and policy shall establish annually the limit for the rate for services provided by nursing pools to licensed nursing facilities. The division shall calculate a separate rate annually for registered nurses, licensed practical nurses and certified nurses' aides. The division may establish separate nursing pool rates by geographic region. The division shall determine the nursing pool rate limit through salary data collected from cost reports submitted annually by nursing facilities or, if necessary, by other collection tools."; and by inserting after section 79 the following section:—

"SECTION 79A. Section 7 of chapter 118G of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:—

In establishing rates for nursing pools pursuant to section 72Y of chapter 111, the rate for services provided by nursing pools to licensed nursing facilities shall not exceed 135 per cent of the median salary cost per hour for direct care nursing staff employed by nursing facilities. The division shall establish annually the limit for the rate for services provided by nursing pools to licensed nursing facilities. The division shall calculate a separate rate annually for registered nurses, licensed practical nurses and certified nurses' aides. The division may establish separate nursing pool rates by geographic region. The division shall determine the nursing pool rate limit through salary data collected from cost reports submitted annually by nursing facilities or, if necessary, by other collection tools."

After debate, the amendment was adopted.

Mr. Jajuga moved to amend the bill by adding the following section:—

"SECTION . Section 73 of chapter 180 of the acts of 1998, is hereby amended by striking out the first and second sentences and inserting in place thereof the following sentences:— Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, all firearm identification cards issued under section 129B of chapter 140 of the General Laws prior to October 21, 1998 shall expire on the following schedule: if a person's anniversary of birth is between the 1st and 15th, inclusive, of the months January, April, July, or October, such card shall expire on the holder's anniversary of birth in the year 2000; if a person's anniversary of birth is between the 16th and 31st, inclusive, of the months January, April, July, or October, such card shall expire on the holder's anniversary of birth in the year 2001; if a person's anniversary of birth is between the 1st and 15th, inclusive, of the months February, May, August, or November, such card shall expire on the holder's anniversary of birth in the year 2002; if the person's anniversary of birth is between the 16th and 31st, inclusive, of the months February, May, August, or November, such card shall expire on the holder's anniversary of birth in the year 2003. Any such card issued to an applicant born on February 29, for the purposes described herein, shall expire on February 28, 2003; if a person's anniversary of birth is between the 1st and 15th, inclusive, of the months March, June, September, or December, such card shall expire on the holder's anniversary of birth in the year 2004; if a person's anniversary of birth is between the 16th and 31st, inclusive, of the months March, June, September, or December, such card shall expire on the holder's anniversary of birth in the year 2005. Notwithstanding any provision to the contrary, for purposes of the firearm identification cards that initially expire according to the above schedule, licensing authorities may issue firearm identification cards without the certification of the colonel for the fingerprint checks if the licensing authorities have not received certifications within 60 days after submission. Licensing authorities shall revoke or suspend such license if certifications received after 60 days reveal a disqualifying history."

The amendment was *rejected*.

Messrs. Jajuga and Lees moved to amend the bill by inserting after section 214E (inserted by amendment) the following section:—

"SECTION 214F. The department of environmental management shall examine the feasibility of dedicating a portion of its revenue stream derived from Salisbury beach state reservation to the continued development and improvement of said reservation and the surrounding properties. The department of environmental management shall report its findings to the house committee on ways and means and the senate committee on ways and means on or before January 1, 2000."

The amendment was adopted.

Mr. Jajuga moved to amend the bill by inserting after section 127 the following section:—

"Section 127A. Section 297 of chapter 194 of the acts of 1998 is hereby amended by adding the following words:— ; provided, however, that such amendment shall be made only to the 1996 and 1997 rates, but that eligibility for such amendment shall be limited to nursing facilities that commenced such an employee stock option plan in October 1993 and made payments to such plan in 1994 which were not previously reflected in the 1996 and 1997 rates."

The amendment was adopted.

Ms. Wilkerson moved to amend the bill by inserting after section 25 the following section:—

"SECTION 25A. Section 44 of chapter 23A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following subsection:—

(11) SOMWBA may serve as surety for all or any portion of any performance, quality or labor and materials bond required of any minority business enterprise or women business enterprise, as defined in section 40 of chapter 23A, under the provisions of section 39M of chapter 30 or sections 44A to 44J of chapter 149, or any other general or special law, regulation, or program requirement governing the award of development or construction contracts or subcontracts or construction material or supply contracts to be undertaken by the commonwealth, its agencies or political subdivisions, including without limitation, housing authorities, provided that:—

(a) the director has determined that the minority business enterprise or women business enterprise has diligently sought and failed to obtain the required bond or portion thereof;

(b) the minority business enterprise or women business enterprise has met all requirements for award of such contract or subcontract other than obtaining a required performance, quality, or labor and materials bond;

(c) the commissioner approves the participation of SOMWBA as surety for the bond or portion thereof; and

(d) the total dollar amount of outstanding bonds for which SOMWBA serves as surety shall at no time exceed 25 million dollars."

The amendment was *rejected*.

Ms. Wilkerson and Mr. Panagiotakos moved to amend the bill by inserting after section 214F (inserted by amendment) the following section:—

"SECTION 214G. A special commission is hereby established to study and recommend to the general court solutions for alleviating the presence of the blighted buildings in the commonwealth, tax current or tax delinquent. The special commission shall consist of the following members: mayors or their designees of the four largest cities by population in the commonwealth, the senate president and the speaker of the house of representatives or their designees, the House and Senate Chairmen of the Joint Committee on Housing and Urban Development, the Governor or his designee, a representative of the Massachusetts Municipal Association and a representative of Citizens Housing and Planning Association. The members of this special commission shall vote upon a chairman. The special commission shall report back to the legislature with their findings and recommendations for legislative action, no later than December 31, 1999."

The amendment was adopted.

Ms. Creem and Mr. Nuciforo moved to amend the bill by inserting after section 91 the following section:—

"Section 91A. Section 27 of chapter 217 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 2, the word 'register' where it first appears and inserting in place thereof the following words:— first justice."

The amendment was adopted.

Ms. Creem, Ms. Wilkerson and Ms. Jacques moved to amend the bill by inserting after section 214 the following section:—

"SECTION 214A. The department of education shall conduct a study of the distribution of funds to cities and towns and regional school districts for the transportation of pupils pursuant to the provisions of section 1I of chapter 15 of the General Laws, sections 7A, 7B and 37D of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, section 14 of chapter 71B of the General Laws and section 8A of chapter 74 of the General Laws. Said department shall include in the study a determination as to whether current state funding for the transportation of pupils fairly reimburses all towns and cities and regional school districts for the costs incurred by said towns and cities and regional school districts for the transportation of pupils. Said department shall submit the results of the study, along with any

recommendations for legislation or appropriations, to the clerk of the house of representatives, the clerk of the senate, the house and senate committees on ways and means and the governor not later than December 31, 1999."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Chapter 51 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out section 55 and inserting in place thereof the following section:—

Section 55. Registrars shall, from the names entered in the annual register of voters, prepare voting lists for use at elections, but shall not enter the names of women voters in separate columns or lists.

In such voting lists, the registrars shall place: the names of all voters entered on the annual register, and no others; opposite to the name of each, his or her residence on January first, preceding or at the time of his becoming an inhabitant of such place after said day; and his or her party enrollment. Names shall be added thereto or taken therefrom as persons are found to be qualified or not qualified to vote. In cities registrars shall prepare such voting lists by wards, and if a ward or town is divided into voting precincts, by those precincts. In all such cities, and in towns having 5,000 or more inhabitants, the voting lists shall be arranged in the numerical order of the street numbers of their residences, so far as possible. All first voting lists shall be printed and available for public distribution not later than the first day of July in state election years. Said lists shall remain available in off-election years. A sufficient number of voting lists shall be printed so that they can be furnished free of charge, upon request, to all duly organized political committees, and to all political candidates for public office in the various districts in which the city or town is located. No fee shall be charged for said lists. However, the registrar may limit distribution to two lists per person or political committee in one calendar year. Said lists shall be available for a reasonable fee, not to exceed the cost of printing such list, to any person upon request. Notwithstanding the foregoing, the voting lists to be used at presidential primaries or any primary or election held prior to July first in any year may be that of the year preceding, revised as aforesaid."

The amendment was *rejected*.

Mr. Lees and Mrs. Sprague moved to amend the bill by inserting after section 99 the following section:—

"SECTION 99A. Chapter 258 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended adding the following section:—

Section 14. Notwithstanding the provisions of this chapter, no cause of action, including, without limitation, any civil action or action for declaratory or injunctive relief, may be brought under this chapter against the commonwealth, its employees and its political subdivisions on the basis that a computer or other information system that is owned or operated by any of those persons produced, calculated, or generated an incorrect date as a result of the year 2000 date change, so-called; provided, however, that the incorrect date resulted from a failure or malfunction that was unforeseeable or was foreseeable but the plan or design or both for identifying and preventing the failure or malfunction was prepared in substantial compliance with generally accepted computer and information system design standards in effect at the time of the preparation of the plan or design."

After debate, the amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Mrs. Sprague moved to amend the bill by adding the following section:—

"SECTION 191A. The division of purchased services, as established by section 274 of chapter 110 of the acts of 1993, shall provide in its regulations that in the case of multi-year contracts for the purchase of social services as regulated by said division, the price or prices payable by the commonwealth shall be indexed and adjusted according to the estimated rate of inflation submitted by the division to the secretary of administration and finance by December 1 each year."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2, in item 7007-1200, by adding the following words:— "; provided further, that said corporation shall develop a plan by which the services and programs of the initiative known as engineering in Massachusetts collaborative, the initiative known as project RE-SEED, the Retirees' school volunteer association and the partnership advancing learning mathematics and science and community service projects, PALMS, so-called, will be effectively coordinated; and provided further, that the plan shall be presented to the board of the Massachusetts technology collaborative, the senate and house committees on science and technology, the joint committee on education and the senate and house committees on ways and means not later than September 30, 1999;".

After debate, the amendment was adopted.

Messrs. Clancy and Travaglini moved to amend the bill by inserting after section 128 following section:—

"SECTION 128A. Subparagraph (2) of section 19C of chapter 15A of the General Laws, as appearing in section 4 of chapter 260 of the acts of 1998, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The department of education may incur some or all of the assessment costs associated with said NBPTS certification for those teachers selected by the department."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding the provisions of any general or special law to the contrary, the department of revenue, in concert with the registry of motor vehicles and the office of the inspector general, shall create the automobile registration and insurance law enforcement program to enforce all provisions of chapters 59, 60A, 64H and 64I of the General Laws, relative to automobile registration, sales, excise tax, and automobile insurance laws and to publicize to the citizens of the commonwealth any changes to said provisions; provided that the registrar of motor vehicles shall issue two number plates to be displayed at the front and the rear of all passenger vehicles, with conversion and distribution to pairs beginning no later than January 1, 2000, as part of such program; provided further that the department of revenue shall purchase and develop computers and computer programs and hire administrative or computer support personnel necessary to enforce said provisions; provided further that, no more than 40 per cent of the appropriation made in item 1599-0001 shall be spent on administration and personnel; and provided further, that the commissioner shall report to the clerks of the house and senate by the second Monday in September, 1999 what, if any, additional appropriations and amendments to the General Laws are necessary to enforce said provisions."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting after section 32 the following section:—

"SECTION 32A. Paragraph (o) of subsection (1) of section 4 of chapter 32 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 215 to 217, inclusive, the words ‘; provided however, that the provisions of this paragraph shall not apply to any member first elected on or after January first, nineteen hundred and seventy-six.’."

The amendment was *rejected*.

Mr. Clancy moved to amend the bill by inserting after section 30 the following section:—

"SECTION 30A. Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter 32, as appearing in the 1996 Official Edition, is hereby further amended by inserting after the words ‘correctional facility’, in line 336, the following words:— city solicitors who have been employed in such capacity for ten years or more;".

The amendment was *rejected*.

Ms. Tucker, Ms. Walsh and Messrs. Tarr and Lees moved to amend the bill by inserting after section 191G (inserted by amendment) the following section:—

"SECTION 191H. The department of public health shall report to the senate committee on ways and means a service plan for children currently served and eligible for enrollment in regional development day programs, so-called. Said department shall submit said report not later than January 1, 2000 and shall take no action phasing out regional developmental day programs until 60 days after the submission of the report."

The amendment was adopted.

Ms. Tucker moved to amend the bill by inserting after section 103, the following section:—

"SECTION 103A. The first sentence of subsection (b) of section 12 of chapter 645 of the acts of 1948, inserted by chapter 746 of the acts of 1987, is hereby amended by inserting after the words ‘ninety per cent’ the following words:— , in any municipality with a plan to eliminate racial imbalance under said section 11 of said chapter 15, the reimbursement rate for all approved projects within such municipality shall be 90 per cent and in any regional academic or vocational school districts in which a majority of students reside in municipalities with plans to eliminate racial imbalance under said section 11 of said chapter 15, the reimbursement rate for all approved projects shall be 90 per cent."

The amendment was *rejected*.

Mr. Bernstein moved to amend the bill by inserting after section 191H (inserted by amendment) the following section:—

"SECTION 191I. Notwithstanding any general or special law to the contrary, the department of youth services shall relocate and terminate the use of the facility located at Belmont Street in the city of Worcester no later than June 30, 2002 and any expansion of said facility prior to June 30, 2002, shall be temporary and of a type of construction which may be disassembled, reconfigured and relocated at another site."

The amendment was adopted.

Mr. Bernstein move to amend the bill by inserting after section 87 the following section:—

"SECTION 87A. Section 24D of chapter 175 of the General Laws, as most recently amended by section 193 of chapter 194 of the acts of 1998, is hereby further amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) Prior to making any nonrecurring payment equal to or in excess of \$500 to a claimant under a contract of insurance, every company authorized to issue policies of insurance pursuant to chapter 175 shall exchange information with the IV-D agency, as set forth in chapter 119A, to ascertain whether such claimant owes past due child support to the commonwealth or to an individual to whom the IV-D agency is providing services, and is subject to a child support lien pursuant to section 6 of said chapter 119A. To determine whether a claimant owes past due child support, the company shall either provide the IV-D agency with information about the claimant, or examine information made available by the IV-D agency and updated not more than once a month. If the company elects to provide the IV-D agency with information about such claimant, the company shall provide to the IV-D agency, no less than ten business days prior to making payment to such claimant, the claimant's name, address, date of birth and social security number as appearing in the company's file, and such other information appearing in the company's file as the commissioner of revenue may require by regulation in consultation with the commissioner of insurance. The company shall use a method and format prescribed by the commissioner of revenue. If the company is unable to use a method and format prescribed by the commissioner of revenue, such company shall cooperate with the IV-D agency to identify another method or format, including submission of written materials. If the company elects to examine information made available by the IV-D agency and such claimant owes past due child support and is subject to a lien, the company shall notify the IV-D agency, no less than ten business days prior to making payment to such claimant, of the claimant's name, address, date of birth and social security number as appearing in the company's file, and such other information appearing in the company's file as the commissioner of revenue may require by regulation in consultation with the commissioner of insurance, using a method and format prescribed by the commissioner of revenue; provided, however, that the company may remit to the IV-D agency the full amount of the lien or the full amount otherwise payable to the claimant at the time that it so notifies the IV-D agency at any time prior to making payment to the claimant, without regard to the ten business day period. If, at any time prior to payment, the IV-D agency notifies the company of its child support lien against such claimant by giving the company a notice of levy pursuant to section 6 of said chapter 119A, the company shall withhold from the payment the amount of past due support as set forth in the notice of levy and shall provide such amount to the IV-D agency for disbursement to the obligee. The child support lien shall encumber the right of the claimant to payment under the policy and the company shall disburse to the claimant only that portion of the payment, if any, remaining after the child support lien has been satisfied.

For the purposes of this section, the word 'claimant' shall mean an individual who brings a claim against an insured under a liability insurance policy or the liability coverage portion of a multiperil policy, or a beneficiary under a life insurance policy.

The governor shall appoint a special committee to consist of the commissioner of revenue or his designee, the commissioner of insurance or his designee, and a representative of the property insurance industry relative to the projected amount of child support collections that would result from adding first party claims under non-commercial policies to the system established by this section. The committee shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December 31, 1999."; and

By inserting after section 128 the following section:—

"SECTION 128A. Section 21 of chapter 485 of the acts of 1998 is hereby repealed."

The amendment was adopted.

Messrs. Bernstein and Tarr moved to amend the bill by inserting after section 87 the following four sections:—

"SECTION 87A. The third paragraph of subsection (b) of section 3 of chapter 176J of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last two sentences and inserting in place thereof the following two sentences:— For every health benefit plan issued or renewed on or after December 1, 1999 the group base premium rates charged by a carrier to each group business from among 26 to no more than 50 eligible employees during a rating period shall not exceed two times the group base premium rate charged to the group business from among 26 to no more than 50 eligible employees with the lowest group base premium rate. No phase-out adjustments shall be permitted after November 30, 1999.

SECTION 87B. Said subsection (b) of said section 3 of said chapter 176J, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—

Effective December 1, 1999, group base premium rates charged by a carrier to an eligible small business shall not exceed two times the group base premium rate which could be charged by that carrier to an eligible small business under this chapter with the lowest group premium rate for that rate basis type within that class of business.

SECTION 87C. Subsection (a) of section 4 of chapter 176M of the General Laws, as so appearing, is hereby amended by striking out paragraph (2) and inserting in its place thereof the following paragraph:—

(2) A carrier may establish a premium rate adjustment based upon the age of an insured individual. Such an adjustment shall be known as the age rate adjustment. A carrier may establish an age rate adjustment, the value of which may range from .67 to .133. If a carrier chooses to establish age rate adjustments, the premium charged to every individual enrolled in a guaranteed issue health plan shall be subject to the applicable age rate adjustment.

SECTION 87D. Section 5 of said chapter 176M of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(j) Notwithstanding any special or general law to the contrary, each carrier that submitted a nongroup rate filing to the commissioner pursuant to paragraph (1) of subsection (a) of this section may amend and resubmit its nongroup rate filing in accordance with the provisions of this subsection. A carrier must file such amendments not later than July 16, 1999. The commissioner shall review such amendments in accordance with the time-frames, but not the dates, established in this subsection. Nothing in this subsection shall be construed to limit the commissioner's authority to establish an expedited review schedule for such amendments. The time frames set forth in this subsection shall remain applicable for the limited purpose of amended filings pursuant to this subsection."

The amendment was *rejected* .

Messrs. Bernstein and Lees moved to amend the bill by inserting after section 119 the following section:—

"SECTION 119A. Salaries for employees subject to chapter 728 of the acts of 1975, chapter 797 of the acts of 1981, chapter 399 of the acts of 1991 and chapter 413 of the acts of 1992 shall be subject to step increases consistent with the provisions of sections 45 and 46C of chapter 30."

The amendment was adopted.

Mr. Panagiotakos moved to amend the bill by inserting after section 9 the following section:—

"SECTION 9A. Chapter 6 of the General Laws is hereby amended by inserting after section 172E, inserted by section 3 of chapter 336 of the acts of 1998, the following section:—

Section 172F. Notwithstanding the provisions of section 172, the following information shall be available, upon request, to the office of child care services for the purposes of evaluating any residence, facility, program, system or other entity licensed under chapter 28A, whether public or private, or any non-relative, in-home child care provider that receives federal or state-funded child care in order to further the protection of children: conviction data, arrest data, sealed record data and juvenile arrest or conviction data. The office of child care services shall not disseminate such information for any purpose other than to further the protection of children."

The amendment was adopted.

Mr. Panagiotakos moved to amend the bill by inserting after section 110 the following section:—

"SECTION 110A. Item 7220-0961 of section 2 of chapter 267 of the acts of 1995 is hereby amended by striking out the words 'five million dollars' and inserting in place thereof the following words:— up to \$9,000,000."

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Chapter 63 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 31F 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, 1999. 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 and under any act in addition thereto. 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, and the commissioner shall promulgate such regulations as are necessary to implement this section."; and

By inserting after section 222 the following section:—

"SECTION 222A. The provisions of section 54A shall take effect for taxable years ending on or after December 31, 1999."

The amendment was *rejected*.

Messrs. Lees, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following two sections:—

"SECTION 54A. Chapter 63 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 31F the following six sections:—

Section 31H. As used in sections 31H to 31M, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:—

‘Designated Materials’, those recyclable materials including, but not limited to, types and grades of metal, paper, glass or plastic, and compostable materials including, but not limited to, types and grades of leaves, yard waste and mixed biodegradable organic material.

‘Management’, the entire process or any part thereof of the storage, separation, collection, transfer, transportation, treatment, processing, marketing, delivery or disposal of solid wastes or designated materials by any person engaging in such process.

‘Manufacturing Process’, a process by which designated materials are used as an input to a system or process that transforms them, and any other inputs, into products of economic value.

‘Recycling Equipment’, any machinery or apparatus primarily used to store, separate, collect, transfer, transport, treat, process or deliver designated materials and any manufacturing machinery used to produce finished products substantially composed of designated materials.

‘Waste Audit’, a survey of all solid, liquid and semi-solid wastes produced at a facility for the purpose of identifying materials which may be diverted from the waste stream through recycling, resale or reuse.

Section 31I. (a) A domestic corporation or foreign corporation, which purchases in any taxable year beginning on or after January 1, 1999 and ending on December 31, 2008 any recycling equipment to be used exclusively within the commonwealth for the management of designated materials, shall be entitled to a credit against its excise tax due under this chapter. The amount of such credit shall be fifty per cent of the cost or installed cost, if applicable, or other bases for federal income tax purposes for recycling equipment.

(b) The credit allowed in subsection (a) may be carried over from year to year and may be taken in five annual increments not to exceed ten per cent for each increment; provided, however, that the entire credit shall be used within seven years of acquisition.

(c) For purposes of recycling equipment qualifying for credit under this section, sections 31A and 32C shall not apply.

Section 31J. (a) A domestic corporation or foreign corporation, which purchases in any taxable year beginning on or after January 1, 1999 and ending on December 31, 2008 any land or buildings or structures in the commonwealth used exclusively to house recycling equipment or to carry out the business of the management of designated materials in the commonwealth, shall be entitled to a credit against its excise tax due under this chapter. The amount of such credit shall be equal to 5 per cent of the cost or other basis for federal income tax purposes of the land, buildings and structures.

(b) The credit allowed in subsection (a) may be taken in five annual increments of 1 per cent each. Said annual increments are limited to 5 per cent and shall be taken within seven years of the acquisition.

(c) For purposes of land, buildings and structures qualifying for a credit under this section, section 31A and 32C shall not apply.

Section 31K. (a) A domestic corporation or foreign corporation, which purchases in any taxable year beginning on or after January 1, 1999 and ending on December 31, 2009, shall be allowed a credit as hereinafter provided against its excise due under this chapter. The amount of such credit shall be 10 per cent of the amount paid for designated materials used in a manufacturing process in Massachusetts.

(b) The credit allowed under this section shall apply only to designated material generated and collected within the commonwealth.

(c) The credit allowed under this section shall apply to designated materials used in a manufacturing process within one year of its purchase.

(d) The credit allowed hereunder may be carried over from year to year subject to subsection (e); provided, however, that the entire amount of a credit shall be utilized within three years of acquisition.

(e) There shall be a limit to the annual credit provided hereunder, of \$500,000 per corporation.

For purposes of this section, sections 31A and 32C shall not apply.

Section 31L. (a) The commissioner of revenue, in consultation with the department of environmental protection, shall certify the credits allowed in sections 31I and 31J. Application for certification shall be made in writing on a form prescribed by the commissioner of revenue and shall contain information on the actual cost of qualifying recycling equipment or property; a description of the designated materials, recycling equipment or property; and a statement certifying that the corporation has conducted and implemented the recommendations of a waste audit to divert materials from the waste stream. The application shall be made within one year of the purchase of the qualifying recycling equipment or property or July 1st, 1999, whichever is later.

(b) The commissioner of revenue in consultation with the department of environmental protection, shall certify the credits allowed in section 31K. Applications for certification shall be by March 31 after the end of the tax year in which the qualifying designated materials were purchased. The application shall be in writing on a form prescribed by the commissioner of revenue and shall contain information on the actual cost of qualifying designated materials; a statement of the designated materials; a statement of the designated materials used in a manufacturing process; evidence to support the actual purchase of those materials; and a statement certifying that the corporation has conducted and implemented the recommendations of a waste audit to divert materials from the waste stream in Massachusetts. Failure to file a timely application shall make the corporation ineligible for the credit.

(c) The department of revenue shall act on an application before the one hundred and twentieth day after the filing of the application. Failure to act within this time period shall mean that the application is approved.

Section 31M. The provisions of sections 31I to 31M, inclusive, shall apply to taxable years commencing on or after January 1, 1999 and ending December 31, 2008.

SECTION 54B. Section 6 of chapter 64H of the General Laws, as appearing in the 1996 Edition, is hereby amended by inserting after paragraph (ll) the following paragraph:—

(mm) Sales of \$500 or more of recycling equipment. The phrase ‘recycling equipment’ means any machinery or apparatus primarily used to separate, store, collect, transfer, transport, treat, process or deliver designated materials as defined in chapter 21K and any manufacturing machinery used exclusively to produce finished products substantially composed of designated materials.”; and by inserting after section 39 the following section:—

"SECTION 39A. Section 5 of chapter 59 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after clause fifty-third the following clause:—

Fifty-fourth, real or personal property used exclusively for the management of designated materials as defined in section 31H of chapter 63."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik and Tarr and Mrs. Sprague moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Paragraph (cc) of section 6 of chapter 64H, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word ‘purposes;’, in line 359, the following words:— to the extent of two sales events not exceeding four days each in duration each calendar year, food and beverages sold to any church or synagogue or any church or synagogue organization for resale by such church, synagogue or organization if the proceeds of such resale are to be used for religious or charitable purposes;" and

By inserting after section 222 the following section:—

"SECTION 222A. The provisions of section 54A shall take effect for taxable years beginning on or after January 1, 2000."

The amendment was *rejected* .

Messrs. Lees, Knapik and Tarr and Mrs. Sprague moved to amend the bill by adding the following section:—

"SECTION . Chapter 63 of the General Laws is hereby amended by inserting after section 38Q, inserted by section 35 of chapter 206 of the acts of 1998, the following section:—

Section 38R. (a) When used in this section, the following terms shall have the following meanings:—

‘Allowable cost of training,’ the actual costs to a corporation of providing approved training to an employee of the corporation. For approved training delivered by the corporation itself, such costs shall be limited to the wages and benefits of instructors, consultant fees, equipment costs and costs of materials and supplies to the extent that the foregoing are dedicated to providing training and pro-rated on a per employee basis, but excluding costs of facilities, travel, wages and benefits of employees receiving training, and wages and benefits of administrative or managerial personnel other than those overseeing training on a full-time basis. For approved training delivered by a third party vendor or institution, such costs shall be limited to the charges and fees of such third party vendor or institution paid by the corporation attributable to the employee and shall exclude, without limitation, costs of travel and of wages and benefits of employees receiving training.

‘Approved training,’ training to enhance the work-related skills and capabilities of an employee provided that such training (i) includes not less than 30 hours of instruction for the employees and (ii) is delivered as part of a program approved for the purposes of this section by a regional employment board with jurisdiction over the region within which the employee to be trained is employed or by a regional employment board with jurisdiction over the region within which the training program is to be carried out in accordance with guidelines issued by the department of employment and training.

‘Average number of qualified employees,’ an average computed by dividing the sum of the number of qualified employees of said corporation in Massachusetts who are reported to the Massachusetts department of revenue for each quarter of a given taxable year by four.

‘Baseline year,’ the taxable year for which the Massachusetts corporation employed the greatest average number of qualified employees of the three taxable years immediately preceding the reference year, provided that, in the case of a corporation that has had a change in ownership during the reference year or during any of the three taxable years immediately preceding the reference year, the baseline year shall be determined as provided in paragraph (2) of subsection (b) and provided further, that in the case of a new Massachusetts corporation, doing business in the commonwealth for less than three years, the baseline year shall be the taxable year for which the Massachusetts corporation employed the greatest average number of qualified employees of the years during which the company was doing business in the commonwealth. If the reference year is the first year that the company was doing business in the commonwealth, then the baseline year shall be the year prior to the reference year and the average number of qualified employees during the baseline year shall be zero.

‘Qualified employee,’ an individual who (i) is employed in Massachusetts by a Massachusetts corporation; (ii) works on a full-time basis with a normal work week of 30 or more hours, (iii) at the inception of the employment relationship described in clause (i) does not have a termination date which is either a date certain or determined with reference to the completion of some specified scope of work; and (iv) is eligible to receive employee benefits including paid holidays, vacation, sick time, unemployment benefits and a minimum of 50 per cent of the cost for coverage under an insured group health plan or a self-funded employer group health plan including medical, surgical and hospital care benefits.

(b) Corporations shall be allowed a credit pursuant to this section for the cost of employee training as follows:—

(1) For each employee of a corporation subject to tax under this chapter receiving approved training during a taxable year, a credit shall be allowed against the excise imposed on such corporation by this chapter equal to 50 per cent of the allowable cost of training incurred by such corporation in providing training to such employee, providing that the aggregate number of employees for whom the credit is taken in any taxable year shall not exceed the number of net net qualified employees of such corporation for the taxable year, and provided further that the maximum amount of the credit that may be claimed with respect to any individual employee who receives training shall be \$3,500. The number of net new qualified employees of such corporation for the reference year shall be the remainder, if any, of:

(i) the average number of qualified employees of such corporation for the reference year, minus;

(ii) the average number of qualified employees of such corporation for the baseline year.

(2) In the case of a corporation that has had a change in ownership including the creation of a new subsidiary or corporate affiliate of a corporation subject to tax under this chapter, during the reference year or during any of the three taxable years immediately preceding the reference year, the number of net new qualified employees of such corporation shall be determined as follows:

(i) identify all corporations that were created, dissolved, merged, acquired, sold or otherwise involved in the change of ownership;

(ii) determine the average number of qualified employees employed by each such corporation in Massachusetts during the reference year and during each of the three taxable years immediately preceding the reference year, provided that, if the change in ownership occurred during the reference year, the average number of qualified employees for the reference year shall be determined after the change in ownership;

(iii) determine the sum of the average number of qualified employees of all such corporations for the reference year and for each of the three taxable years immediately preceding the reference year;

(iv) the baseline year shall be the year with the greatest sum of the average number of qualified employees of the three taxable years immediately preceding the reference year.

The number of net new qualified employees shall be the remainder, if any, of the sum of the average number of qualified employees during the reference year, minus the sum of the average number of qualified employees for the baseline year of all such corporations.

(c) Any Massachusetts corporation entitled to a credit under this section for any taxable year may carry over and apply to the tax for any one or more of the next succeeding ten taxable years, the portion, as reduced from year to year, of those credits that exceed the tax for the taxable year.

(d) Any credit pursuant to this section shall be subject to the following additional conditions:

(1) The credit allowed by this section may not be used to reduce the tax liability of a corporation below any minimum excise imposed under chapter 63. The credit allowed by this subsection shall be applied after any other credit to which the corporation is entitled.

(2) For purposes of this section, the commissioner of revenue may aggregate the activities of all entities, whether or not incorporated, under common control as defined in subsection (f) of section 41 of the Internal Revenue Code.

(3) The commissioner of revenue shall promulgate such rules and regulations necessary to implement the provisions of this section. Such rules and regulations may provide for the adjustment of prices and elimination of transactions between related taxpayers to ensure that all amounts upon which the credit is based reasonably reflect fair market value. In addition, such rules and regulations shall include provisions to prevent the generation of multiple credits with respect to the same employees.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Hedlund and Mrs. Sprague moved to to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Chapter 60A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding after section 4 the following new section:—

Section 4A. (a) The excise imposed by section 1 of this chapter 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 two of chapter ninety; 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 54 the following 23 sections:—

"SECTION 54A. Section 4 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the section in its entirety and inserting in place thereof the following:—

Section 4. All special fuels sold or used within the Commonwealth shall have a tax imposed at the rate of seventeen cents upon each gallon.

SECTION 54B. Said section 4 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding at the end thereof the following:—

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 fuel received, all special fuel 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 fuel sold for export to another state and pay an excise at the rate specified in the preceding paragraph on all special fuel 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 fuel sold or distributed.

Every special fuel exporter shall, not later than the last day of each calendar month render to the Department a statement of all special fuel received tax-free for export, all special fuel sold, distributed or used by him in the Commonwealth, and all special fuel 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 fuel acquired tax-free and sold, distributed or used within this Commonwealth in the manner and time prescribed in this chapter. The tax imposed wherein shall be measured by invoiced gallons of special fuel 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 fuel 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 fuel sold, distributed or used in this 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 fuel 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.

All special fuel exempt from tax and not containing dye shall be applied for through the refund process established in section 5 of Chapter 64E.

Special fuel 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 name, address and valid license number of the special fuel exporter 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 and special fuel users. A special fuel licensee shall remit the excise tax he collects from all undyed special fuel 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 fuel consumed by him in the propulsion of motor vehicles on the highways of this Commonwealth, then subtracting the amount of tax paid on special fuel purchased in the Commonwealth.

At the election of a qualified purchaser, the supplier or permissive supplier shall not require payment of the special fuel tax on transport truck loads of at least 5,200 gallons from the purchaser at a time earlier than the date the supplier or permissive supplier must remit the tax to the Commonwealth. 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 of this chapter. 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 notify the department and the purchasers qualification to defer payment of tax shall be rescinded immediately.

SECTION 54C. Section 6 of chapter 64 of the Massachusetts General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding at the end thereof the following:—

(rr) Sales of motor vehicles known as tractors as defined in section 1 of chapter 90 with a gross vehicle weight rating of thirty-three thousand pounds or greater and used exclusively for the interstate or intrastate transportation of freight and to conduct commerce.

(ss) 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 gross vehicle weight rating of thirty-three thousand pounds or greater used exclusively for the interstate or intrastate transportation of freight and to conduct commerce.

SECTION 54D. Section 1 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the section in its entirety and inserting in place thereof the following:—

Section 1. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:—

(a) ‘Commissioner’, the commissioner of revenue.

(b) ‘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.

(c) ‘Special Fuel Licensee’, any person holding a properly issued ‘Special Fuel Supplier’, ‘Special Fuel Exporter’ or ‘Permissive Supplier’ license.

(d) ‘Special Fuel Supplier’, any person that imports or acquires immediately upon import into this Commonwealth special fuel by pipeline or vessel or produces, manufactures or refines special fuel within this Commonwealth and sells or distributes it within this Commonwealth or otherwise acquires special fuel for distribution on which there has been no previous taxable sale or use.

(e) ‘Special Fuel Exporter’, any person, other than a special fuel supplier, that receives special fuel in this Commonwealth and subsequently sells or distributes it to other persons outside this Commonwealth.

(f) ‘Permissive Supplier’, any person that does not meet the definition of special fuel supplier, but sells or distributes special fuel from another state destined within this Commonwealth.

(g) ‘User Seller’, any person who sells or delivers special fuel, dispenses special fuel 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.

(h) ‘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.

(i) ‘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.

(j) ‘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 rails or tracks.

(k) ‘Terminal’, shall mean a fuel storage and distribution facility that is supplied by pipeline or vessel and from which special fuel may be removed for distribution at the terminal rack, but not into the fuel supply tank of a motor vehicle.

(l) ‘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.

(m) ‘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.

(n) ‘Qualified Purchaser’, any person who holds a supplier license on the effective date of this act or can show financial responsibility, satisfactory to the Department, to defer payment of the special fuel tax to its supplier.

SECTION 54E. Section 2 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ‘user-sellers, suppliers, or users’ and inserting in place thereof the following:— a Special Fuel Supplier, Special Fuel Exporter, or Permissive Supplier.

SECTION 54F. Section 2 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by striking out lines 4 through 7 inclusive and inserting in place thereof the following:—

No person other than a licensed special fuel supplier shall maintain storage facilities for tax-free non-dyed 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.

SECTION 54G. Section 2 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by striking out lines 31 through 34.

SECTION 54H. Section 2 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding after the word 'chapter', in line 38, the following:—, 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 fuel 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 of Massachusetts, 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 saving certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

SECTION 54I. Section 3 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 3 and 4, after the word 'delivery' the following:— of said special fuels to be used in a vehicle for the propulsion over the highways.

SECTION 54J. Section 3 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by striking out, in lines 5 and 6, after the word 'delivery', the following:— gross sales price or cost and the number of.

SECTION 54K. Section 3 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding after the word 'used', in line 6, the following:— the gallons upon which dye was added.

SECTION 54L. Section 3 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding after the word 'delivered', in line 15, the following:— color and concentration of dye added.

SECTION 54M. Section 3 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding at the end thereof the following new paragraph:—

Each special fuel licensee shall prepare and provide for every sale in transport truck loads exceeding 5,200 gallons of special fuel a shipping document setting on its face the origin and destination of the special fuel, gallons being shipped, color and concentration of dye added and the name and address of the purchaser. Every person transporting special fuel on public highways shall carry on board the shipping document issued by the licensee. Each person receiving special fuel from a licensee shall obtain a copy of the shipping paper and shall retain such copy for a period of 13 months.

SECTION 54N. Section 5 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out after the word 'paid', in line 2, the words 'or is chargeable under this chapter' and inserting in place thereof the following:— and no dye has been added.

SECTION 54O. Section 5 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by striking out after the word 'paid', in line 45, the words 'or is chargeable under this chapter' and inserting in place thereof the following:— and no dye has been added.

SECTION 54P. Section 5 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby further amended by adding at the end thereof the following:— Special fuel tax collected by a special fuel supplier on special fuel

removed from the terminal and exported to another state or foreign country shall be refunded under rules adopted by the Department.

SECTION 54Q. Section 6 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting the following language:— 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 fuel 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 fuel in their possession to determine the number of gallons held in storage on the effective date of this act. Such persons shall file a report with the Department showing the number of gallons held in storage and pay a tax not more than thirty days after the inventory date based upon the gallons held in storage times the tax rates specified in section 4 of chapter 64E.

SECTION 54R. Section 10 of chapter 64E of the General Laws; as appearing in the 1996 Official Edition, is hereby amended by adding at the end thereof the following paragraph:—

No person shall import, sell, use, deliver or store special fuel 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 fuel 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 fuel containing dye, as provided by section 4 of this chapter in the fuel supply tank for the vehicle. It shall be a rebuttable presumption that all undyed special fuel received, sold or distributed in this Commonwealth is to be sold for use in propelling a motor vehicle.

SECTION 54S. Section 12 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding at the end thereof the following paragraph:—

The Department shall have the authority to seal a special fuel pump if dyed special fuel is being placed into the fuel supply tank of a highway motor vehicle. Before sealing the pump, the Department must send a notice by registered or certified mail to the person operating such special fuel pumps at his last known address ordering him to appear before the Department at a time not less than 10 days after the mailing of the notice and show cause why the pump should not be sealed.

SECTION 54T. Section 14 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out after the words 'to be a', in line 1, the words 'supplier of user seller' and inserting in place thereof the following:— 5 special fuel licensee.

SECTION 54U. Section 15 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out after the words 'other than a', in line 1, the words 'supplier of user seller' and inserting in place thereof the following:—special fuel supplier.

SECTION 54V. Section 5 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the words 'Any person who shall buy any special fuels on which an excise has been paid or is chargeable under this chapter', in line 1, and inserting in place thereof the following:— Any person operating a passenger car, ambulance, hearse, motorcycle or light truck who shall buy any special fuels on which an excise has been paid or is chargeable under this chapter, excepting persons operating all other trucks and buses,.

SECTION 54W. Section 5 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out after the words 'motorcycles and light trucks', in line 27, the following:— and in the proportion of one gallon for each five miles of indicated travel by all other trucks and buses"; and

By inserting after section 215 the following section:—

"SECTION 215A. 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, 1999 and conclude no later than December 31, 1999. 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, 2000. Said audit shall include, but not be limited to, a specific emphasis on the recent decline in revenue to the Commonwealth through the IFTA system."

The amendment was *rejected* .

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Section 1 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word 'news', in line 98, the following words:— and excluding the furnishing of information by photocopy or other similar means by not-for-profit libraries which are recognized as exempt from taxation under section 501(C)(3) of the Internal Revenue Code."

The amendment was *rejected* .

Mr. Lees moved to amend the bill by inserting after section 52 the following section:—

"SECTION 52A. Section 6 of chapter 62 of the General Laws, as most recently amended by section 34 of chapter 206 of the acts of 1998 is hereby further amended by adding after subsection (j) the following new subsection:—

(k)(1) As used in this subsection, the following words and phrases shall have the following meanings:

'Alternative fuel', any fuel designated as such on an annual list issued by the department of environmental protection, including methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials, electricity (including electricity from solar energy); and any other fuel that the department of environmental protection determines is substantially not petroleum.

'Alternative fuel vehicle', a motor vehicle, as defined in section 1 of chapter 90, which the department of environmental protection determines to: (i) operate exclusively on an alternative fuel; and (ii) meet applicable state and federal safety and emission standards. In addition, for an alternative fuel vehicle less than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet ultra low emission, inherently low emission, or zero emission vehicle standards, as defined in regulations promulgated by the department of environmental protection, for total vehicle emissions. For an alternative fuel vehicle equal to or greater than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet federal emission standards for a new comparable vehicle. The department of environmental protection shall publish an annual list of alternative fuel vehicles.

'Comparable conventionally-fueled motor vehicle' or 'comparable vehicle', a motor vehicle which is (i) commercially available at the time the comparability of the vehicle is being assessed; (ii) powered by an internal combustion engine that uses petroleum as its fuel source; and (iii) provides passenger capacity or payload capacity the same or similar to the alternative fuel vehicle to which it is being compared. The department of environmental protection shall publish an annual list to be updated as needed, of comparable conventionally-fueled motor vehicles.

'Facility', any structure, equipment, apparatus, wires or piping used with dispensing or charging equipment necessary to dispense an alternative fuel as determined by the division of energy resources in consultation with the department of environmental protection.

'Incremental cost', the difference between the price paid for the alternative fuel vehicle and the average retail cost of a comparable conventionally-fueled motor vehicle. The department of environmental protection shall publish an annual list, to be updated as needed, of the average retail prices of comparable conventionally-fueled motor vehicles to be used as the basis for determining incremental cost.

(2)(A) A credit shall be allowed against the tax imposed by this chapter in an amount equal to 50 percent of the incremental cost of purchasing a new alternative fuel vehicle and 50 percent of the cost of converting a petroleum fueled motor vehicle to an alternative fuel vehicle. For an originally equipped alternative fuel vehicle, the credit allowed shall be claimed in the first taxable year in which the vehicle is registered. For a motor vehicle which has been converted to an alternative fuel vehicle, the credit allowed shall be claimed in the first taxable year in which such conversion occurs. Conversion costs eligible for such credit shall include the cost of purchasing conversion equipment necessary to convert a motor vehicle to an alternative fuel vehicle and the labor costs associated with installing such conversion equipment.

(B) A credit shall be allowed against the tax imposed by this chapter on an owner of a facility in an amount equal to 40 percent of the cost of constructing any facility in Massachusetts, available to the public where feasible, for fueling alternative fuel vehicles. Facility costs eligible for a credit under this paragraph include the cost of purchasing fueling equipment, charging equipment and other materials necessary for the facility to fuel alternative fuel vehicles and the labor costs associated with constructing the facility and installing such equipment. This credit shall be claimed in the first taxable year in which the facility becomes operational.

(3) No credits shall be allowed under this subsection for the purchase of alternative fuel vehicles purchased in accordance with federal requirements under the Energy Policy Act of 1992.

(4) The allowable credits under this subsection shall not exceed \$5,000 per vehicle or \$50,000 for a single alternative fuel facility or \$100,000 for a facility dispensing multiple alternative fuels.

(5) The allowable credits under this subsection shall not exceed the total tax liability under this chapter before any other credits are taken into account.

(6) In any year in which the credit described in this subsection exceeds the total tax liability under this chapter before any other credits are taken into account, the unused credit, as reduced from year to year, may be carried forward and used against the tax liability for one or more of the succeeding five tax periods.

(7) The credit allowed herein shall apply to taxes due for taxable periods beginning on or after January 1, 2000 and ending on or before December 31, 2005. Such credits, except for unused amounts of credits carried forward pursuant to subparagraph (6), shall not apply to taxable periods beginning on or after January 1, 2006.

(8) For the period of time this credit is allowed, the commissioner shall provide the department of environmental protection with the following information as it becomes available: the number of taxpayers claiming the credit; the total dollars of credit claimed; and the total number of alternative fuel vehicles for which credit is claimed and the type of fuel that each vehicle is designed to use.

(9) The commissioner shall promulgate rules and regulations necessary to implement the provisions of this section.";

By inserting after section 54 the following six sections:—

"SECTION 54A. Chapter 63 of the General Laws is hereby amended by adding after section 38Q, as inserted by section 35 of chapter 206 of the acts of 1998, the following new section:—

Section 38R. (a) A corporation subject to tax pursuant to this chapter shall be allowed a credit against such tax as allowed under subsection (k) of section 6 of chapter 62 provided that the following requirements are met:

(1) if a corporation is subject to a minimum excise under any provision of this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than the minimum excise;

(2) the credit allowed under this section shall be subject to the provisions of section 32C; and

(3) any corporation entitled to a credit pursuant to this section for any taxable year shall apply such credit only to its excise for any of the eligible taxable years. Such credit may not be applied against the excise liability of any other corporation pursuant to an election under the provisions of section 32B.

(b) Any corporation entitled to the credit allowed by this section may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, as reduced from year to year, of its credit which exceeds its excise for the taxable year.

(c) For the period of time this credit is allowed, the commissioner shall provide to the department of environmental protection the following information as it becomes available: the number of taxpayers claiming the credit; the total dollars of credit claimed; and the total number of alternative fuel vehicles for which credit is claimed and the type of fuel that each vehicle is designed to use. The commissioner shall provide similar information to the division of energy resources.

(d) The commissioner shall promulgate rules and regulations necessary to implement the provisions of this section.

SECTION 54B. Section 1 of chapter 64E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding after subsection (k) the following two new subsections:—

(1) 'Alternative fuel', any fuel designated as such on an annual list issued by the department of environmental protection, including methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that the department of environmental protection determines is substantially not petroleum.

(m) 'Alternative fuel vehicle', a motor vehicle, as defined in section 1 of chapter 90, which the department of environmental protection determines to: (1) operate exclusively on an alternative fuel; and (2) meet applicable state and federal safety and emission standards. In addition, for an alternative fuel vehicle less than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet ultra low emission, inherently low emission, or zero emission vehicle standards, as defined in regulations promulgated by the department of environmental protection for total vehicle emissions. For an alternative fuel vehicle equal to or greater than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet federal emission standards for a new comparable vehicle. The department of environmental protection shall publish an annual list of alternative fuel vehicles.

SECTION 54C. Section 4 of said chapter 64E, as so appearing, is hereby amended by adding at the end thereof the following sentence:— No person shall pay an excise pursuant to this chapter for alternative fuel when the alternative fuel is dispensed into an alternative fuel vehicle; provided, that the exemption provided in this sentence shall not apply after December 31, 2005.

SECTION 54D. Section 1 of chapter 64F of the General Laws, as so appearing, is hereby amended by inserting after subsection (f) the following two new subsections:—

(g) ‘Alternative fuel’, any fuel designated as such on an annual list issued by the department of environmental protection, including methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that the department of environmental protection determines is substantially not petroleum.

(h) ‘Alternative fuel vehicle’, a motor vehicle, as defined in section 1 of chapter 90, which the department of environmental protection determines to: (1) operate exclusively on an alternative fuel; and (2) meet applicable state and federal safety and emission standards. In addition for an alternative fuel vehicle less than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet ultra low emission, inherently low emission, or zero emission vehicle standards, as defined in regulations promulgated by the department of environmental protection, for total vehicle emissions. For an alternative fuel vehicle equal to or greater than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet federal emission standards for a new comparable vehicle. The department of environmental protection shall publish an annual list of alternative fuel vehicles.

SECTION 54E. Section 3 of said chapter 64F, as so appearing, is hereby amended by inserting in line 9 after the words ‘sixty-four A’ the following words:— ; provided, that no person shall pay an excise pursuant to this chapter for the privilege of using the highways of the commonwealth while operating an alternative fuel vehicle; provided further, that the foregoing exemption shall not apply after December 31, 2005.

SECTION 54F. Section 6 of chapter 64H of the General Laws, as most recently amended by section 1 of chapter 313 of the acts of 1998, is hereby further amended by adding after subsection (qq) the following new subsection:—

(rr) Sales of (1) materials, tools and machinery and replacement parts thereof, used directly and exclusively for converting a conventionally-fueled motor vehicle to an alternative fuel vehicle; and sales of any new alternative fuel vehicle, but only that portion of a sale which is the incremental cost of the alternative fuel vehicle; (2) materials, tools and machinery and replacement parts thereof used directly and exclusively to dispense alternative fuel into alternative fuel vehicles; and (3) alternative fuel when dispensed into an alternative fuel vehicle; provided, that the exemptions provided in this subsection shall not apply to any such sales made after December 31, 2005.

As used in this subsection the following words and phrases shall have the following meanings:

‘Alternative fuel’, any fuel designated as such on an annual list issued by the department of environmental protection, including methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that the department of environmental protection determines is substantially not petroleum.

‘Alternative fuel’, a motor vehicle, as defined in section 1 of chapter 90, which the department of environmental protection determines to: (1) operate exclusively on an alternative fuel; and (2) meet applicable state and federal safety and emission standards. In addition, for an alternative fuel vehicle less than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet ultra low emission, inherently low emission, or zero emission vehicle standards, as defined in regulations promulgated by the department of environmental protection, for total vehicle emissions. For an alternative fuel vehicle equal to or greater than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet federal emission standards for a new comparable vehicle. The department of environmental protection shall publish an annual list of alternative fuel vehicles.

‘Comparable conventionally-fueled motor vehicle’ or ‘comparable vehicle’, a motor vehicle which is (1) commercially available at the time the comparability of the vehicle is being assessed; (2) powered by an internal combustion engine that uses petroleum as its fuel source; and (3) provides passenger capacity or payload capacity the same or similar to the alternative fuel vehicle to which it is being compared. The department of environmental protection shall publish an annual list, to be updated as needed, of comparable conventionally-fueled motor vehicles.

‘Incremental cost’, the difference between the price paid for the alternative fuel vehicle and the average retail cost of a comparable conventionally-fueled motor vehicle. The department of environmental protection shall publish an annual list, to be updated as needed, of the average retail prices of comparable conventionally-fueled motor vehicles to be used as the basis for determining incremental cost.”; and

By inserting after section 86 the following section:—

"SECTION 86A. Chapter 164 of the General Laws is hereby amended by striking out section 94½, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—

Section 94½. As used in this section, the following words and phrases shall have the following meanings:

‘Alternative fuel’, any fuel designated as such on an annual list issued by the department of environmental protection, including methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel that the department of environmental protection determines is substantially not petroleum.

‘Alternative fuel vehicle’, a motor vehicle, as defined in section 1 of chapter 90, which the department of environmental protection determines to: (1) operate exclusively on an alternative fuel: and (2) meet applicable state and federal safety and emission standards. In addition, for an alternative fuel vehicle less than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet ultra low emission, inherently low emission, or zero emission vehicle standards, as defined in regulations promulgated by the department of environmental protection, for total vehicle emissions. For an alternative fuel vehicle equal to or greater than 6,000 pounds gross vehicle weight rating, the alternative fuel vehicle shall meet federal emission standards for a new comparable vehicle. The department of environmental protection shall publish an annual list of alternative fuel vehicles.

Notwithstanding the provisions of section 94, or any other special or general law to the contrary, the rates and terms for the sale of alternative fuels for motor vehicle use shall not be subject to regulation by the department of telecommunications and energy; provided, however, that any gas or electric company which is otherwise regulated pursuant to this chapter and sells alternative fuels for motor vehicle use, shall keep separate records, books, and accounts of such unregulated sales sufficient to allow the department of telecommunications and energy to allocate costs and revenues; and provided further, that such gas or electric company’s sale of alternative fuel for use in motor vehicles and investment in related infrastructure shall not affect the quality of service or increase the cost of alternative fuel to said company’s customers who purchase alternative fuel for uses other than motor vehicle use."

The amendment was *rejected* .

Mr. Lees moved to amend the bill by inserting after section 49 the following section:—

"SECTION 49A. Section 6 of chapter 62, as appearing in the 1996 Official Edition, is hereby amended by adding the following subsection:—

(h)(1) As used in this subsection, the following words shall, unless the context requires otherwise, have the following meanings:

‘Administrative services’, include, but are not limited to, clerical, fund or shareholder accounting, participant record keeping, transfer agency, bookkeeping, data processing, custodial, internal auditing, legal and tax services performed for a regulated investment company or employee benefit plan, but only if the provider of such service or services during the taxable year in which such service or services are provided also provides or is affiliated with a person that provides management or distribution services to any regulated investment company or employee benefit plan.

‘Affiliate’, the meaning set forth in 15 USC Section a-2(a)(3)(c), as may be amended from time to time.

‘Allocable share’, a fraction, the numerator of which shall be the mutual fund company’s income allocated to the taxpayer and the denominator of which shall be the mutual fund company’s total income.

‘Base period employment level’, as defined as set forth in sub section (m)(1) of section 38 of Chapter 63, determined as if the company were a corporation doing business in the commonwealth.

‘Distribution services’, include, but are not limited to, the services of advertising, servicing, marketing or selling shares of regulated investment company or providing such services to an employee benefit plan but in the case of advertising, servicing or marketing shares, only where such service is performed by a person who is, or in the case of a close-end company was, either engaged in the service of selling regulated investment shares or selling management services to an employee benefit plan or affiliated with a person who is engaged in the service to an employee benefit plan or affiliated with a person who is engaged in the service of selling shares must be performed pursuant to a contract entered into pursuant to 15 USC Section a-IS(b), as from time to time amended, or an investment management contract entered into directly or indirectly with an employee benefit plan.

(ii) the credit provided in paragraph (i) above shall not in any taxable year, exceed 30 percent of the hypothetical tax of such mutual fund service company for such taxable year.

(iii) Any amount which would have been allowed as a credit under paragraph (i) but for the limitation of paragraph (ii) shall be carried forward until utilized for up to five subsequent years and shall be as personal property taxes paid in subsequent years.

(h)(3) A mutual fund service company satisfies the requirements of this paragraph if its employment level for the taxable year equals or exceeds the job commitment level for such taxable year as set out in subsection (m)(1) of section 38 of chapter 63 of the General Laws, determined as if the company were a corporation doing business in the commonwealth.

(h)(4) A mutual fund service company satisfies the requirements of this paragraph if it submits, as part of its tax return, a report, with such supporting documentation as the commissioner may require, containing the following:

ii(i) the number, nature and aggregate wages of the qualified employees in the commonwealth and qualified employees worldwide as of the end of the taxable year and the number of jobs added or lost as compared to the previous taxable year;

i(ii) the number of qualified employees in this commonwealth as of the last day of the taxable year sorted by place of employment;

(iii) the base period employment level;

(iv) the volume of sales attributable to the commonwealth and worldwide;

i(v) the taxable income in the commonwealth;

‘Hypothetical tax’, the amount of tax which would have been imposed on the mutual fund service company for the taxable year under section 32 of Chapter 63 as in effect immediately prior to the enactment of Chapter 264 of the acts of 1996, if such mutual fund service company had been organized as a business corporation subject to tax under Chapter 63.

‘Hypothetical property tax’, the difference between the amount of property tax actually paid by the mutual fund service company pursuant to all applicable sections of Chapter 59 for the taxable year, after any and all abatements allowed, and the amount of tax which would have been imposed on such mutual fund service company pursuant to all applicable sections of Chapter 59 and paragraph (a)(1) of section 32 of Chapter 63 for the taxable year if such mutual fund service company had been organized as a business corporation subject to tax under Chapter 63.

‘Management services’, include, but are not necessarily limited to, the rendering of investment advice directly or indirectly, to a regulated investment company or employee benefit plan, making determinations as to when sales and purchases of securities are to be made on behalf of a regulated investment company or employee benefit plan, making determinations as to when sales and purchases of securities are to be made on behalf of a regulated investment company or employee benefit plan, or the selling or purchasing of securities constituting assets of a regulated investment company or employee benefit plan and related activities, but only where such activity or activities are performed (i) pursuant to a contract with the regulated investment company entered into pursuant to 15 USC Section a-15(a), as from time to time amended, or an investment management contract entered into directly or indirectly with an employee benefit plan; or (ii) for a person that is affiliated with a person that has entered into such contract with a regulated investment company or employee benefit plan.

‘Mutual fund service company’, any company doing business in the commonwealth which is organized as a general partnership, a limited partnership, 5 limited liability company, or as any type of entity, other than a corporation subject to tax under Chapter 63, and which derives more than 50 percent of its gross income from the provision directly or indirectly, of management, distribution or administration services for or on behalf of a regulated investment company or employee benefit plan and from trustees, sponsors and participants of employee benefit plans which have accounts in a regulated investment company, a common trust fund or a common investment fund.

‘Qualified employee in this commonwealth’, as defined as set forth in subsection (m)(1) of section 38 of chapter 63, determined as if the company were a corporation doing business in the commonwealth.

‘Qualified employees worldwide’, as defined as set forth in subsection (m)(1) of section 38 of Chapter 63, determined as if the company were a corporation doing business in the commonwealth.

(h)(2)(i) Subject to the limitations contained herein, a credit is hereby granted against the tax imposed by this chapter equal to the taxpayer’s allocable share multiplied by the hypothetical property tax; provided that the credit shall be based only on those taxes paid to local assessors under Chapter 59 of the General Laws. In order to receive this credit, such mutual fund service company must satisfy the requirements of paragraphs (h)(3) and (4). The amount of any deduction allowed to any taxpayer under this chapter with respect to personal property taxes shall be reduced by the amount of the credit.

ii(vi) new assets under management in the commonwealth and worldwide;

i(vii) the median income of all its qualified employees in the commonwealth and of all its qualified employees worldwide; and

(viii) total property taxes paid by the mutual fund service company shall be treated as confidential under the provisions of section 21 of Chapter 62C. Said information shall be used by the commissioner of revenue to prepare a comprehensive annual report

setting forth the changes in the aggregate from the previous taxable year for each of the items listed above. The commissioner's report shall also set forth any recommendations the commissioner may have for any amendments to the provisions of the section, and the reasons for any such recommendations.

Said report shall be filed not later than October first of each year with the clerk of the house of representatives and the clerk of the senate who shall forward the same to the respective committees on ways and means and the joint committee on taxation.

(h)(5) The commissioner of revenue shall promulgate regulations implementing the provisions of this subsection."; and

By inserting after section 111 the following section:—

"SECTION 111A. Section 5 of chapter 264 of the acts of 1996 is hereby amended by adding at the end of the first sentence the following words:— and by section one of chapter of the acts of 1998."; and

By inserting after section 215 the following section:—

"SECTION 215A. The provisions of section 49A shall take effect as of July 1, 1998. The provisions of section 111A shall take effect as of January 1, 1998."

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 56 the following section:—

"SECTION 56A. Section 10 of chapter 71B of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the first sentence the following sentence:— Placement in another state 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*.

Mr. Antonioni moved to amend the bill by inserting after section 191I (inserted by amendment) the following section:—

"SECTION 191J. Notwithstanding the provisions of any general or special law to the contrary, the Devens commerce commission, established by chapter 498 of the acts of 1993, shall file a report with the house and senate committees on ways and means not later than August 1, 1999, detailing its compliance with the Devens reuse plan, so-called, and the agreement regarding relocation and marketing efforts as provided in the memorandum of understanding executed in 1997 between the Devens commerce center and the communities in the Devens impact area, including Acton, Ashburnham, Ashby, Ayer, Bolton, Boxborough, Clinton, Fitchburg, Gardner, Groton, Harvard, Hubbardston, Lancaster, Leominster, Littleton, Lunenburg, Pepperell, Princeton, Shirley, Sterling, Stow, Templeton, Townsend, Westford, Westminster and Winchendon."

The amendment was adopted.

Mr. Antonioni and Ms. Tucker and Ms. Resor moved to amend the bill by inserting after section 214G (inserted by amendment) the following section:—

"SECTION 214H. There is hereby established a special commission to examine the current funding and administration of the school building assistance program, as well as alternative methods of funding school construction and renovation, and to make recommendations about any changes to the program which shall improve its efficiency and effectiveness, promote the renovation of historic school buildings, and encourage the preservation of open space in the use of school building assistance funds.

Members of the commission shall be appointed as follows:

three appointed by the Governor, one of whom shall be a school superintendent to be chosen from a list recommended by the Massachusetts Association of School Superintendents, one of whom shall be a municipal official selected from a list recommended by the Massachusetts Municipal Association and one of whom shall be a school committee member selected from a list recommended by the Massachusetts Association of School Committees; the secretary of the executive office of administration and finance or his designee; the treasurer or her designee; two appointed by the speaker of the house; two appointed by the president of the senate; one appointed by the minority leader of the house; one appointed by the minority leader of the senate; the chairman of the board of education or his designee; and the commissioner of education or his designee.

The special commission shall make an investigation and report of its findings, including but not limited to, the feasibility of: establishing a revolving loan fund to finance school construction, using pooled revenues of the commonwealth for such purpose, creating a credit enhancement program, and authorizing the accumulation of local school budget surpluses supported by additional per pupil state appropriations.

The commission shall also examine whether current laws and regulations encourage new construction or renovation of existing school buildings, whether such laws or regulations should be amended to encourage restoration of existing school facilities or the preservation of open space, the effects of minimum acreage requirements, the implications of including the acquisition of land as a reimbursable cost under any reimbursement formula, and the potential methods of funding the school repair projects wait list. The commission shall further examine the current reimbursement percentages payable to cities and towns of the commonwealth for school construction projects and possible revisions to the reimbursement formula used to calculate said percentages.

The commission may call upon 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 report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the house of representatives and the clerk of the senate on or before the first Wednesday of December, 1999. Said clerk shall forward said report to the house and senate chairmen of the joint committees on education, arts, and humanities and the chairmen of the house and senate committees on ways and means".

The amendment was adopted.

Mr. Lees moved to amend the bill by adding the following section:—

"SECTION . Section 13A of chapter 90 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the last sentence contained in lines 29-32."

After debate, the amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 191 the following section:—

"Section 191A. The Massachusetts Turnpike authority shall issue vouchers at no cost to owners of private passenger vehicles registered in the Allston and Brighton sections of the city of Boston, as the Boston transportation department has determined the geographical boundaries of Allston and Brighton to be, to enter and exit tollbooths located in Allston."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 191 the following section:—

"Section 191A. The Massachusetts Turnpike authority shall hold harmless against any toll increases for entrance or exit at tollbooths located in Allston, owners of private passenger vehicles registered in the Allston and Brighton sections of the city of Boston, as the Boston transportation department has determined the geographical boundaries of Allston and Brighton."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 70 the following two sections:—

"SECTION 70A. Section 4J of chapter 111 of the General Laws is hereby repealed.

SECTION 70B. Section 71 of said chapter 111, as appearing in the 1996 Official Edition, is hereby amended by adding the following two paragraphs:—

Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the department, in whole or in part as a skilled nursing care facility for children, shall admit an individual under 22 years of age for a period of 100 days or less, unless the individual meets the medical eligibility criteria for nursing facility services established by the division of medical assistance or receives prior authorization by the individual's private third party health insurer.

Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the department, in whole or in part as a skilled nursing care facility for children, shall admit an individual under 22 years of age for a period to exceed 100 days or less, unless the individual meets the medical eligibility criteria for nursing facility services established by the division of medical assistance or receives prior authorization by the individual's private third party health insurer.

Notwithstanding any general or special law or regulation to the contrary, no nursing home licensed by the department, in whole or in part as a skilled nursing care facility for children, shall admit an individual under 22 years of age for a period to exceed 100 days, unless the individual meets the medical eligibility criteria for nursing facility services established by the division of medical assistance and is determined by the division to be a multiple-handicapped child, defined as a person under 22 years of age with physical manifestations of neurologic, musculoskeletal, or organic dysfunction, irrespective of etiology, with the prognosis of significant impairment of growth and development and severe limitation of independent functioning, or unless said individual receives prior authorization by said individual's private third party health insurer. Any individual initially admitted to a skilled nursing care facility for children, upon meeting the medical eligibility criteria of the division of medical assistance for a period of

one hundred days or less, must obtain approval for continued eligibility by said division in order to continue residency in said facility beyond one hundred days. Any individual initially admitted into a skilled nursing facility for children under authorization by a private third party health insurer must obtain approval from the division of medical assistance under the division's medical eligibility criteria for continued residency at said facility prior to the expiration of the third party health insurance coverage."; and

By inserting after section 74 the following section:—

"SECTION 74A. Chapter 118E of the General Laws is hereby amended by inserting after section 14A, as appearing in the 1996 Official Edition, the following section:—

"SECTION 14B. Notwithstanding any general or special law or regulation to the contrary, the division shall determine medical eligibility for admittance of children under the age of 22 to a skilled nursing care facility for children pursuant to 130 C.M.R. 456."

The amendment was *rejected*.

Messrs. Tolman and Magnani moved to amend the bill by inserting after section 37 the following section:—

"SECTION 37A. Chapter 32A of the General Laws is hereby amended by inserting after section 4A, as appearing in the 1998 Official Edition, the following section:—

Section 4B(a). The commission shall allow the governmental units that have adopted chapter 32B to participate in the commission's prescription drug pharmacy carve-out program, so-called. The commission shall determine the terms and conditions whereby the governmental units may participate in the pharmacy program. Each governmental unit that participates in the pharmacy program shall reimburse the commonwealth for all contributions made on behalf of their employees and retirees including the applicable administrative expenses as determined by the commission. This subsection shall be effective July 1, 2000.

(b) Any Massachusetts resident 65 years of age or over, may purchase outpatient prescription drugs from retail pharmacies and entities participating in commission's pharmacy carve-out program at the program's prices plus a reasonable filing fee."; and

By inserting after section 214 the following section:—

"SECTION 214A. The group insurance commission shall investigate whether joining the Minnesota Multistate Contracting Alliance for Pharmacy or another purchasing group would best serve the interests of the commonwealth, its agencies, political subdivisions and citizens in implementing Section 4B of chapter 32A of the General Laws, and to report its findings to the house and senate ways and means committees by February 1, 2000."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by adding the following section:—

"SECTION . The second paragraph of paragraph (d) of section 9 of chapter 372 of the acts of 1984, as most recently amended by section 255 of chapter 194 of the acts of 1998, is hereby further amended by inserting after the fourth sentence the following sentence:— A transfer by the authority by lease or otherwise of any real property owned by the Authority with a simultaneous transfer by leaseback or otherwise to the Authority of the same real property for a term that need not be the same as the term of the original transfer shall be on such commercially reasonable terms as the Authority determines and shall not be deemed to be a sale, lease or other disposition of such property for purposes of paragraphs (c) and (d) and sections 40F, 40J and 40K of chapter 7 of the General Laws."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 37 the following six sections:—

"SECTION 37A. The definition of 'Industrial enterprise' in section 1 of chapter 40D of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the third sentence the following sentence:— Industrial Enterprise shall also include Main Street Partnerships as defined and designated by the Main Streets Program under the National Trust for Historic Preservation, and shall be deemed to meet the requirements of approval after receiving such designation.

SECTION 37B. Said definition of 'Industrial enterprise' of said section 1 of said chapter 40D, as so appearing, is hereby further amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentence:— Industrial Enterprise shall also include facilities for the use of governmental and nonprofit entities and bonds or other instruments as described in the financing documents, may be issued under this chapter to finance the cost of such facilities, including such costs paid prior to the

authorization of such bonds as the board of directors of the Massachusetts Development Finance Agency shall approve in connection with the provisions of, or operation of, such facilities.

SECTION 37C. Clause (iii) of the first paragraph of said chapter 40D, as so appearing, is hereby amended by adding the following sentence:— Where such financing document provides for the lease of the project by the municipality to a user, the provisions of section 9 shall not apply.

SECTION 37D. Section 9 of said chapter 40D, as so appearing, is hereby amended by striking out, in line 14, the word 'lessor,'.

SECTION 37E. Section 12 of said chapter 40D, as so appearing, is hereby amended by striking out, in lines 67 to 77, inclusive, the following words:— and, in the case of a project including a commercial enterprise or incidental thereto for use by a governmental or nonprofit entity, the project is located in a predominantly commercial area for which a commercial area revitalization plan has been adopted by the governing body of the municipality and approved by the secretary of communities and development and the project is consistent with the plan. The purpose of a commercial area revitalization plan shall be to prevent or arrest and reverse the decay of the area covered by the plan. The plan shall describe the area and set forth the development or redevelopment, including public improvements, proposed to carry out the purposes of the plan.

SECTION 37F. Section 14 of said chapter 40D, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— All rentals or other monies received under a financing document shall be paid, in the case of a lease, pursuant to the terms of the financing document, or to the trustee under a trust agreement when securing bonds.

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Section 1 of chapter 117A of the General Laws, as appearing in the 1996 Official Edition, 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 the provisions of this chapter, who are not maintaining their own homes, but are 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 \$72.80 of their monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$72.80, the recipient shall be paid monthly in advance the difference between such income and \$72.80. Effective July 1, 1999, this amount shall be increased at the same time and at the same percentage rate as increases payable to individuals who are maintaining their own homes and who are receiving state supplemental payments under sections 1 and 2 of chapter 118A"; and

By inserting after section 74 the following section:—

"SECTION 74A. Section 15 of chapter 118E of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the second paragraph, the following paragraph:—

All persons eligible for public assistance, as determined under the provisions of this chapter, who are not maintaining their own homes, but are receiving care in any licensed nursing home, any licensed chronic hospital, a licensed rest home or in any approved medical institution, shall retain the first \$72.80 of their monthly income for clothing, personal needs, and leisure time activities. If there is no such income or if it is less than \$72.80, the recipient shall be paid monthly in advance the difference between such income and \$72.80. Effective July 1, 1999, this amount shall be increased at the same time and at the same percentage rate as increases payable to individuals who are maintaining their own homes and who are receiving state supplemental payments under sections 1 and 2 of chapter 118A"; and

By inserting after section 214 the following section:—

"SECTION 214A. The division of health care finance and policy shall conduct a study and review of the cost of all personal needs items paid for by residents that are not covered by the division of medical assistance. The study shall be completed within 60 days of the passage of this act. The division of health care and finance policy shall submit a report on the results of the study and review to the committees on ways and means of the house and senate not later than December 31, 1999".

After remarks, the amendment was *rejected*.

Mr. Glodis moved to amend the bill by inserting after section 84 the following section:—

"SECTION 84A. Section 22A of chapter 175 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— Nothing herein shall prohibit combining the following coverages, by rider or otherwise,

within a single policy or contract: (a) life or endowment insurance or annuity, survivorship or pure endowment insurance subject to section 132, and (b) any form of accident and sickness insurance subject to section 108."

The amendment was *rejected*.

Mr. Glodis moved to amend the bill by inserting after section 215 the following two sections:—

"SECTION 215A. Section 35J of Chapter 10 of the General Laws, as so appearing, is hereby amended by striking out in line 3, the word 'thirty-five' and inserting in place thereof the following figure:— 45.

SECTION 215B. Said section 35J of said chapter 10, as so appearing, is hereby further amended by inserting after the words 'nineteen hundred and sixty-nine', in line 6, the following words:— , effective July 1, 1999; and 55 per cent, effective July 1, 2000; and 65 per cent, effective July 1, 2001; and 75 per cent effective July 1, 2002".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill by inserting after section 215 the following new section:—

"SECTION 215A. The commissioner of capital asset management and maintenance in the name and on behalf of the commonwealth, may, pursuant to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, acquire certain real property located in the town of Ayer for use as a parking lot at the Ayer division of the district court department of the trial court, at 18 Prospect street and is more particularly known as follows:

Beginning at the southwesterly corner of the granted premises at the intersection of Prospect Street and School Street; thence, running northerly by said School Street forty-six and zero hundredths (46.00 feet); thence turning at a right angle and running easterly by land of Nellie E. Fox, sixty-four and zero hundredths (64.00 feet); thence turning at a right angle and running southerly by land of Nellie E. Fox, forty-six and zero hundredths (46.00 feet) to said Prospect Street; thence, turning at a right angle and running westerly by said Prospect Street sixty-four and zero hundredths (64.00 feet) to the point of beginning, this line marking a right angle with the first described line. Said parcel contains two thousand nine hundred forty-four and zero hundredths (2,944.00) square feet more or less.

Being the same premises conveyed by Marie P. Walsh to Marie P. Walsh, Trustee of the Mid-Hill realty Trust dated April 4, 1974 and recorded at the Middlesex south district registry of deeds in Book 12610, Page 553.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. (a) As used in this section, the following words shall have the following meanings:—

'Base period employment level', the number of permanent full-time employees of a corporation in the commonwealth, as of July 1, 1999, as certified by the economic assistance coordinating council within the Massachusetts office of business development.

'Employment level', the number of permanent full-time employees of a corporation in the commonwealth in a given taxable year, as certified by the economic assistance coordinating council within the Massachusetts office of business development.

'Jobs commitment level', for taxable years beginning on or after January 1, 1999, but before January 1, 2001, an employment level of 100 per cent of the base period employment level; for taxable years beginning on or after January 1, 2001, but before January 1, 2002, an employment level of 102.5 per cent of the base period employment level; for taxable years beginning on or after January 1, 2002, but before January 1, 2003, an employment level of 105 per cent of the base period employment level; for taxable years beginning on or after January 1, 2003, but before January 1, 2004, an employment level of 110 per cent of the base period employment level; for taxable years beginning on or after January 1, 2004, but before January 1, 2005, an employment level of 115 per cent of the base period employment level.

'Permanent full-time employee', shall have the meaning given to that term in section 3A of chapter 23A of the General Laws.

(b) In the case of any corporation described in subsection (c), if the employment level of such corporation is less than its jobs commitment level in a given taxable year, as determined by the economic assistance coordinating council within the Massachusetts office of business development, any tax credits which such corporation has transferred pursuant to said subsection (c) shall be subject to recapture as provided in sections 31A and 38N of said chapter 63 and subsection (c) of this act; but the base period employment level shall be reduced in any given year to reflect any reduction in employment level due to a reduction in sales generally affecting the industry, or sector of the industry, in which such corporation does business, as determined by said council within the Massachusetts office of business development. There shall be no reduction in the base period employment

level on account of any reduction in employment level due to the relocation of jobs that had been located in the commonwealth on or after July 1, 1999 to a location outside the commonwealth.

(c) Notwithstanding the provisions of any general or special law to the contrary, any corporation engaged in the construction, reconstruction, renovation or repair of vessels of [30,000] DTW or over which has satisfied the jobs commitment level and which is entitled to a credit under section 31A or section 38N of chapter 63 of the General Laws, including any credit carried over from a prior taxable year, may sell, assign, exchange, convey or otherwise transfer such credit to any party provided that: (1) such corporation continues to satisfy the requirements of said section 31A or said section 38N, as the case may be, with respect to the use and ownership of the qualifying property for which the credit is allowed; (2) that an amount at least equal to the amount of the proceeds of such transfer shall, prior to the end of the recapture period specified in subsection (e) of section 31A or subsection (a) of section 38N, as the case may be, of chapter 63 of the General Laws, shall be expended by such corporation in the acquisition of qualifying property, as defined in subsection (a) of said section 31A of said chapter 63; and (3) such corporation certifies to the commissioner, concurrently with the submission of its tax return with respect to the tax year in which such transfer occurred, the amount of credits so transferred and the name and the taxpayer number of any such party or parties to which said credits are transferred.

(d) In the event of any recapture under subsection (d) of said section 31A of said chapter 63 of any portion of the credit authorized by this section, any such corporation shall be solely liable for any additional taxes due as a result of such recapture.

(e) In the event that, after an examination of the returns and the books, papers, records and other data of any such corporation, the commissioner determines that the amount of the credits transferred exceeds the amount of the credit to which any such corporation was entitled, such excess amount shall be assessed solely against any such corporation which shall be solely liable for any such additional taxes, penalties and interest so assessed. Nothing herein shall limit any right any such corporation may otherwise have to seek an abatement of any amount so assessed.

(f) Any amount received as consideration for credits transferred under this section or any amount by which the nominal value of such transferred credits exceeds the amount of such consideration shall be taxable as income under either chapter 62 or chapter 63 of the General Laws. A transfer of credits pursuant to this section shall not alter the entitlement, allocation or attribution to any party of any item of income, gain, loss, deduction or credit other than: (1) credits transferred pursuant hereto; and (2) any taxes, penalties or interest due as a result of recapture of such credit or any assessment against any such corporation as provided herein.

(g) With respect to any party to which credits are transferred: (i) if such party is subject to the excise imposed by said chapter 63, the credit so transferred shall be a credit against the excise imposed by said chapter 63; (2) if such party is subject to tax under said chapter 62, the credit so transferred shall be a credit against the tax imposed by said chapter 62."

The amendment was *rejected*.

Mr. Lynch moved to amend the bill by inserting after section 66 the following section:—

"SECTION 66A. Section 15 of chapter 81A of the General Laws, as appearing in section 6 of chapter 3 of the acts of 1997, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The construction or occupancy of any building or other thing erected or affixed under any lease of air rights under this section shall be subject to the building, fire, garage, health and zoning laws, rules and regulations applicable in the city or town in which such building or other thing is located."

The amendment was *rejected*.

Messrs. Lynch, Travaglini, Ms. Walsh and Ms. Wilkerson moved to amend the bill by inserting after section 126 the following section:—

"SECTION 126A. 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 7 per cent of the total value of each such contract but not more than \$10 for each such contract. \$1 of the additional surcharge shall be paid to the city and deposited in the Room Occupancy Excise Fund."

After debate, the amendment was adopted.

Mr. Rauschenbach moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. The executive office of health and human services and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the variable costs associated with the costs of goods, services and housing."

The amendment was adopted.

Mr. Rauschenbach moved to amend the bill, in section 2, in item 2220-2220 by adding the following words:— "; provided further that \$100,000 shall be expended for the purpose of researching the long-range transport of ground level ozone and its precursors, implementation activities for the proposed revised national ambient air quality standards, and the assessment and mitigation of the environmental impacts of utility deregulation."

The amendment was adopted.

Mr. Rauschenbach moved to amend the bill by inserting after section 84 the following section:—

"SECTION 84A. Chapter 140 of the General Laws of the 1996 Official Edition, are amended by inserting after section 151B the following section:—

Section 151C. Every dog officer shall make, keep and maintain a record of injured animals and shall report to the local police chief or the department of social services any incident involving an injured animal where abuse of the animal by the owner or another human is indicated. The report shall contain the address of the person responsible for the care of the animal, if known, the nature and extent of the animal's injuries, abuse, maltreatment or neglect, including any evidence of prior injuries, abuse, maltreatment or neglect, and any other information which the offerer believes might be helpful in establishing the cause of the injuries, the identity of the persons responsible therefor and such other information as shall be required by the department of social services."

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 87 the following 22 sections:—

"SECTION 87A. Section 1 of chapter 166A of the General Laws is hereby amended by striking out the definition of 'division', as most recently amended by section 142 of chapter 463 of the acts of 1998, and inserting in place thereof the following definition:—

'Division,' the cable television division established under section 2.

SECTION 87B. Said chapter 166A is hereby further amended by striking out section 2, as most recently amended by section 273 of chapter 164 of the acts of 1997, and inserting in place thereof the following section:—

Section 2. There shall be established within the department and under the supervision and control of the commission, a division of cable television. The division, subject to such supervision and control, shall perform such functions as the commission may determine in relation to the administration, implementation and enforcement of the department's authority over the cable television industry including, but not limited to, authority granted in this chapter. The chairman of the commission shall appoint and may remove a director of the division. The job classification of the director's position, in accordance with section 46C of chapter 30, shall be determined by the chairman in consultation with the commissioner of administration. The commission shall annually prepare and submit to the governor and the general court on or before the first Wednesday in November, a report of the division's activity and of the condition of the cable television industry within the commonwealth during the preceding fiscal year, together with recommendations that the commission considers necessary or desirable.

SECTION 87C. Chapter 166A of the General Laws is further amended by striking section 2A.

SECTION 87D. Section 3 of chapter 166A of the General Laws is amended by striking out clause (e) and inserting in place thereof the following clause:—

(e) Such other terms and conditions as have been authorized by the department.

SECTION 87E. Section 4 of said chapter 166A, as amended by section 118 of chapter 43 of the acts of 1997, is hereby further amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department.

SECTION 87F. Subsection (c) of section 5 of said chapter 166A of the General Laws is hereby amended by striking the second and third sentences and inserting in place thereof the following sentence:— The amount and terms of such insurance applicable to all CATV operators shall be satisfactory to the department.

SECTION 87G. Said section 5 of said chapter 166A is hereby further amended by striking out subsection (d).

SECTION 87H. Said section 5 of said chapter 166A is hereby further amended by inserting after the word 'appurtenances', in lines 36 and 37, the following words:— used exclusively for CATV service.

SECTION 87I. Said section 5 of said chapter 166A is hereby further amended by striking out the words after the word 'transposition', in line 60.

SECTION 87J. Said section 5 of said chapter 166A is hereby further amended by striking out the text after the words "satisfactory to," and including the subparagraphs, and inserting the following words:— the department.

SECTION 87K. Section 7 of said chapter 166A is hereby amended by striking out the word 'division' and inserting in place thereof the following word:— department.

SECTION 87L. Section 8 of said chapter 166A is hereby amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department.

SECTION 87M. Section 10 of said chapter 166A is hereby amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department.

SECTION 87N. Subsection (b) of section 11 of said chapter 166A is hereby amended by striking out the words 'subsection (k)' and inserting in place thereof the following words:— subsection (i).

SECTION 87O. Subsection (c) of said section 11 of said chapter 166A is hereby amended by striking out the words 'subsection (j)' and inserting in place thereof the following words:— subsection (h).

SECTION 87P. Subsection (f) of said section 11 of said chapter 166A is hereby amended by striking out the words 'subsection (j)' and inserting in place thereof the following words:— subsection (h).

SECTION 87Q. Subsection (g) of said section 11 of said chapter 166A is hereby amended by striking out the words 'subsection (n)' and inserting in place thereof the following words:— subsection (l).

SECTION 87R. Section 13 of said chapter 166A is hereby amended by striking out throughout the word "division", each time it appears, and inserting in place thereof, in each instance, the following word:— department.

SECTION 87S. Section 14 of said chapter 166A is hereby amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department; and by striking out the words 'consumers' council'.

SECTION 87T. Section 15 of said chapter 166A is hereby amended by striking out, in the first sentence, the words 'For a period of' through 'and thereafter it' and inserting in place thereof the following words:— The department.; and by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department; and by striking out the word 'commission' in the second paragraph and inserting in place thereof the following word:— department; and inserting, in the third paragraph, after the words 'reasonable rates' the following words:— Rules and regulations of the division as of the effective date of this section shall become rules and regulations of the department. The department; and by striking out the third sentence in the third paragraph; and by striking out the fourth paragraph.

SECTION 87U. Section 16 of said chapter 166A is hereby amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department.

SECTION 87V. Section 17 of said chapter 166A is hereby amended by striking out the word 'division', each time it appears, and inserting in place thereof, in each instance, the following word:— department."

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 215 the following two sections:—

"SECTION 215A. Notwithstanding the provisions of any general or special law to the contrary, section 74 of chapter 240 of the acts of 1989 is hereby repealed.

SECTION 215B. The governor shall appoint a workforce investment board pursuant to the provisions of the Federal Workforce Investment Act."

The amendment was *rejected*.

Mr. Rauschenbach moved that the bill be amended by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding the provisions of any general law to the contrary, a school committee may vote to authorize the sale of advertising on school buses which are owned, operated or controlled by the school district provided that any monies received therefor shall be applied to the cost of transportation of students within the school district. No advertising shall obscure the fact that the vehicle is a school bus."

The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 128 the following section:—

"SECTION 128A. Chapter 295 of the acts of 1998 is hereby amended by striking out section 45 and inserting in place thereof the following section:—

Section 45. A retail outlet which uses an automated retail check out system, as defined in section 56D of chapter 98 of the General Laws, and which utilizes more than two check out terminals or registers, shall employ as part of its automated retail checkout system, a visual price display mechanism so that the price is readable to the customer from a reasonable customer location. The director of standards shall have the authority to approve exemptions to this section as he deems appropriate.

The director of standards may grant, upon application by a retail establishment, a temporary hardship waiver relieving the establishments from the requirements of this section. A retail establishment seeking to obtain a temporary hardship waiver shall file a letter with the director of standards requesting the waiver and explaining the need for the additional time. The director shall approve or deny the waiver request, in writing, within 30 days of receipt of the request. In no instance shall such waiver be authorized beyond October 1, 2000."

The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 215A (inserted by amendment) the following section:—

"SECTION 215B. Notwithstanding the provisions of any general or special law to the contrary, prior to the addition to the approved drug formulary list for the medical assistance program of any controlled substance regarding weight loss or weight control, the department of public health shall conduct a study to determine the cost, effectiveness, potential for abuse and overall efficacy of such controlled substance. The department shall report to the general court the results of its study on or before December 1, 1999."

The amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. Notwithstanding the provisions of any special or general law or executive order to the contrary, the board of education shall not amend the regulations promulgated pursuant to chapter 71B of the General Laws in a manner which would alter the procedural or substantive protections provided to children with special needs as embodied in regulations in effect on March 1, 1999, until the earlier of: (1) completion of the general court's contracted study of the standard of care for the delivery of education services to children with special needs and passage thereafter of any amendments to said chapter 71B; or (2) August 31, 2000."

The amendment was *rejected*.

Messrs. Tarr, Lees, Jajuga and Clancy, Mrs. Sprague, Mr. Knapik and Ms. Tucker moved to amend the bill by inserting after section 125 the following section:—

"SECTION 125A. Chapter 48 of the acts of 1997, as amended by chapter 300 of the acts of 1998, is hereby further amended by inserting after section 26 the following section:—

Section 26A. Notwithstanding the provisions of any general or special law to the contrary, an abolished county's employees who retire on or before the transfer date shall become members of the state retirement system which shall provide retirement benefits annually to such retired employees and their survivors. The employees of an abolished county who become state employees pursuant to the provisions of this act or any subsequent act abolishing any county shall become members of the state retirement system. The state retirement system shall be responsible for all pension liability attributable to the service of such employees. The accumulated deductions and employer contributions, including interest, credited to the account of a member of the state retirement system in accordance with the provisions of this act shall be transferred from such abolished county's retirement system and credited to such member's account in the state retirement system in a manner to prescribed by the secretary of administration and finance. Cities, towns, districts and other governmental units belonging to an abolished county's retirement system shall remain members of such retirement system.

Notwithstanding the provisions of any general or special law to the contrary, in determining appropriations for an abolished county's retirement system in accordance with the provisions of paragraph (c) of subdivision (7) of section 22 of chapter 32 of the General Laws, the actuary shall make such adjustments as are necessitated by the provisions of this act."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 127 the following section:—

"SECTION 127A. Item 0330-2209 of section 2 of chapter 189 of the acts of 1998 is hereby amended by striking out the words 'the relocation of the Ipswich district court facility to the building in Ipswich known as the Ipswich Whipple Middle School and the improvement thereof' and inserting in place thereof the following words:— the improvement of the Ipswich district court facility located in a building known as the Ipswich town hall."

The amendment was *rejected*.

Mr. Tarr, Mrs. Sprague and Mr. Tisei moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. The department of education shall establish a pilot program for the regional transportation of special needs students. Such program shall include, but not be limited to, two regions or aggregations of two or more communities."

The amendment was *rejected*.

Messrs. Tarr, Lees, Rauschenbach, Hedlund, Mrs. Sprague and Mr. Knapik moved to amend the bill by inserting after section 87 the following two sections:—

"SECTION 87A. Section 1 of chapter 176M of the General Laws is hereby amended by striking out the definition of 'health plan', as amended by section 115 of chapter 19 of the acts of 1997, and inserting in place thereof the following definition:

'Health Plan', any individual, general, blanket or group policy of health, accident or sickness insurance issued by an insurer licensed under chapter 175 or the laws of any other jurisdiction; a hospital service plan issued by a nonprofit hospital service corporation pursuant to chapter 176G or the laws of any other jurisdiction; and an insured health benefit plan that includes a preferred provider arrangement issued pursuant to chapter 176I or the laws of any other jurisdiction. The words 'health plan' shall not include accident only, credit or dental insurance, short term limited duration insurance, hospital indemnity insurance policies which for the purposes of this chapter shall mean policies issued pursuant to chapter 175 which provide a benefit not to exceed \$250 per day, as adjusted on an annual basis by the amount of increase in the average weekly wage in the commonwealth as defined in chapter 152, to be paid to an insured or a dependent, including the spouse of an insured, on the basis of a hospitalization of an insured or a dependent or disability income insurance issued as a supplement to liability insurance, insurance arising out of a workers' compensation law or similar law, automobile medical payment insurance, insurance under which benefits 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, long term care only insurance or any policy subject to the provision of chapter 176K. The commissioner may, by regulation, define other health coverage as a health plan for the purposes of this chapter.

SECTION 87B. Said section 1 of said chapter 176M, as appearing in the 1996 Official Edition, is hereby further amended by inserting after the definition of 'Resident' the following definition:—

'Short-term limited duration insurance', insurance provided pursuant to a contract with a carrier that has an expiration date specified in the contract taking into account any extensions that may be elected by the policyholder without the carrier's consent, which is within 12 months of the date such contract becomes effective."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 95 the following section:—

"SECTION 95A. Section 57 of chapter 218 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the word 'Newburyport', in line 100, the following words:— and Ipswich".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 215 the following two sections:—

"SECTION 215A. The Massachusetts Industrial 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.

SECTION 215B. To meet the expenditures necessary in carrying out the provisions of section 215A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, in 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 twenty 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. All such bonds shall be payable not later than June 30, 2025. 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*.

Messrs. Tarr, Lees, Rauschenbach, Knapik, Tisei and Mrs. Sprague moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. The secretary of elder affairs and the commissioner of housing and community development shall in conjunction with other agencies as necessary, develop a statewide plan for the development and maintenance of assisted living facilities. The plan shall include an assessment of existing and projected need for such facilities across all income levels, available capacity of existing facilities for tenants at all income levels and projected development of additional capacity in the next 25 years. The plan shall also assess 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 such 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, including the development and maintenance of capital infrastructure, program services and public and private sources of financing assisted living residences.

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 section."

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill by inserting after section 214H (inserted by amendment) the following section:—

"SECTION 214I. There is hereby established a commission to examine the financial options available to the Northeast Solid Waste Committee, in this section called NESWC, in relation to the Mass. Refuse-Tech, Inc. solid waste facility located in the town of North Andover and said committee's financial obligations associated with the existing solid waste agreement with Mass. Refuse-Tech, Inc. The commission may consider all financial options including sale, closure, and operation of said facility.

The commission shall consist of nine persons to be appointed by the governor as follows: the secretary of environmental affairs or his designee, the secretary of administration and finance or his designee, the director of the massachusetts development finance agency or his designee, the town manager of the town of North Andover, a commercial investment banker, two members of the NESWC board of directors, the chief financial officer of a NESWC member community other than North Andover, and a representative of Mass. Refuse-Tech, Inc.

The commission shall report its findings to the governor, the house of representatives and the senate no later than June 30, 2000."

After remarks, the amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section 77 the following section:—

"SECTION 77A. The third paragraph of said section 16B of said chapter 118E of the General Laws, as so appearing, is hereby amended by adding the following sentence:— Covered benefits shall include assistance in the purchase of health insurance, including so-called Medicare supplemental insurance, which includes among its benefits the coverage of prescription drugs as defined by the division."

After remarks, the amendment was *rejected*.

Messrs. Tarr, Lees, Mrs. Sprague and Messrs. Hedlund and Magnani moved to amend the bill by inserting after section 49 the following section:—

"SECTION 49A. Said section 6 of said chapter 62 is hereby further amended by adding the following subsection:—

(j) There shall be allowed as a credit against the tax liability imposed by this chapter, an amount equal to 50 per cent of the fair market value of any land or interest in land located in the commonwealth which is conveyed for the purpose of open space, natural resource or biodiversity conservation, or land, agricultural, watershed or historic preservation, as an unconditional donation in perpetuity by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. The fair market value of qualified donations made under this section shall be substantiated by a qualified appraisal, so-called, and prepared by a qualified appraiser, so-called, as those terms are defined under applicable federal regulations governing charitable contributions.

The amount of the credit that may be claimed by a taxpayer shall not exceed \$50,000. In addition, in any one tax year, the credit used may not exceed the amount of individual or corporate income tax otherwise due. Any portion of the credit which is unused in any one tax year may be carried over for a maximum of five consecutive years following the tax year in which the credit originated until fully expended."; and by inserting after section 215 the following section:—

"SECTION 215A. (a) As used in this section, the following words shall have the following meanings:—

‘Interest in real property’, any right in real property or improvements thereto or water including, but not limited to, a fee simple, easement, partial interest, mineral right, remainder, future interest, lease, license or covenant of any sort or other interest or right concerning the use of power to transfer property.

‘Land’ or ‘lands’, real property, with or without improvements thereon, right of way, water and riparian rights, easements, privileges and all other rights or interests of any land or description in, relating to or connected with real property.

‘Public or private conservation agency’, Massachusetts governmental body or private not-for-profit charitable corporation or trust authorized to do business in the commonwealth organized and operated for natural resources, land conservation or historic preservation purposes and having tax exempt status as a public charity under the Internal Revenue Code of 1986, as amended, and having the power to acquire, hold and maintain land or interests in land for such purposes.

(b) Qualified donations shall include the conveyance in perpetuity of a fee interest in real property or a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction pursuant to section 31 to 33, inclusive, of chapter 184 of the General Laws. Dedications of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered as qualified donations under this section.

Qualified donations shall be eligible for the tax credit herein described if such donations are made to the commonwealth, an instrumentality thereof or a charitable organization described in Section 501(c) of the Internal Revenue Code of 1986 and which: (a) meets the requirements of Section 509(a)(2) or; (b) meets the requirements of Sections 509(a)(3) and is controlled by an organization described in Section 509(a)(2).

To be eligible for treatment as qualified donations under this section, land, or interests in lands, shall be certified by the secretary of environmental affairs or the chairman of the Massachusetts historical commission as fulfilling the purposes as set forth in this act. The use and protection of such lands, or interests therein, for open space, natural area protection, biodiversity habitat conservation, land preservation, agricultural preservation, historic preservation or similar use and purpose shall be assured in perpetuity.

(c) The secretary of the environmental affairs and the chairman of the Massachusetts historical commission may promulgate such rules and regulations as may be deemed necessary to certify eligible projects for treatment in fulfillment of the purposes of this section and subsection (e) of section 6 of chapter 62 of the General Laws. The secretary and the director, upon the five-year anniversary of the effective date of this section or any renewals thereof, shall prepare a report to the general court showing the lands protected during such period pursuant to this section.

The department of revenue, in consultation with the secretary and chairman, shall promulgate such rules and regulations as may be deemed necessary to administer the tax incentives provided for in this section and subsection (e) of section 6 of chapter 62 of the General Laws and shall coordinate with the aforementioned in the preparation of the reports to the general court showing the fiscal impact on the state treasury of the credits claimed pursuant to this section and subsection (e) of section 6 of chapter 62 of the General Laws.

(d) The tax credits provided by this section and subsection (e) of section 6 of chapter 62 of the General Laws shall apply to transfers of land or interests therein in taxable years beginning on or after January 1, 2000 and all taxable years thereafter.

Any taxpayer claiming a tax credit under this section or subsection (e) of section 6 of chapter 62 of the General Laws may not claim a credit under any similar Massachusetts law for costs related to the same project. A taxpayer may not claim such tax credit for lands or interests in land, a portion of which constitutes the taxpayer’s entire holdings and where the taxpayer has sold or has contracted to sell to the commonwealth, an instrumentality thereof or a private conservation agency the balance of such lands or interests in land for open space, biodiversity, land conservation or land preservation purposes.

Any tax credits which arise under this section or subsection (e) of section 6 of chapter 62 of the General Laws from the donation of land or an interest in land made by a pass-through tax entity such as a trust, estate, partnership, limited liability corporation or partnership, limited partnership, subchapter S corporation or other fiduciary shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, manager, partner, shareholder or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions and tax liability passes through such entity to such member, manager, partner, shareholder or beneficiary. Such tax credits may not be claimed by both the entity and the member, manager, partner, shareholder or beneficiary for the same donation.

(e) Nothing in this section or subsection (e) of section 6 of chapter 62 of the General Laws shall be interpreted, in any way to alter or amend any permit requirements, reporting requirements, allocation procedures or other requirements set forth in any other provision of state law."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 128 the following section:—

"SECTION 128A. Section 3 of chapter 482 of the acts of 1998 is hereby amended by adding the following sentence:— Said amount shall be available for appropriation until December 31, 1999."

The amendment was *rejected*.

Messrs. Tarr, Tolman, Magnani, Ms. Wilkerson and Ms. Creem moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Chapter 118 of the General Laws is hereby amended by adding the following section:—

Section 112. Under section 115(d)(i)(A) of the federal Personal Responsibility and Work Opportunity Reconciliation Act, 21 U.S.C. section 862a(d)(i)(A), the commonwealth hereby exempts all individuals domiciled in the commonwealth from section 115(a) of the Act, 21 U.S.C. section 862a(a). Benefits under said section 115 shall not be provided to any individual who fails without good cause, as determined by the department, to comply with the terms of a sentence, parole or probation."

The amendment was adopted.

Mr. Tarr moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. The third paragraph of section 1D of chapter 69 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following sentence:— The board shall establish standards for the inclusion in curriculum at all grade levels, frameworks designed to teach students methods of resolving interpersonal disputes in productive and effective ways and which shall discourage the use of violence or other forms of abuse in the resolution of such disputes."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Carrier’, an insurer licensed or otherwise authorized to transact accident and health benefit plans under chapter 175; 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 any multiple employer welfare arrangement (MEWA) required to be licensed under chapter 175; which issues a health benefit plan on or after January 1, 1997.

‘Commissioner’, the commissioner of insurance or his designee.

‘Eligible dependent’, the spouse or children of an eligible individual, who also meets all of the criteria in the definition of ‘eligible individual’.

‘Eligible Individual’, a resident of the commonwealth who meets all of the following criteria: a) the individual is not insured under any other health benefit plan, including a ‘guaranteed-issue individual health plan’ as defined under subsection (c) or any individual policy of insurance issued pursuant to a conversion privilege contained in any group or individual policy; b) the individual does not have access to a health benefit plan through such individual’s employer, either because the employer does not offer a health benefit plan or because the employee does not meet the eligibility criteria under such health benefit plan including the criteria for an eligible employee set forth in chapter 176J; c) none of the premium for the individual’s health benefit plan, whether issued on a group or nongroup basis, is paid directly or indirectly by such individual’s employer; d) the individual is not

eligible for coverage through a health benefit plan in which such individual's spouse or parent or guardian is enrolled or eligible to be enrolled; e) such individual is not eligible to obtain benefits through a health benefit plan program administered directly or indirectly by the department under chapter 118F; f) the individual is not or is no longer eligible for continued group coverage under section 4980B of the Internal Revenue Code of 1986, section 601 through 608 of the Employee Retirement Income Security Act of 1974, or pursuant to sections 2201 through 2208 of the Public Health Service Act, as amended; and g) the individual is not eligible for continuation of coverage health benefits under chapter 110D, chapter 110G or chapter 110I of chapter 175 of the Massachusetts General Laws; h) the individual is not eligible for health benefits funded and administered by any other commonwealth or federal government program. For the purpose of a guaranteed-issue individual health plan, an individual who would have been eligible for such continuation of coverage benefits, but is not eligible solely because such individual failed to make the required coverage election during the applicable time period or failed to make the required premium payment, shall be deemed to be eligible for such group coverage until the date on which the individual's continuing group coverage benefits would have expired had an election or premium payment been made.

'Emergency services', covered services provided after the sudden onset of a medical condition manifesting itself by acute symptoms, including severe pain, which are severe enough that the lack of immediate medical attention could reasonably be expected to result in: 1) placing the patient's health in serious jeopardy; 2) serious impairment of bodily functions; or 3) serious dysfunction of any bodily organ or part.

'Guaranteed-issue individual health plan', shall have the meaning as defined in subsection (c).

'Health benefit plan', any blanket, general or group policy or medical, surgical or hospital insurance described in subsections (a), (c) or (d) of section 110 of chapter 175, any policy of accident or sickness insurance as described in section 108 of chapter 175 which provides hospital or surgical expense coverage; any nongroup or group hospital or medical service plan issued by a non-profit hospital or medical service corporation under chapters 176A and 176B; any nongroup or group health maintenance contract issued by a health maintenance organization under chapter 176C; any self-insured or self-funded employer group health plan; any health coverage provided to persons serving in the armed forces of the United States; or medical assistance provided under chapter 118E; the term 'health benefit plan' shall not include accident only, credit, dental or disability income insurance, any individual policy of insurance issued pursuant to a conversion privilege contained in any group or individual policy, supplemental hospital indemnity coverage sold on a per diem basis, specified disease coverage, coverage issued as a supplement to liability insurance, insurance arising out of a worker's 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, long-term care insurance, nursing home insurance, home health care insurance or any group blanket or governmental program or health benefit plans coverage issued to a student in compliance with section eighteen of chapter 15A. The commissioner may, by regulation, define other health coverage as an eligible plan for the purposes of this chapter.

'Massachusetts Health Plan Partnership, Inc.', known as 'the partnership,' shall have the meaning as defined in subsection (h).

'Pre-existing condition provision', a health benefit plan provision which excludes coverage for charges or expenses incurred during a specified period following the effective date of coverage (i) as to a condition which, during a specified period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment or for which medical advice, diagnosis, care or treatment was recommended or received or (ii) as to a pregnancy existing on the effective date of coverage.

'Qualifying health benefit plan', (i) any blanket, general or group policy of medical, surgical or hospital insurance described in subsections (A), (C) or (D) of section 110 of chapter 175; (ii) any policy of accident or sickness insurance as described in section 108 of chapter 175 which provides hospital or surgical expense coverage; (iii) any nongroup or group hospital or medical service plan issued by a non-profit hospital or medical service plan issued by a non-profit hospital or medical service corporation under chapters 176A and 176B; (iv) any nongroup or group health maintenance contract issued by a health maintenance organization under chapter 176G; (v) any self-insured or self-funded employer group health plan; (vi) any health coverage provided to persons serving in the armed forces of the United States; or (vii) medical assistance provided under chapter 118E. The commissioner may, by regulation, define other health coverage as a qualifying health plan for the purposes of this chapter.

'Resident', a person living in the commonwealth, as defined by the commissioner by regulation; provided, however, that the person has lived in the commonwealth for not less than six months prior to application for enrollment in the health benefit plans under this chapter and the person did not move into the commonwealth for the sole purpose of securing health benefit plans under this chapter; and provided further, that confinement of a person in a nursing home, hospital or other medical institution shall not by itself be sufficient to qualify such a person as a resident.

'Waiting period', a period immediately subsequent to the effective date of coverage under a health benefit plan during which the carrier does not pay for some or all hospital or medical expenses.

(b) There is hereby created a non-profit legal entity to be known as the Massachusetts Health Plan Partnership, Inc. (hereafter referred to as 'the partnership'). All carriers doing business in the commonwealth as a condition to their authority to transact the applicable kinds of health benefit plans defined in subsection (a) of this chapter, shall be members of 'the partnership'. The partnership shall perform its functions under a plan of operation established and approved under paragraph (1), and shall exercise its powers through a board of directors established under this section.

(1) The board of directors of the partnership shall be made up of nine individuals selected by members, subject to approval by the commissioner, to select the initial board of directors and to initially organize the partnership. The commissioner shall give notice to all members of the time and place of the organizational meeting.

In determining voting rights at the organizational meeting each member shall be entitled to vote in person or by proxy. The vote shall be a weighted vote based on the net health benefit plans premium derived from this commonwealth in the previous calendar year. If the board of directors is not selected within sixty days after notice of the organizational meeting, the commissioner may appoint the initial board. In approving or selecting members of the board, the commissioner may consider, among other things, whether all members are fairly represented. Members of the board may be reimbursed from the monies of the partnership for expenses incurred by them as members, but shall not otherwise be compensated by the partnership. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the guaranteed-issue individual health plan coverage under subsection (c) shall be made available. The commissioner shall, after notice and hearing, approve the plan of operation provided such plan is determined to be suitable to assure the fair, reasonable and equitable administration of the partnership, and provide for the sharing of the partnership's gains or losses on an equitable proportionate basis. If the board fails to submit a suitable plan of operation within 180 days after its appointment, or if at any time thereafter the board fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this section. Such rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner. The plan of operation shall, in addition to requirements enumerated in this section. (A) Establish procedures for the handling and accounting of assets and monies of 'the partnership'; (B) establish regular times and places for meeting of the board of directors; (C) establish procedures for records to be kept of all financial transactions, and for the annual fiscal reporting to the commissioner; (D) establish procedures whereby selections for the board of directors shall be made and submitted to the commissioner; (E) establish procedures to amend, subject to the approval of the commissioner, the plan of operations; (F) establish procedures for the selection of administering carrier and set forth the provisions necessary or proper for the execution of the powers and duties of the partnership; (H) establish procedures for the advertisement of the general availability of the guaranteed-issue individual health plan; and (I) establish an actuarial committee consisting of five persons who are members of the American Academy of Actuaries.

'The partnership' shall have the general powers and authority granted under the laws of this commonwealth to carriers to transact the kinds of insurance defined under health benefit plan in subsection (a), and in addition thereto, the specific authority to: (1) enter into contracts necessary or proper to carry out the provisions and purposes of this section; (2) sue or be sued, including taking any legal actions necessary or proper for recovery of any assessments for, on behalf of, or against members; (3) take such legal action necessary to avoid the payment of improper claims against the partnership or the coverage provided by or through the partnership; (4) establish, with respect to health benefit plans provided by or on behalf of the partnership, appropriate rates, scales of rates, rate classifications and rating adjustments, such rates not to be unreasonable in relation to the coverage provided by carriers outside the partnership that are not offered through a managed care delivery system, appropriate rates, scales of rates, rate classifications and rating adjustments; (6) appoint from among members appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the partnership, policy and contract design, and any other function within the authority of the partnership.

Every member shall participate in the partnership in accordance with the provisions of this subdivision (1) rates for coverage issued by or through the partnership shall not be excessive, inadequate or unfairly discriminatory. Separate scales of premium rates based on age and geographic area shall apply. Premium rates shall take into consideration the substantial extra morbidity and administrative expenses for the partnership risks and reimbursement of reasonable expenses incurred for the writing of the partnership risks. In no event shall the rate for a given individual or an individual with family coverage be less than 125 per cent or more than 150 per cent of the rate charged an individual or an individual with family coverage who would be issued a policy at a so-called standard non-group rate. All rates promulgated by the partnership shall be filed with the commissioner and may be disapproved within 60 days from the filing thereof if excessive, inadequate, or unfairly discriminatory.

Following the close of each calendar year, the administering carrier shall determine the new premiums earned, the incurred losses for the year and the expenses of administering the partnership.

Any net loss shall be assessed to all members in proportion to their respective shares of the total health benefit plans premiums earned in this commonwealth during the calendar year. All members who offer a guaranteed-issue individual health plan, as defined in subsection (c), shall be eligible to reduce their respective shares of the total health benefit plans premiums by the amount of premium earned from such guaranteed-issue individual health plans.

The partnership shall conduct periodic audits to assure the general accuracy of the financial data submitted to the partnership and the partnership shall have an annual audit of its operations by an independent certified public accountant. The annual audit shall be filed with the commissioner for his review.

Every guaranteed-issue individual health plan issued or renewed through the Massachusetts Health Plan Partnership, Inc., shall provide benefits through a managed care delivery system. Such managed care delivery system shall include one or more health maintenance organization or preferred provider network plans, as determined by the board of the partnership with the approval of the commissioner. In the event that such managed care plans would not adequately serve enrollees in a particular area of the commonwealth, the board may offer to such enrollees a managed care product which contains alternative cost containment features, including but not limited to, utilization review of health care services, review of the medical necessity of hospital and physician services and case management benefit alternatives. Nothing herein shall require carriers offering a guaranteed-issue individual health plan outside the partnership to provide benefits through a managed care delivery system.

All policy forms issued by a carrier shall conform in substance to prototype forms developed by the partnership shall, in all other respects conform to the requirements of this section, and shall be certified and filed for informational purposes with the commissioner.

Neither the partnership nor a carrier shall issue a guaranteed-issue individual health plan to someone who is not an eligible individual or an eligible dependent.

There shall be no liability on the part of and no cause of action of any nature shall arise against any carrier or its agents or its employees, the partnership or its agents or its employees or the commissioner or his representatives for any action taken by them in the performance of their duties under this section. This provision shall not apply to the obligations of a carrier or the partnership for payment of benefits provided under a guaranteed-issue individual health plan.

(c) All guaranteed-issue individual health plans shall include minimum standard benefits and coverage provisions as described in this section.

(A) A guaranteed-issue individual health plan shall be a uniform set of benefits specified by the commissioner in regulations which shall include at least the following medically necessary services: reasonably comprehensive physician services; inpatient and out-patient hospital services; emergency health care services; and a full range of effective clinical preventive care. The commissioner shall require the carrier to offer additional medical treatments, procedures and related health services only in cases where the immediate and long-term effectiveness in improving the medical status of individuals has been proven.

(B) A guaranteed-issue individual health plan offered by the partnership or a carrier may contain alternative policy provisions and benefits, including cost containment features, consistent with the purposes of this chapter, provided such alternative provisions and benefits are approved by the commissioner of insurance prior to their use.

(C)(1) No guaranteed-issue individual health plan shall exclude any eligible individual or eligible dependent on the basis of age, occupation, the actual or expected health condition of such person, or the claims experience or medical condition of such person; (2) Every guaranteed-issue individual health plan shall be renewable with respect to all eligible individuals and eligible dependents at the option of the eligible individual except in instances where: (i) the individual repeatedly failed to pay the required premium on a timely basis, or (ii) the individual committed fraud, or misrepresented whether or not he or she qualifies as an eligible individual or eligible dependent, or (iii) the individual failed to comply in a material way with the provisions of the health benefit plan; (3) Preexisting conditions provisions shall not exclude coverage for a period beyond six months following the individual's effective date of coverage and may only relate to (i) conditions which had, during the six months immediately preceding the effective date of coverage, manifested themselves in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment or for which medical advice, diagnosis, care or treatment was recommended or received during such period or (ii) a pregnancy existing on the effective date of coverage.

In determining whether a preexisting condition provision applies to an eligible individual, all guaranteed-issue individual health plans shall credit the time such person was covered under a previous qualifying health benefit plan if the previous coverage was continuous to a date not more than thirty days prior to the effective date of the new coverage, and if the previous qualifying health benefit plan coverage was reasonably actuarially equivalent to the new coverage; (iii) No guaranteed-issue individual health plan shall provide for a waiting period of more than six months beyond the eligible individual's effective date of coverage under the guaranteed-issue individual health plan, includes a waiting period, emergency services must be covered during the waiting period. In applying a waiting period to an eligible individual, all guaranteed-issue individual health plans shall credit the time such person was covered under a previous qualifying health benefit plan if such person experiences only a temporary interruption in coverage.

(d) (A) Every carrier offering a health benefit plan to individuals in the commonwealth shall elect annually for the calendar year to either (i) offer a guaranteed-issue individual health plan, described in subsection (c), to every eligible individual in the commonwealth, or (ii) not offer a guaranteed-issue individual health plan.

(B) Every carrier that elects to offer the guaranteed-issue individual health plan may also offer health benefit plans other than the guaranteed-issue individual health plan so long as the plan's benefit design and rates conform with that carrier's governing statute and applicable regulation.

(C) A carrier shall not be required to issue a health benefit plan to an eligible individual or eligible dependent if (1) the eligible individual or eligible dependent does not meet a health maintenance organization's requirements regarding residence within the health maintenance organization's approved service area; or (2) within an area where the health maintenance organization reasonably anticipates, and demonstrates to the satisfaction of the commissioner, that it will not, within that area, have the capacity in its network of providers to deliver services adequately to the individual because of its obligations to existing contract holders and enrollees; provided that the health maintenance organization that demonstrates to the satisfaction of the applicants for coverage, whether they be applicants for group or non-group coverage, until the later of ninety days after each such refusal or the date on which the health maintenance organization notifies the commissioner that it has regained capacity to deliver services to eligible individuals and eligible dependents.

(D) The premium charged for a guaranteed-issue individual health plan which is not issued by or through the partnership may not exceed the premium which would be applicable for such eligible individual if such plan was issued by the partnership. The premium may not exceed the premium established under the partnership.

(E) The carrier may reserve the right to adjust premiums by classes in accordance with its experiences for a guaranteed-issue individual health plan, provided such premium may not exceed the premium established for that particular class by the partnership.

A guaranteed-issue individual health plan shall contain the minimum standard benefits prescribed in subsection (c) and shall also conform in substance to the requirements of this section.

Each guaranteed-issue individual health plan shall contain provisions: (1) which obligate the carrier to continue the contract until the earlier of (A) the date on which the individual in whose name the contract was issued first becomes eligible for coverage under

Title XVIII of the Social Security Act, provided the individual is 65 years of age or older, or under a group health benefit plan; or (B) the plan anniversary date at least 60 days prior to which the carrier has mailed to the individual at his last address shown on the carrier's records written notice of its decision not to continue coverage on a class basis only; or (C) the date on which the individual becomes eligible for coverage under a health benefit plan, a high risk pool or arrangement established by statute or regulation in another state; (2) which, upon the death of the individual in whose name to contract was issued, permits every other individual then covered under the contract to elect, within such a period as shall be specified in the contract, to continue the same coverage until such time as he would have ceased to be entitled to coverage had the individual in whose name the contract was issued lived; and (3) under which the benefits payable shall be excess to all other sources of health benefit plans benefits including benefits provided pursuant to any commonwealth or federal law other than medicaid."

The amendment was *rejected*.

Mr. Tarr and Mr. Tisei moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. The secretary of health and human services shall develop a plan for the development of the commonwealth office of health care access, the purpose of which shall be for the provision of one-stop access of any citizen of the Commonwealth of any program or mechanism existing now or in the future for the provision of health insurance or the subsidization of the cost of health care.

The plan shall create uniform and comprehensive application, determination of eligibility and enrollment procedures for all such programs or mechanisms which shall include, but not be limited to, the children's medical security plan, the senior pharmacy access program, Mass Health, the program known as 'Healthy Start' and the program known as 'For Families.' The plan may also include any federal or private program or mechanism having the same or similar objectives as those described above.

The plan shall also provide for the maintenance and operation of not fewer than five regional offices of health care access, which shall be located in the Central, Western, Northeastern and Southeastern regions of the commonwealth and the city of Boston. Each office shall be adequately staffed for the volume of inquiries to be reasonably expected in its location and shall have the capability of communicating in those non-English languages to be reasonably expected as necessary in its location.

The office of health care access and its regional offices shall maintain a toll-free number for access, as well as the capability for communicating through electronic mail, and a 'web-site', so-called, for computer-based interchange of information.

The plan shall provide for a consolidated and comprehensive program of outreach, education and awareness calculated to maximize participation in the programs and mechanisms described above. The outreach program shall encompass the use of outreach professionals as well as so-called 'mini-grants' to facilitate the efforts of community-based organizations.

The plan shall be developed in consultation with the commissioner of public health, the commissioner of medical assistance, the commissioner of insurance and the secretary of administration and finance. The plan, together with cost estimates for its implementation and any legislative recommendations necessary to its implementation, shall be filed with the clerks of the senate and house of representatives and the joint committees on insurance and health care no later than April 21, 2000."

After remarks, the amendment was *rejected*.

Messrs. Tarr and Tisei, Mrs. Sprague and Mr. Brewer moved to amend the bill by inserting after section 215 the following section:—

"SECTION 215A. There is hereby established a special commission on expenditures by the commonwealth for snow and ice operations which shall consist of four members of the house, one of whom shall be appointed by the house minority leader, three members of the senate, one of whom shall be appointed by the senate minority leader, the secretary of administration and finance or his designee and the commissioner of highways or his designee. The commission shall conduct an analysis and review of the process for making appropriations and supplemental appropriations with regard to snow and ice operations and make recommendations for improvements in the policies and procedures currently utilized with the goal of ensuring more timely payment to vendors and contractors utilized by the commonwealth in snow and ice operations. The commission shall hold its first meeting not later than September 30, 1999 and file a report with its recommendations with the clerks of the house and senate and the senate and house committees on ways and means not later than March 1, 2000."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 214I (inserted by amendment) the following section:—

"SECTION 214J. The department of highways shall conduct a study of the feasibility and benefits of authorizing the construction of an exit ramp to be built on the northbound side of interstate highway route 93 approximately 4.5 miles north of the interchange of interstate highway route 93 and state highway route 3 in Braintree. The study shall include the effects on major economic and employment centers and assess the impact on local residential neighborhoods. The study may document potential changes in vehicular delay, travel time and the queuing of vehicular traffic stratified by lane assignments."

The amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding the provisions of any general or special law to the contrary, in order to promote sound and prudent fiscal management, the state secretary may transfer funds between the registry of deeds budgets under the jurisdiction of the state secretary upon notification to the comptroller and house and senate committees on ways and means".

The amendment was *rejected*.

Mr. Morrissey of Quincy moved to amend the bill by inserting after section 90 the following section:—

"Section 90A. Section 19 of chapter 211B of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Any individual or provider of dispute resolution services who has been providing such services for a period of at least five years shall be deemed certified and qualified to continue to provide such services under the provisions of any rule. The chief justice of administration and management shall not allow a court to exclusively refer all its cases requiring dispute resolution services to a sole program or provider."

The amendment was *rejected*.

Messrs. Morrissey and Shannon moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Clause sixteenth A of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the last paragraph."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill by inserting after section 86 the following section:—

"SECTION 86A. Section 8A of chapter 161A of the Massachusetts General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Any city or town which has agreed to locate a commuter rail station within the borders of said city or town after January 1, 1996 shall be exempt from all applicable assessments for the calendar year 2000 and thereafter."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2, in item 4512-0200, by inserting after the words "court adjudicated indigent clients;" the following words:— "; provided further, that not less than \$200,000 shall be expended for the New Beginnings Program, so-called, a wellness program for middle school students addressing student substance abuse issues;"; and in item 1410-0010, by adding the following words:— "; provided further, that not less than \$30,000 shall be expended to assist the town of Holliston in hosting the Moving Wall Vietnam Memorial during the summer of 1999".

The amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 214j (inserted by amendment) the following section:—

"SECTION 214K. A special commission shall be established to study the cause and effect on the commonwealth of the consumption and abuse of alcoholic beverages and their consequences and impact in relation to health policy and cost; loss of productivity in employment; cost to the commonwealth in terms of public safety, as based upon judicial and department of corrections involvement, including traffic fatalities and injuries; the increased incidents and awareness of college or young adult binge consumption and alcohol poisoning and; at-risk behavior patterns including, but not limited to, early sexual activity and academic underachievement in youth associated with early alcohol consumption.

The special commission shall consist of 20 appointed members with appointing authority as follows:

The governor shall appoint the secretary of administration and finance, the secretary of health and human services and the commissioner of public health or their designees;

The senate president shall appoint three members of the senate;

The speaker of the house shall appoint five members of the house of representatives; and

The senate president and the speaker of the house shall nominate one official designee from the following organizations: Associated Industry of Massachusetts, Massachusetts Association of Health Maintenance Organizations, Boston Public Health Commission, Massachusetts Medical Society, Massachusetts Health Policy Forum, Mothers Against Drunk Drivers, (*Higher Ed*), (*the Distillers*), and a trial justice as recommended by the chief justice of the trial court.

The special commission shall meet, carry out and complete its work by March 1, 2000, reporting to the governor, the senate president, the speaker of the house, the chairmen of senate and house committees on ways and means and the clerks of the senate and house of representatives. The report shall contain recommendations for further action including legislative action to be considered in conjunction with House bill 3852.

The special commission shall expend up to \$100,000 for expenses including but not limited to staff, travel, consultants and other related services and may accept in-kind research work and product from appointed members."

The amendment was adopted.

Messrs. Joyce and Creedon moved to amend the bill by inserting after section 30 the following section:—

"SECTION 30A. Section 3 of chapter 32 of the General Laws is hereby amended by striking out the first sentence of subdivision (4A), as amended by section 247 of chapter 161 of the acts of 1998, and inserting in place thereof the following sentence:— (4A) Credit for Teachers for Nonpublic School Service. — Any member in service or any member inactive on authorized leave of absence of the teachers' retirement system, the state retirement system or any other contributory retirement system who holds a certificate issued by the department of education or is exempted from the requirement of certification or any member who is employed in a public institution of higher education as a faculty member or professional employee not under the jurisdiction of the human resources division within the executive office for administration and finance classification system and who was previously engaged in teaching pupils or as an administrator in a nonpublic school prior to January 1, 1973 may, before the date any retirement allowance becomes effective for him, pay into the annuity savings fund of the appropriate 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 member's regular compensation for such previous period, or most recent portion thereof, as the member may elect, had such service been rendered in a public school of the commonwealth or public institution of higher education and had the member been a member of such retirement system during the period such service was rendered."; and

By inserting after section 222 the following section:—

"SECTION 222A. Subsection 1 of this section shall take effect retroactive to April 8, 1993."

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, for nursing facilities in which over 75 per cent of the residents have a neurological/ neuromuscular diagnosis, the division of health care finance and policy shall implement regulations that recognize as an allowable cost all of the nursing costs of such nursing facilities. The division of health care finance and policy shall implement and the division of medical assistance shall approve such regulations on a permanent basis notwithstanding changes in the methodology used to set rates paid to nursing facilities. The department of public health shall certify to the division of medical assistance and the division of health care finance and policy those nursing facilities in which over 75 per cent of the residents have a neurological/neuromuscular diagnosis".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 214K (inserted by amendment) the following section:—

"SECTION 214L. There is hereby established a special commission to study the feasibility of establishing a program to provide incentives for fire fighters to obtain advanced education in fire fighting science and related relevant subjects. The commission shall consist of the secretary of administration and finance, the secretary of public safety, the chairmen of the senate and house committees on ways and means, the house and senate chairmen of the joint committee on public service, the president of the Massachusetts association of fire chiefs, the commissioner of the department of fire services and a labor representative to be appointed by the governor. The commission shall report in writing the results of said study together with its recommendations to the secretary of administration and finance and the chairmen of the senate and house committees on ways and means not later than December 1, 1999."

The amendment was adopted.

Messrs. Joyce, Rosenberg and Moore moved to amend the bill by inserting after section 34 the following section:—

"SECTION 34A. Section 28K of chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

Such 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 its political sub-divisions together with regular interest thereon under the terms and conditions defined by the retirement system of which such employee is a member. This paragraph shall take effect for the members of any 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 commissioner".

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill, by inserting after section 127A (inserted by amendment) the following section:—

"SECTION 127B. Chapter 189 of the acts of 1998 is hereby amended, in item 0330-2208, by striking out the words 'the acquisition and construction of a parking facility for the new district court facility in the city of Taunton;' and inserting in place thereof the following text:— the acquisition and construction of a parking deck facility and additional parking for the new district court facility in the city of Taunton;".

The amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting after section 25 the following section:—

"SECTION 25A. Chapter 23 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by inserting after section 11A the following section:—

Section 11A½. (a) The division of occupational hygiene in the department of labor and workforce development in cooperation with the department of public health shall promulgate regulations establishing a bloodborne pathogen standard governing

occupational exposure of public sector employees to blood and other potentially infectious materials in accordance with subsection (c).

(b) For purposes of this section, the following words shall have the following meanings:

‘Bloodborne pathogens’, pathogenic micro organisms that are present in human blood and can cause disease in humans. Such pathogens include, but shall not be limited to, hepatitis B virus, hepatitis C virus and human immunodeficiency virus.

‘Engineered sharps injury protection’, either (1) a physical attribute built into a needle device used for withdrawing body fluids, accessing a vein or artery or administering medications or other fluids, which effectively reduces the risk of an exposure incident by a mechanism such as barrier creation, blunting, encapsulation, withdrawal, retraction, destruction or other effective mechanisms; or (2) a physical attribute built into any other type of needle device or into a non-needle sharp, which effectively reduces the risk of an exposure incident.

‘Needleless system’, a device that does not utilize needles for:

(1) the withdrawal of body fluids after initial venous or arterial access is established; (2) the administration of medication or fluids; and (3) any other procedure involving the potential for an exposure incident.

‘Public Employer’, an employer having a public employee with occupational exposure to blood or other material potentially containing bloodborne pathogens.

‘Public Employee’, an employee of the state, a county or local governmental unit, or agency thereof, employed in a public or private health care facility, home health care organization or other facility providing health care related services.

‘Sharp’, an object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

‘Sharps Injury’, an injury caused by a sharp, including, but not limited to, a cut, abrasion, needlestick or human bite.

‘Sharps injury log’, a written or electronic record satisfying the requirements of paragraph (2) of subsection (c).

(c) The bloodborne pathogen standard required by subsection (a) shall be at least as prescriptive as the standard promulgated by the federal Occupational Safety and Health Administration and shall include, but not be limited to, the following:

(1) A requirement that needleless systems and sharps with engineered sharps injury protection be implemented in all facilities employing public employees, as defined in subsection (b), except in cases where an evaluation committee established by the employer, at least half the members of which are front line health care workers, determines by means of objective product evaluation criteria that use of such devices will jeopardize patient or employee safety with regard to a specific medical procedure.

(2) A requirement that information concerning exposure incidents be recorded in a sharps injury log, including, but not limited to:

(A) date and time of the exposure incident;

(B) type and brand of sharp involved in the exposure incident; and

(C) description of the exposure incident which shall include:

ii(i) job classification of the exposed employee;

i(ii) department or work area where the exposure incident occurred;

(iii) the procedure that the exposed employee was performing at the time of the incident;

(iv) how the incident occurred;

i(v) the body part involved in the exposure incident;

(vi) if the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before the protective mechanism was activated, during activation of the mechanism or after activation of the mechanism, if applicable;

(vii) if the sharp had no engineered sharps injury protection, the injured employee’s opinion as to whether and how such a mechanism could have prevented the injury, as well as the basis for the opinion; and

(viii) the employee's opinion about whether any other engineering, administrative or work practice control could have prevented the injury, as well as the basis for the opinion.

(d) The division shall consider additional requirements as part of the bloodborne pathogen standard to prevent sharps injuries or exposure incidents, including, but not limited to, training and educational requirements, measures to increase vaccinations, strategic placement of sharps containers as close to the work area as practicable and increased use of personal protective equipment.

(e) The division shall compile and maintain a list of existing needleless systems and sharps with engineered sharps injury protection, which shall be available to assist employers in complying with the requirements of the bloodborne pathogen standard adopted pursuant to this section. The list may be developed from existing sources of information, including but not limited to, the federal Food and Drug Administration, the federal Centers for Disease Control, the National Institute of Occupational Safety and Health and the United States Department of Veterans Affairs."; and

By inserting after section 191 the following section:—

"SECTION 191A. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Bloodborne Pathogens Standard Fund. There shall be credited to the fund any appropriation, transfer, grant, gift or other contribution made to the fund and any income derived from investment of amounts credited to said fund. Amounts credited to said fund shall be held in an expendable trust and the division of occupational hygiene in the department of labor and workforce development shall report monthly by source all amounts credited to said fund and all expenditures by subsidiary made from said fund on the Massachusetts management and accounting reporting system, so-called. Said amounts so credited shall be used solely for research and development, as well as product evaluations, of needleless systems and sharps with engineered sharps injury protection as defined in section 11A½ of chapter 23".

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill by inserting after section 191J (inserted by amendment) the following section:—

"SECTION 191K. (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 department of education shall release, not later than August 1, 1999, the technical manual and test manual for the Massachusetts educator certification test.

(c) The commissioner of education shall select a panel of three experts from out-of-state 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.

(d) 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 no later than October 1, 1999. 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 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 committees on post audit and oversight shall utilize their power to summon witnesses, administer oaths, take testimony and compel the production of evidence in order to facilitate obtaining the necessary information."

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting after section 128A (inserted by amendment) the following section:—

"SECTION 128B. Section 1. Chapter 194 of the acts of 1998 is hereby amended by striking out section 390 and inserting in place thereof the following section:—

Section 390. Notwithstanding the provisions of any general or special law to the contrary, there is hereby established a special commission to study the potential reuse of the building and grounds of the core campus, so called, of the Dever State School, which shall evaluate the best use of said property from a community and regional perspective. Said core campus shall be identified as the property originating at the main entrance of the Dever State School, located on Bay street in the city of Taunton,

containing the functional buildings of the campus and constituting approximately 60 acres. The commission shall consist of the commissioner of capital asset management and maintenance, or his designee; the commissioner of mental retardation, or his designee; the director of economic development, or his designee; one member appointed by the Southeastern Regional Planning and Economic Development District; one member appointed by the mayor of the city of Taunton; two members from the department of mental retardation region V citizen advisory board to be appointed by the commissioner of said department; one member of the Dever Association; one member representative of the AFL-CIO; the state senator from the first Plymouth and Bristol district; the state representative from the third Bristol district; the state representative from the fourth Bristol district; the state representative from the fifth Bristol district; and one member appointed by the greater Taunton chamber of commerce. The commission shall file a report and recommendations with the house and senate committees on ways and means not later than June 30, 2000."

The amendment was adopted.

Mr. Magnani moved to mend the bill by inserting after section 109 the following section:—

"SECTION 109A. Chapter 5 of the acts of 1995 is hereby amended by inserting after section 141 the following section:—

Section 141A. Notwithstanding the provisions of this act or of any general or special law to the contrary, no recipient of transitional assistance shall be required to participate in any work or educational or training activities which would cause the recipient to place a child under the age of five in care outside the child's home between the hours of 5 P.M. and 7 A.M."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill by adding the following section:—

"SECTION . Subparagraph (3) of the first paragraph of subsection (e) of section 110 of chapter 5 of the acts of 1995 is hereby amended by striking out the words 'under the age of two' and inserting in place thereof the following words:— under the age of five."

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 214L (inserted by amendment) the following section:—

"SECTION 214M. The department of labor and workforce development shall study the consolidation of all job training and workforce development programs in the commonwealth including, but not limited to those programs funded through items: 5920-2025, 4401-1000, 4110-3010, 4120-2000, 4120-3000, 7035-0002, 7027-0018, 7027-0016, 7002-0101, 7003-0700, 7003-0500, 7003-0103, 7003-0810, 7003-0400, 7003-0603, 7003-0901, 7003-0601, 7003-0900, 7009-0810, 7003-1000, 7003-2000, 7038-0002, 7038-0107, 7038-0131, 7038-0192, 1410-0128, 7003-0701, 7003-0803, 7003-1621, 7003-1623, 7003-1624, 7002-6626, 7002-9701, 7003-9006, 7003-1627, 7002-6628, 7002-6629, 7003-1010.

The directors of each of the programs referenced above shall meet regularly with the director of the department labor and workforce development and the deputy director of workforce development and shall provide them with any information necessary to assist in the coordination of these programs including, but not limited to, program goals, and planned activities for fiscal year 2000 and beyond.

On or before March 1, 2000, the department of labor and workforce development shall submit a report to the clerks of the house and senate and the house and senate committees on ways and means detailing a plan to consolidate the administration of workforce development programs. The plan shall include the programs to be consolidated, a proposal for consolidating certain programs as of July 1, 2000, any necessary changes to special and general law, and any additional funding requirements. The plan shall also include any recommended changes to the department of labor and workforce development to enable it to effectively assume its increased responsibilities."

The amendment was adopted.

Mr. Morrissey moved to further amend the bill by inserting after section 105 the following section:—

"SECTION 105A. Section 92 of chapter 71 of the acts of 1993, as amended by chapter 220 of the acts of 1997, is hereby further amended by inserting after the word 'Laws;' the following words:— provided further, that until July 1, 2001, section 41 shall not apply to a school nurse employed by a school committee who has been employed by a municipality within the preceding two years, or to a school nurse employed by a school committee who has been employed as either a community health nurse or child health nurse and earned the degree of bachelor of science in nursing prior to June 18, 1993."; and

By inserting after section 191K (inserted by amendment) the following section:—

"SECTION 191L. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall promulgate regulations and guidelines clarifying certification standards for school nurses employed by school committees, municipalities, the department of health or any other employer, and the department shall notify all such school nurses of such regulations and guidelines, on or before January 1, 2000. The department shall file a report detailing its compliance with this section with the joint committee on education, arts and humanities and the house and senate committees on ways and means on or before January 1, 2000."

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill by inserting after section 191L (inserted by amendment) the following section:—

"SECTION 191M. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance and the department of public health shall deposit all monies collected as civil monetary penalties from nursing homes participating in the medicaid program authorized by Title XIX of the Social Security Act into a retained revenue fund which shall be designated and known as the Commonwealth of Massachusetts CMP Fund. Monies collected as civil monetary penalties from nursing homes shall include both monies collected from medicaid-only facilities, known as nursing facilities, and the commonwealth portion of funds collected from dually participating facilities, known as skilled nursing facilities or nursing facilities, for noncompliance with sections 1919(b), 1919(c) and 1919(d) of the Social Security Act and monies collected from individuals pursuant to sections 1919(b)(3)(B)(ii)(I), 1919(b)(3)(B)(ii)(II) and 1919(g)(2) (A)(i) of the Social Security Act. The fund shall be maintained by the department of public health in a separate account and the monies therein shall not be commingled with monies in any other account or fund. The division shall transfer to the department for deposit by the department into the fund all monies held by the division arising from the collection of civil monetary penalties from nursing homes. The division shall transfer to the department, from monies appropriated in item 4000-0600 of section 2 for deposit in the fund, an amount equal to all civil monetary penalties collected from nursing homes by the division or turned over to the division by the department commencing on July 1, 1999. The department shall administer the fund in accordance with law including, without limitation, section 1919(h)(2)(A)(ii) of the Social Security Act. The department shall expend monies in the fund for the protection of the health and property of nursing home residents in nursing home facilities found by the department or the secretary of health and human services to be deficient including, without limitation, the following: (i) nursing facility staff training and education; (ii) technical assistance for troubled facilities; (iii) dissemination of best practice models for quality of care issues, such as malnutrition and dehydration; (iv) state operation of facilities pending correction of deficiencies or closure; (v) reimbursement of facility residents for lost personal funds or property; and (vi) costs of relocating residents from one facility to another."

After remarks, the amendment was adopted.

Mr. Bernstein moved to amend the bill by inserting after section 17 the following section:—

"SECTION 17A. Chapter 10 of the General Laws is hereby amended by striking out section 35L, as appearing in the 1996 Official Edition, and inserting in place thereof the following section:—

Section 35L. There shall be established upon the books of the commonwealth a separate fund to be known as the Division of Insurance Trust Fund, to be expended subject to appropriation, by the division of insurance established in section 1 of chapter 26. Revenues collected pursuant to section 163 of chapter 175 by said division in a fiscal year shall be deposited into the fund in an amount sufficient to create a positive balance in the fund at the end of such fiscal year and in an amount not less than total appropriation made from the fund in the annual general appropriation act for such fiscal year. Revenues collected pursuant to said section 163 of said chapter 175 in excess of said deposit shall be deposited into the general fund. Any unexpended balance in the Division of Insurance Trust Fund at the end of a fiscal year shall not revert to the general fund, but shall remain available for expenditure from such fund in subsequent fiscal years, subject to appropriation;".

By inserting after section 87A (inserted by amendment) the following section:—

"SECTION 87B. Section 163 of chapter 175, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 30, in line 31, and in line 38, the words 'three years', each time they appear, and inserting in place thereof, in each instance, the following words:— one year."; and

By inserting after section 111 the following section:—

"SECTION 111A. Section 49 of Chapter 204 of the acts of 1996 is hereby repealed."

By inserting after section 191M (inserted by amendment) the following two sections:—

"SECTION 191N. Notwithstanding the provision of section 163 of chapter 175 of the General Laws or the provision of any general or special law to the contrary, any license issued and renewed on or after July 1, 1998 and on or before June 30, 1999 pursuant to said section 163 of said chapter 175, shall expire three years from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the acting authority of the agent. Any

license issued and renewed on or after July 1, 1999 and on or before June 30, 2000 pursuant to said section 63 of said chapter 175, shall expire two years from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the acting authority of the agent. Any license issued and renewed on or after July 1, 2000 and on or before June 30, 2001 pursuant to said section 163 of said chapter 175, shall expire one year from the date of issuance, unless sooner revoked or suspended, or unless the company by written notice filed with the commissioner cancels the authority of the agent.

SECTION 191O. Notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the secretary of administration and finance shall establish the fee charged on licenses issued for a period of one year, other than licenses limited to life or accident and health insurance, pursuant to section 163 of chapter 175. The secretary shall authorize and assist the division of insurance to establish a procedure whereby a company may be issued a single notice for collection of all fees due for all licenses and renewals issued under said section 163 of said chapter 175 on an annual basis."

The amendment was adopted.

Ms. Wilkerson, Mr. Tolman, Ms. Creem, Ms. Resor, Ms. Fargo, Mr. Magnani, Ms. Murray, Ms. Melconian, Messrs. Rosenberg and Morrissey moved to amend the bill by inserting after section 191O (inserted by amendment) the following section:—

"SECTION 191P. Notwithstanding any general or special law to the contrary, hearing officers or referees of the department of transitional assistance shall apply the same standard of review for administrative appeals concerning benefits or waivers under chapter 5 of the acts of 1995. The department shall file a report detailing its compliance with the provisions of this section, including the effect of this section on agency decisions, with the joint committee on human services and the house and senate committees on ways and means on or before January 1, 2000."

The amendment was adopted.

Reports of a Committee.

There being no objection, during consideration of the Orders of the Day, were considered, as follows:

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 relative to the conveyance of certain land from Nantucket County to the town of Nantucket (House, No. 3977).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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 Nantucket County to convey certain land (House, No. 3978).

There being no objection, the rules were suspended, on motion of Mr. Rauschenbach, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading, so as to read as follows:— "An Act authorizing Nantucket county to convey certain land to the town of Nantucket and the Massachusetts Audubon Society, Inc."

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Magnani moved to amend the bill by inserting after section 126A (inserted by amendment) the following section:—

"SECTION 126B. Notwithstanding the provisions of section 2 of chapter 184 of the acts of 1997 or any other general or special law, the Massachusetts Water Resources authority shall be reimbursed \$200,000 from the proceeds of the sale of the property for

its costs and expenses through June 30, 1999 of its environmental remediation of the parcel identified in section 1 of said chapter 184 prior to the deposit of sale proceeds into the accounts identified in section 2 of said chapter 184. The authority shall be further reimbursed annually for any remediation costs and expenses incurred by it after June 30, 1999 from the sale proceeds deposited into the Metropolitan Parks Trust Fund identified in section 2 of said chapter 184."

The amendment was adopted.

Messrs. Lees, Tarr, Tisei, Hedlund, Knapik, Brewer, Creedon, Havern, Panagiotakos, Ms. Creem, Mrs. Sprague and Mr. Magnani moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Chapter 13 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following section:—

Section 11D. There shall be within the division of registration a board of registration of dietitians and nutritionists to be appointed by the governor, who in his discretion may seek the advice of the Massachusetts nutrition board, as established under section 181 of chapter 6 of the General Laws, to consist of eight members who are citizens of the Commonwealth, three of whom shall be licensed dietitians/nutritionists who are registered dietitians with the Commission on Dietetic Registration of the American Dietetic Association, one of whom shall be a licensed dietitian/nutritionist with a baccalaureate degree, one of whom shall be a licensed dietitian/nutritionist with a doctoral degree, one of whom shall be an educator from an accredited nutrition program in Massachusetts, and two of whom shall be consumers who are representatives of the general public. Of the first board appointed by the governor non-public members shall be registered dietitians or nutritionists with seven years of paid professional experience in the practice of dietetics.

Members shall be appointed for a term of three years. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon.

Said board shall elect its chairperson annually and shall meet at the call of such chairperson or upon the request of four or more members of the board. A quorum shall consist of at least five members present. Said chairperson shall only vote on board matters in the case of a tie. Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties. The board shall meet at least annually."; and

By inserting after section 70 the following section:—

"SECTION 70A. Chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after section 195 the following sections:—

Section 196. The following words and phrases as used in this section and in sections one hundred ninety-seven to two hundred two, inclusive, shall, unless context otherwise requires, have the following meanings:

‘Board’, the board of registration of dietician/nutritionists established by section eleven D of chapter thirteen.

‘Licensed dietitian/nutritionist’ or ‘LDN’ means a person licensed under sections one hundred ninety-six to two hundred two of this chapter. The terms ‘licensed dietitian’ and ‘licensed nutritionist’ may be used interchangeably.

‘Field of dietetics and nutrition’, the integration and application of scientific principles of food, nutrition, biochemistry, physiology, food management, behavioral and social sciences to achieve and maintain the health of people. The field includes assessing the nutritional needs of individuals and groups of individuals based upon appropriate biochemical, anthropometric, physical, demographic, clinical, and dietary data to determine nutrient needs including enteral and parenteral nutrition; developing, evaluating and monitoring nutrition care plans that establish priorities, goals and objectives for meeting nutrient needs for individuals and groups; and advising and assisting individuals or groups of individuals on appropriate nutritional intake as part of preventive or restorative health care. Dietetics and nutrition also includes integrating information from the nutrition assessment with information on food and other sources of nutrient and meal preparation consistent with cultural background and socioeconomic status.

"Registered dietitian", a person registered by the commission of dietetic registration of the American Dietetic Association who practices the field of dietetics and nutrition.

"Nutritionist," a person concerned with food science and human nutrition, who adapts and applies food and nutrient information to the solution of food problems, the control of disease and the promotion of health, performs nutritional research, instructs groups and individuals about nutritional research, instructs groups and individuals about nutritional requirements and assists individuals about nutritional requirements, and assists individuals in developing patterns to meet their nutritional needs.

Section 197. The board shall have the following powers and duties:

- (1) to promulgate regulations and adopt such rules as are necessary to regulate the field of dietetics and nutrition and the practice of licensed dietitian/nutritionists;
- (2) to receive, review, approve or disapprove applications for licensing and to issue licenses;
- (3) to establish administrative procedures for processing applications and renewals and to hire or appoint such agents as appropriate for processing applications and renewals;
- (4) to retain records of its actions and proceedings in accordance with the public records law;
- (5) to establish specifications for the licensing examination consistent with the Code of Fair Testing Practices in Education and the Standards of Educational and Psychological Testing prepared by the Committee to Develop Standards for Educational and Psychological Testing of the American Educational Research Association, The American Psychological Association and the National Council on Measurement in Education.
- (6) to define by regulation the appropriate standards for education and experience necessary to qualify for licensure, and for the conduct and ethics which shall govern the practice of licensed dietitians/nutritionists;
- (7) to establish administrative procedures consistent with chapter thirty A for the conduct of disciplinary proceedings;
- (8) to fine, censure, suspend, revoke or otherwise discipline licensees pursuant to the disciplinary proceedings provided for herein;
- (9) to summarily suspend the license of licensees who pose an imminent danger to the public provided a hearing is afforded to the licensee within seven days of the board's action to determine whether such summary action was warranted;
- (10) to perform such other functions and duties as may be necessary to carry out the provisions of this chapter.

Section 198. An application for original license, renewal and to sit for the licensing examination shall be made on the forms approved by the board and accompanied by the appropriate fee.

The fee for original license and renewal shall be determined by the commissioner of administration and finance pursuant to the provisions of section three B of chapter seven which shall be established at a level sufficient to and dedicated to offsetting the cost to the division of registration for the operations of the board.

Applications for original license shall be sworn and furnish satisfactory proof that the applicant is at least eighteen years old, of good moral character and has met the educational and professional experience requirements prerequisite to sitting for the licensing examination.

Educational requirements for licensure shall include:

- (1) a bachelor's degree or higher with a major course of study in dietetics and nutrition, human nutrition, nutrition education, or public health nutrition or
- (2) a bachelor's degree or higher with a reasonable threshold of undergraduate level academic credit hours in nutrition and nutrition sciences as determined by the board, from a college or university regionally accredited by the New England Association of Colleges and Schools, Inc./Commission on Institutions of Higher Education or equivalent.

Professional experience requirements for licensure shall include:

- (3) a formal post baccalaureate internship approved by the board of not less than nine hundred hours in the field of dietetics and nutrition supervised by a licensed dietitian/nutritionist; or
- (4) three years of post baccalaureate paid professional experience in the field of dietetics and nutrition; or
- (5) two years of post master's degree paid professional experience in the field of dietetics and nutrition; or
- (6) one year of post doctorate paid professional experience in the field of dietetics and nutrition; or
- (7) such comparable experience which satisfies the board that the licensee is competent to practice as a licensed dietitian/nutritionist.

Section 199. Applicants approved by the board as having met the age, character, education and experience requirements for licensure may sit for the licensing exam by filing an application with the board of its agent. Upon attaining a passing score on the licensing examination, an applicant must apply for a license within two years by paying the required fee and filing the proper application with the board. Failure to apply for a license within two years of taking the examination may result in the applicant being re-examined at his own expense. An applicant who fails the licensing examination may be re-examined by filing a new examination application fee with the board or its agent.

Section 200. The board shall be empowered to deny or refuse to renew a license, or suspend or revoke a license or issue order to cease and desist from certain conduct or to otherwise lawfully discipline an applicant or licensee who has,

- (a) attempted to or obtained licensure by fraud or misrepresentation;
- (b) engaged in unethical or unprofessional conduct, including, but not limited to, willful acts, negligence, or incompetence in the course of professional practice;
- (c) engaged in habitual intoxication or personal misuse of any drug, including alcohol, narcotics or controlled substance so as to adversely affect the person's ability to practice;
- (d) been convicted of any offense under state or federal laws involving moral turpitude; or
- (e) violated any lawful order, rule or regulation rendered or adopted by the board.

After issuing an order for revocation or suspension the board may also file a petition in equity in the superior court in the county in which the respondent resides or conducts his practice, or in Suffolk county, to ensure appropriate injunctive relief to expedite the secure enforcement of its order.

Section 201. No person shall hold himself out to be a licensed dietitian/nutritionist unless so licensed under the applicable provisions of this chapter. This section shall not restrict any person who does not hold himself out to be a licensed dietitian/nutritionist from the following:

- (a) pursuing a degree in dietetics or nutrition at an accredited college or university and engaging in the practice of dietetics or nutrition under the supervision of a licensed dietitian/nutritionist and in accordance with professional standards of practice, provided that the person is designated by a title clearly indicating his status as a student;
- (b) fulfilling the professional experience requirement in dietetics or nutrition necessary for licensure who is engaging in the practice of dietetics or nutrition under the supervision of a licensed dietitian/nutritionist and in accordance with professional standards of practice, provided that the person is designated by a title clearly indicating his status as a trainee;
- (c) furnishing information regarding food, food material, or dietary supplements;
- (d) furnishing information about food, food products, or dietary supplements to customers in connection with the marketing and distribution of such items;
- (e) practicing a health profession that he is otherwise authorized to practice under chapter one hundred twelve of the General Laws; or
- (f) practicing a health profession that includes a dietetic or nutritional practice component, including, but not limited to, holistic medicine, naturopathic medicine, homeopathic medicine, macro-biotics, ayurvedic therapy, polarity therapy, shiatsu therapy, massage therapy, and herbal therapy.

Section 202. Every person licensed in accordance with this chapter shall apply to the board for renewal of license on or before the anniversary of the date of birth of the licensee next occurring more than twenty-four months after the date of issuance of the license and every two years thereafter. An application for renewal of license shall be approved for those applicants who provide evidence of successful completion of at least thirty hours biannually of continuing education for licensed dietitian/nutritionists, as approved by the board, and provide evidence of compliance with such other requirements or equivalent requirements as approved by the board.

Upon satisfactory proof of compliance with the licensing requirements for dietitians/nutritionists and successful completion of said continuing education requirement the board shall issue a renewal license showing that the holder is entitled to be licensed for two years. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee.

Section 203. The board may provide reciprocal recognition for registered, certified, or licensed dietitians/nutritionists from other jurisdictions, provided that the standards of registration, certification, and licensure in the jurisdiction are reasonably equivalent to those set forth in sections one hundred ninety-eight and one hundred ninety-nine.

Section 204. (1) Any person acting or purporting to act as a license dietician/nutritionist without first obtaining a license to practice under this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for a term not to exceed one year or both.

Upon conviction of a subsequent violation, such person shall be punished by a fine of not more than ten thousand dollars or two years imprisonment or both.

(2) A person who receives any money or the equivalent thereof as a fee, commission, compensation or profit by, or in the consequence of a violation of any provision of this chapter, shall, in addition to any other penalty, be liable for a fine of not less than the sum of the money so received and not more than three times the sum so received as may be determined by the board.

(3) No action or suit shall be instituted nor recovery had, in any court of the Commonwealth by any person for compensation for any act done or service rendered as a licensed dietitian/nutritionist, unless such person held a valid current license under this chapter at the time of offering to perform such act or service.

Section 205. Each licensed dietician/nutritionist shall advise the board of the address of his principal place of business and all other addresses at which he is currently engaged in business. He shall immediately give written notification to the board for the change of address and apply for an amended license. He shall also advise the board in writing of his current residential address."; and

By inserting after section 215B (inserted by amendment) the following section:—

"SECTION 215C. A license as a dietitian/nutritionist may be issued without examination to an applicant who meets the requirements of section 198 of chapter 112 and provides to the board's satisfaction that he is and actually has been in the paid professional practice for five years out of the last ten years in the field of dietetics and nutrition preceding the effective date of this act. The board in its discretion may waive the education requirements for an applicant if it determines that an applicant's combined professional and education credentials meet the intent of this act.

The provisions of this section shall expire one year following the effective date of this act".

The amendment was adopted.

Recess.

At twenty-seven minutes past five o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and at twenty-six minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

Suspension of Senate Rule 38A.

Ms. Melconian 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 rules was suspended without a recorded yea and nay vote.

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Ms. Wilkerson moved to amend the bill by inserting after section 106 the following section:—

"SECTION 106A. Subsection 7(c) of section 301 of chapter 60 of the acts of 1994 is hereby amended by adding the following paragraph:—

Notwithstanding the provisions of any other special or general law, including but not limited to the provisions of this chapter, the commissioner may enter into one or more leases with one or more developers of Boston State Hospital for facilities to be used by

the University of Massachusetts Medical School, including contractual affiliates of the University of Massachusetts Medical School, for a period of 30 years, with the option of renewal by the commissioner, on behalf of the University of Massachusetts Medical School, for a period or periods not to exceed 20 years, to provide facilities consistent with the requirements of the University of Massachusetts Medical School. The terms of such leases shall be no less favorable to the commonwealth as tenant than those in comparable leases for comparable facilities in the city of Boston as determined by the commissioner. The terms of such leases shall be subject to the approval of the secretary of administration and finance. The commissioner shall review the requirements of the University of Massachusetts Medical School before the execution of such a lease and shall submit said review to the inspector general for his review and comment prior to the execution of a lease. The inspector general shall issue any comment within 15 days of receipt of said review."

The amendment was adopted.

Ms. Jacques moved to amend the bill by inserting after section 126 the following section:—

"Section 126A. Notwithstanding any law, rule, or regulation to the contrary, the division of capital asset management shall complete the transfer of the parcel of land authorized by chapter 135 of the acts of 1997 to the town of Wrentham as a payment in lieu of taxes for the land surrounding the Wrentham Developmental Center, a public institution under the department of mental retardation, as required by chapter 58 of the General Laws. Said transfer shall offset a portion of the shortfall in such payments before fiscal year 1998 equal to the appraised value of the parcel."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 32 the following section:—

SECTION 32A. Subdivision (5) of section 20 of chapter 32, as so appearing, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

"(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 judgement 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.

(ii) Whenever an error exists in the records maintained by the system or any 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 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.

(iii) At the request of a member or beneficiary who has been determined to have been paid amounts in excess of those to which he 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:

(A) the error in any benefit payment or amount contributed to the system persisted for a period in excess of one year;

(B) the error was not the result of erroneous information provided by the member or beneficiary; and

(C) 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."; and by inserting after section 222, the following section:—

"SECTION 222A. Section 32A shall take effect January 1, 1995 and shall apply to any demand for repayment of excess payments or amounts owed to a retirement system made by a retirement board after said date".

The amendment was *rejected*.

Mr. Norton moved to amend the bill by inserting after section 244M (inserted by amendment) the following section:—

"SECTION 244N. The department of telecommunications and energy, in conjunction with the Massachusetts Bay Transportation Authority, shall develop a plan on the creation, along existing railroad rights of way, of utility corridors, so-called, for the purpose of developing pipeline networks for the transportation of, but not limited to, natural gas, petroleum products, the product of desalinization processes and as protective conduits for fiber optic cable and other telecommunications systems and for electric

transmission and distribution facilities, the cost of use of which shall be proportionately borne by the utilities which utilize the corridors. The plan shall consider and recommend guidelines for said department to give siting preference to a public utility, as defined in section 3 of chapter 25 of the General Laws, and a community antenna television system, as defined in chapter 166A of the General Laws, which agrees to site, wherever possible, the bulk of its pipeline or cable network along a utility corridor. The plan shall also include an analysis of projected revenues that can be generated by said authority from the sale of use of utility corridors to such public utilities or CATV systems. Said plan shall be submitted to the house and senate committees on ways and means together with proposed legislation effectuating the creation of such utility corridors not later than October 1, 1999."

The amendment was adopted.

Messrs. Knapik, Lees and Magnani moved to amend the bill by inserting after section 39 the following seven sections:—

"SECTION 39A. Section 5 of chapter 59 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in lines 764 and 799, each time they appear, the words 'six thousand' and inserting in place thereof, in each instance, the following figure:— 7,500.

SECTION 39B. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 765 and 801, each time they appear, the words 'seven thousand' and inserting in place thereof, in each instance, the following figure:— 8,750.

SECTION 39C. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 951 and 978 to 979, each time they appear, the words 'ten thousand' and inserting in place thereof, in each instance, the following figure:— 12,500.

SECTION 39D. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 952 and 981, each time they appear, the word 'twelve' and inserting in place thereof, in each instance, the following figure:— 15.

SECTION 39E. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 1040 and 1068, each time they appear, the words 'thirteen thousand' and inserting in place thereof, in each instance, the following figure:— 16,250.

SECTION 39F. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in lines 1041 and 1070, each time they appear, the words 'fifteen thousand' and inserting in place thereof, in each instance, the following figure:— 18,750.

SECTION 39G. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after clause Forty-first C the following clause:— Forty-first D, the amounts of allowable gross receipts from all sources set forth in clauses Forty-first, Forty-first B, and Forty-first C shall be adjusted annually to reflect fluctuations in the rate of inflation. Such adjustments shall be undertaken by the commissioner of revenue or his designee."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following sections:—

"SECTION 54A. Subsection (a) of section 31A of chapter 63 of the General Laws, as appearing in the 1996 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 per cent of the lessors 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) the lease does not constitute a purchase; (ii) the property is not taxable under chapter 60A; (iii) the property is used by the lessee corporation in the commonwealth; (iv) the property is situated in the commonwealth on the last day of the taxable year; and (v) the 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 pursuant to this section.

SECTION 54B. Said section 31A of said chapter 63, as so appear ing, 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 taxes 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 54C. Subsection (i) of said section 31A of chapter 63, as so appear ing, 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) the lease does not constitute a purchase; (ii) the property is not taxable under chapter 60A; (iii) the property is used by the lessee corporation in the commonwealth; (iv) the property is situated in the commonwealth on the last day of the taxable year; and (v) the 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 pursuant to this section."; and

By inserting after section 222 the following section:—

"SECTION 222A. The provisions of sections 54A through 54C shall apply to tax years beginning on or after January 1, 1999".

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik and Tarr and Mrs. Sprague moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Paragraph (e) of section 21C of chapter 59 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following subparagraph:—

The provisions of this paragraph shall not apply to persons 70 years of age or older provided that such persons have owned the real estate subject to such tax increase for a period of at least ten years".

The amendment was *rejected*.

Mr. Rauschenbach moved to amend the bill by inserting after section 214N (inserted by amendment) the following section:—

"SECTION 214O. The executive office of public safety shall conduct a study of the feasibility of reporting offenders who commit moving violations on the Massachusetts Turnpike and fail to pay or appear after being issued notice of the violation. The study shall include, but not be limited to, reporting such violators to the registrar of motor vehicles after repeated failures to appear for an offense. The study shall examine possible penalties to be assessed for such failure to pay or appear after a violation, including but not limited to, nonrenewal of the operator's license and prohibiting the registration of any vehicles by the operator until the matter is disposed of in accordance with applicable law or regulation. The study shall further investigate the appropriate manner, form and content of any notices violators should receive from the registrar of motor vehicles. The study shall also investigate the feasibility of imposing similar penalties on residents of other states who commit such violations. The executive

office of public safety shall report its findings and draft legislation to the clerk of the senate and the senate committee on ways and means not later than September 1, 1999".

The amendment was adopted.

Messrs. Tarr, Lees, Mrs. Sprague, Messrs. Hedlund, Knapik, Tisei, Rauschenbach and Morrissey moved to amend the bill by inserting after section 54 the following section:—

"SECTION . Section 6 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

(rr) 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."

The amendment was *rejected*.

Ms. Walsh moved to amend the bill by inserting after section 109 the following section:—

"Section 109A. Section 7 of chapter 81 of the acts of 1995 is hereby amended by adding the following paragraph:—

Any financial institution which was taxed under the provisions of chapter 62 of the General Laws or sections 30 to 42 , inclusive, of chapter 63 of the General Laws for its taxable year beginning 1994 shall be taxed as a financial institution for the taxable year beginning on or after January 1, 1999 and all successive taxable years; but a partnership subject to the definition of financial institution in clause 9 of section 1 of chapter 63 of the General Laws which, as of January 1, 1995, was subject to supervision and examination by the commissioner of banks and whose partners have been subject to tax with respect to income from the partnership under the provisions of chapter 62 and have been filing in the commonwealth on that basis, shall continue to be so taxed and shall not be taxed as a financial institution pursuant to said chapter 63; the provisions of sections 1 to 2A, inclusive, of chapter 63 of the General Laws, shall otherwise apply to said partnership and the partners for purposes of determining the gross income of a non-resident individual from sources within the commonwealth under section 5A of chapter 62 of the General Laws."; and

By inserting after section 47 the following section:—

"SECTION 47A. Section 5A of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, hereby amended by inserting after the word 'determined', in line 9, the following words:— ; provided, however, that for purposes of determining the gross income of a non-resident individual from sources within the commonwealth, the provisions of sections 1 to 2A, inclusive, of chapter 63 shall apply to a partnership subject to the definition of a financial institution in clause 9 of section 1 of chapter 63 which as of January 1, 1995, was subject to supervision and examination by the commissioner of banks and whose partners have been subject to tax with respect to income from said partnership under the provisions of chapter 62 and have been filing in the commonwealth on that basis."

The amendment was adopted.

Mr. Montigny moved to amend the bill, in section 2, in item 0333-0300, by inserting after the words "procedures clerk" the following words:— "to serve in the probation office at New Bedford";

In said section 2, in item 0526-0100, by adding the following words:— "; prior appropriation continued";

In said section 2, in item 0612-1010, by striking out the words "one and three-tenths per cent" and inserting in place thereof the following words:— "3 per cent";

In said section 2, by inserting after item 1599-0036, the following item:

"1599-0060 For a reserve for the operation of the division of health care finance and policy and the administration of the uncompensated care pool; provided, that no funds shall be expended from this item for AA subsidiary costs, so-called; provided further, that the comptroller shall establish quarterly benchmarks for the collection of not less than \$7,100,000 in fiscal year 2000 from federal financial participation generated by administrative expenditures of the division for the medicaid program pursuant to Title XIX of the Social Security Act; and provided further, that said division may make expenditures from this item, subject to the provisions of item 4100-0060, upon certification by the comptroller that said benchmarks have been achieved for two quarters in said fiscal year
.....500,000".

In said section 2, by striking out item 2300-0101 and inserting, in place thereof, the following item:

"2300-0101 For a program of riverways protection, restoration, and promotion of public access to rivers, including grants to public and non-public entities; provided, that the positions funded in this item shall not be subject to the provisions of chapter 31 of the General Laws

.....517,867

Public Access Fund.....47.79%";

General Fund.....52.21%";

In said section 2, in item 4100-4000, by striking out the words "visually impaired and multi-disabled workers at Ferguson Industries", and inserting in place thereof the following words:—"blind workers in the workshop";

In said section 2, item 7052-0004, by striking out the figure "46,628,730" and inserting in place thereof the following figure:—"48,284,329"; in section 2, in item 7070-0065, by striking out, in line 54, the figure "14,000,000" and inserting in place thereof the following figure:—"16,000,000";

In said section 2, in item 7077-0010, by adding the following words:—""; provided, that the increase in this item over the amount appropriated in chapter 194 of the acts of 1998 shall be distributed to campuses in the same formulaic manner as in said chapter 194";

In said section 2, in item 8000-0010, by adding the following words:—""; provided further, that not less than \$100,000 shall be provided for community policing in the section of the city of Worcester known as Southern Worcester including but not limited to Vernon Hill and Green Island for the purpose of curtailing gang activity, related drug activity and gang formation and recruitment in addition to the grant award to said city in fiscal year 1999".

In said section 2, in said item 8000-0010, by striking out the figure "20,360,000" and inserting in place thereof, the following figure:—"20,460,000"; and

By inserting after section 66 the following three sections:—

"SECTION 66A. Section 19A of chapter 78 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 11, the words 'one thousand two hundred and fifty dollars' and inserting in place thereof the following figure:— \$2,000.

SECTION 66B. Said section 19A of said chapter 78, as so appearing, is hereby further amended by striking out, in line 13, the words 'fifty cents' and inserting in place thereof the following figure:— \$.80.

SECTION 66C. Said section 19A of said chapter 78, as so appearing, is hereby further amended by striking out in lines 15 and 16, the words 'one thousand two hundred and fifty dollars' and inserting in place thereof the following figure:— \$2,000".

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by striking out sections 40, 41, 47 and 220.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 11 — nays 28):

YEAS.

Glodis, Guy W.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Murray, Therese

Rauschenbach, Henri S.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 11.

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.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 28.

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

Recess.

There being no objection, at eight minutes before eight o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seven minutes past nine 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 2000 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. 4401, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Messrs. Moore and Tarr moved to amend the bill by inserting after section 40 the following two sections:—

"SECTION 40A. Subsection (c) of section 2 of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out paragraph (2), and inserting in place thereof the following two paragraphs:—

(2)(a) Losses from the sale or exchange of capital assets held for one year or less, provided, that the excess, if any, of the Part A net capital loss for the year over the Part A net capital gains for the year shall be applied against Part A interest and dividends; and provided further, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income after applying the excess of each class's net capital loss against the other classes' net capital gains in accordance with paragraph (M)(1) of subsection (e). For purposes of this subsection, any Part A net capital loss shall first be applied to any Class B net capital gain, then to any Class C net capital gain, then to any Class D net capital gain, and then to any Class E net capital gain. If Part A net capital loss for the year exceeds the Part C net capital gains for the year, then the excess, if any, of Part A net capital loss shall be Part A capital loss under this paragraph in the succeeding taxable year.

(2)(b) The excess, if any, part of the Part C net capital losses for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income after applying the excess of each class's net capital loss against other classes' net capital gains in accordance with paragraph (M)(1) of subsection (e) of section 2 and after applying the excess of the Part A net capital loss against Part A interest and dividends and Part C capital gains in accordance with paragraph (2)(a) of subsection (c). For purposes of this subsection, any Part A net capital gain shall first be offset by any Class B net capital loss, then by any Class C net capital loss, then by any Class D net capital loss and then by any Class E net capital loss. If part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess, if any, of Part C net capital losses over Part A net capital gain shall be applied against any interest and dividends included in Part A gross income. The excess, if any, of the Part C net capital loss over the Part A net capital gain shall be a Part C capital loss in the succeeding taxable year.

SECTION 40B. Subsection (e) of said section 2 of said chapter 62, as so appearing, is hereby amended by inserting after paragraph (L) the following two paragraphs:—

(M)(1) The excess, if any, of one class's net capital loss for the year over that same class's net capital gain for the year shall be applied against the other classes' net capital gains included in Part C gross income in the following order: Class B net capital gain shall first be offset by the remainder of any Class C net capital loss, then by the remainder of any Class D net capital loss, and then by the remainder of any Class E net capital loss. Class C net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class D net capital loss, and then by the remainder of any Class E net capital loss. Class D net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, and then by the remainder of any Class E net capital loss. Class E net capital gains shall first be offset by the remainder of any Class B net capital loss, then by the remainder of any Class C net capital loss, and then by the remainder of any Class D net capital loss. The excess, if any, of each class's net capital loss shall be that class's capital loss in the succeeding taxable year.

(M)(2) Class B, C, D and E net gains shall be reduced by any Part B deductions in excess of Part B income, after applying the excess of each class's net capital loss against other classes' net capital gains in accordance with paragraph (M)(1) of subsection (e) of section 2 of chapter 62, and after applying the excess Part B deductions against Part A adjusted gross income in accordance with paragraph (1) of subsection (c) of section 2 of chapter 62. Any Part B deductions in excess of Part B income shall first be applied to Class B net gains, then to Class C net gains, then to Class D net gains, and then to Class E net gains. The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below zero. Excess Part B deductions that cannot be used in a taxable year may not be carried over to subsequent taxable years. The resulting amounts of net capital gain or net capital loss shall comprise Part C adjusted gross income.

Any taxpayer who filed his income tax return for the 1996 taxable year and calculated the tax thereon in accordance with the provisions of chapter 62 of the General Laws as amended by chapter 195 of the Acts of 1994, shall be entitled to obtain by way of a refund or an abatement, or shall be allowed as a credit against his 1997 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by chapter 62. Any excess credit may be carried forward to the succeeding taxable year. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section";

By inserting after section 191 the following two sections:—

"SECTION 191A. Any taxpayer who filed his income tax return for the 1997 taxable year and calculated the tax due thereon in accordance with the provisions of chapter 62 of the General Laws, shall be entitled to obtain by way of refund or an abatement, or shall be allowed as a credit against his 1998 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by chapter 62 of the General Laws. Any excess credit may be carried forward to the succeeding taxable year or, in the case of a nonresident taxpayer, may be refunded. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section.

SECTION 191B. Any taxpayer who filed his income tax return for the 1998 taxable year and calculated the tax due thereon in accordance with the provisions of chapter 62 of the General Laws, shall be entitled to obtain by way of a refund or an abatement, or shall be allowed as a credit against his 1999 income tax, the amount of the difference between the tax so calculated and the amount of tax which would have been due if the tax were calculated under the provisions of this act. Any such credit shall be taken after the application of any other credits provided by chapter 62 of the General Laws. Any excess credit may be carried forward to the succeeding taxable year or, in the case of a nonresident taxpayer, may be refunded. The commissioner of revenue shall prescribe and furnish all forms necessary and proper for the enforcement of this section"; and

By inserting after section 222 the following section:—

"SECTION 222A. Sections 40A, 40B, 191A and 191B shall be effective for tax year 1996 and all successive tax years beginning on January 1, 1996."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 46 the following two sections:—

"SECTION 46A. Subsection (a) of section 4 of chapter 62 of the General Laws, as most recently amended by section 16 of chapter 175 of the Acts of 1998 and section 2 of chapter 396 of the Acts of 1998, is hereby amended by striking out paragraph (2) and inserting in place thereof the following paragraph:—

(2) Part A taxable income consisting of interest and dividends shall be taxed at the rate of 5.95 percent for taxable years beginning on or after January 1, 1999 and before January 1, 2000; 5.6 percent for taxable years beginning on or after January 1, 2000 and before January 1, 2001; 5.3 percent for taxable years beginning on or after January 1, 2001 and before January 1, 2002; and 5 percent for taxable years beginning on or after January 1, 2002.

SECTION 46B. Said section 4 of said chapter 62, as appearing in the 1996 Official Edition, is hereby 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 5.95 percent for taxable years beginning on or after January 1, 1999 and before January 1, 2000; 5.6 percent for taxable years beginning on or after January 1, 2000 and before January 1, 2001; 5.3 percent for taxable years beginning on or after January 1, 2001 and before January 1, 2002; and 5 percent for taxable years beginning on or after January 1, 2002."

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

YEAS.

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

Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 9.

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

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 30.

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

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 46 the following section:—

"SECTION 46A. Section 4 of chapter 62 of the General Laws, as appearing in the 1996 Official Edition, is hereby 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 5.95 percent for taxable years beginning on or after January 1, 1999, and before January 1, 2000; 5.75 percent for taxable years beginning on or after January 1, 2000, and before January 1, 2001; 5.55 percent for taxable years beginning on or after January 1, 2001, and before January 1, 2002; 5.35 percent for taxable years beginning on or after January 1, 2002, and before January 1, 2003; 5.15 percent for taxable years beginning on or after January 1, 2003, and before January 1, 2004; and 5 percent for taxable years beginning on or after January 1, 2004."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr and Mrs. Sprague moved to amend the bill by inserting after section 46 the following section:—

"SECTION 46a. Section 4 of chapter 62 of the General Laws, as most recently amended by chapter 396 of the acts of 1998, 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 5.75 percent." and

By inserting after section 222 the following section:—

"SECTION 222A. Section 46A shall apply to tax years beginning on or after January 1, 2000."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before ten o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 11 — nays 28):

YEAS.

Glodis, Guy W.
Hedlund, Robert L.
Knapik, Michael R.
Lees, Brian P.
Murray, Therese
Rauschenbach, Henri S.

Resor, Pamela
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 11.

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.
Havern, Robert A.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Lynch, Stephen F.
Magnani, David P.

Melconian, Linda J.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rosenberg, Stanley C.
Shannon, Charles E.
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 28.

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

Subsequently, Mr. Joyce asked unanimous consent to make a brief statement; and, there being no objection, he addressed the Senate as follows:

Mr. President: It was my intent to vote in the affirmative on amendment number 646 relative to reducing the Income Tax Rate from 5.95% to 5.75% (offered by the Senate Minority Leader) and wish the Journal of the Senate to reflect such intent.

There being no objection, above statement was printed in the Journal of the Senate.

Messrs. Lees, Tisei, Knapik, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Section 31A of chapter 63 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out paragraphs (k) and (l) and inserting in place thereof the following two paragraphs:—

(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December 31, 1993.

(l) The provisions of paragraphs (i) and (j) shall be available for the taxable years ending on or after December 31, 1993."

The amendment was *rejected*.

Ms. Melconian in the chair, Messrs. Lees, Tisei, Knapik, Rauschenbach, Tarr, Hedlund and Mrs. Sprague and Mr. Magnani moved to amend the bill by inserting after section 54 the following section:—

"SECTION 54A. Section 31A of chapter 63 of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out paragraphs (k) and (l) and inserting in place thereof the following two paragraphs:—

(k) The provisions of paragraphs (a) and (f) shall not be available for the taxable years ending on or after December 31, 1993.

(l) The provisions of paragraphs (i) and (j) shall be available only for the taxable years beginning on or after December 31, 1993, but shall not be available for the taxable years beginning on or after July 1, 2004."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before eleven o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 15— nays 24):

YEAS.

Bernstein, Robert A.
Brewer, Stephen M.
Glodis, Guy W.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Magnani, David P.

Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Rauschenbach, Henri S.
Resor, Pamela
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R. — 15.

NAYS.

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

Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Panagiotakos, Steven C.
Rosenberg, Stanley C.
Shannon, Charles E.

Jacques, Cheryl A.
Jajuga, James P.
Lynch, Stephen F.
Melconian, Linda J.
Montigny, Mark C.

Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 24.

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

Messrs. Knapik, Lees, Tisei, Rauschenbach, Tarr, Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 54 the following two sections:—

"SECTION 54A. Section 6 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following two paragraphs:—

(RR) Sales 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.

(SS) Sales of aircraft.

SECTION 54B. Section 7 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding the following two paragraphs:—

(d) Storage 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.

(e) Storage of aircraft."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 191 the following section:—

"SECTION 191A. Notwithstanding any general or special law to the contrary, there is hereby established a one time superannuation retirement benefit for teachers who meet the requirements of membership for the teachers' retirement system and teachers employed by the city of Boston and who fulfill the requirements of this one time superannuation retirement benefit. Any member of the teachers' retirement system or any teacher employed by the city of Boston who is a minimum of 55 years of age and has completed a minimum of 30 years of creditable service by July 1, 1999 may elect to receive a one time benefit in which they may add 3 years to their age or years of service or any combination of the two not to exceed a total of 3 years, but they must retire from their respective systems and through the Massachusetts teachers retirement board on or before July 15, 1999 and have agreed to pay either an additional 10 per cent of their last 2 complete years for a total of an additional 20 per cent in a sum to said board by the date of retirement or to pay a total of 20 per cent extra of their final year's salary paying 10 per cent to the board by the date of retirement and the additional 10 per cent will be withdrawn by the board during the first year of retirement or by any other schedule established by the board. No person may use part of the 3 years added to qualify for the benefit except someone whose service was terminated for a period of at least a year because of Proposition two and one-half, so called, and they may add no more than 1 year to age or service for qualification purposes. The total amount of the pension received by those electing this one time superannuation benefit may not exceed four-fifths of their final average salary."

The amendment was *rejected*.

Supplemental Appropriation Bill.

The President in the Chair, there being no objection, during consideration of the Orders of the Day, the following matter was considered:

The House Bill making appropriations for the fiscal year 1999 to provide for certain capital and supplemental appropriations (House, No. 4298), was read a second time.

The Senate adopted the following amendments 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 1820; by inserting before the enacting clause the following emergency preamble:

" *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make certain supplemental appropriations for the fiscal year ending June 30, 1999 and to provide forthwith for certain capital spending and bonded debt of the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and

By striking out the title and inserting in place thereof the following title:— "An Act making certain supplemental appropriations for fiscal year 1999 and relative to certain capital spending and bonded debt of the Commonwealth".

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

There being no objection, the following amendments were considered as one and adopted, to wit:

Mr. Morrissey moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "Notwithstanding the provisions of any general or special law to the contrary, the appropriation made shall not expire until June 30, 2003, prior appropriation continued".

The amendment was adopted.

Mr. Tolman moved to amend the bill by adding the following section:—

"SECTION 20. Notwithstanding the provisions of any general or special law to the contrary, the secretary of transportation and construction shall authorize the purchase of the right-of-way owned by the Boston & Maine Corporation in Watertown extending from the point at which said right-of-way intersects Fresh Pond Parkway at the Watertown-Cambridge town line to the point at which said right-of-way intersects School street in Watertown by July 15, 1999 for the purpose of constructing a bike path."

The amendment was adopted.

Mr. Rosenberg moved to amend the bill, in section 2C, in item 0540-0001, by adding the following words:— "; provided further, that \$395,000 shall be expended on technology upgrades for the Hampshire registry of deeds;".

The amendment was adopted.

Mr. Lynch moved to amend the bill by adding the following section:—

"SECTION 21. The department of highways shall construct a sound barrier along the northbound section of the southeast expressway from 100 Playstead Road northerly to the rear of Savin Hill court in the Dorchester section of the city of Boston, pursuant to section 85 of chapter 205 of the acts of 1996, and shall construct a sound barrier along the northbound section of the southeast expressway along Boston street in the Dorchester section of the city of Boston. The sound barriers shall be constructed within six months following the effective date of this act."

The amendment was adopted.

Mr. Clancy moved to amend the bill by inserting after section 14 the following section: —

"SECTION 14A. Section 2 of said chapter 267 of the acts of 1995 is hereby amended by striking out item 7511-7961 and inserting in place thereof the following new item:

"7511-7961 For the acquisition of land and the building thereon at the Bell Atlantic site at 195 Market street in the city of Lynn
.....12,000,000";

and by inserting after section 16 the following section:—

"SECTION 16A. Section 3 of said chapter 267 of the acts of 1995 is hereby amended by striking out in lines 3 and 4 the words 'six hundred seventeen million, six hundred eighty-three thousand, nine hundred eleven dollars' and inserting in place thereof the following figure:— "621,678,911."

The amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2C, in item 1102-3332, by adding the following words:— "; provided further, that \$250,000 shall be expended to conduct a needs assessment of the district court of Southern Essex."

The amendment was adopted.

Mr. Clancy moved to amend the bill, in section 2C, in item 2495-8998, by inserting after "drainage structures" the following words:— "and wall and fence".

The amendment was adopted.

Ms. Melconian moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that \$250,000 shall be expended for the renovation of the Alexander Mapp Building in Springfield"; and in section 2C, in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— "3,550,000".

The amendment was adopted.

Mr. Nuciforo moved to amend the bill by inserting after section 16A (inserted by amendment) the following two sections:—

"SECTION 16B. Item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by striking out the words 'twenty-six million dollars shall be expended for the construction of the Berkshire county jail and house of correction to be located in the town of Pittsfield' and inserting in place thereof the following words:— '\$32,000,000 shall be expended for the construction of the Berkshire county jail and house of correction to be located in the city of Pittsfield;'.

SECTION 16C. Said item 1102-7967 of said section 2 of said chapter 12 is hereby amended by striking out the figure '192,755,000' and inserting in place thereof the following figure:— 198,755,000".

The amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 12 the following section:—

"SECTION 12A. Section 10 of chapter 733 of the acts of 1960, as most recently amended by section 15 of chapter 267 of the acts of 1995, is hereby further amended by striking out the words 'one hundred and eighty-two' and inserting in place thereof the following figure:— 200."; and by inserting after section 15 the following three sections:—

"SECTION 15A. Section 2 of chapter 267 of the acts of 1995 is hereby amended by inserting after item 7118-0961 the following item:

University of Massachusetts System.

7100-0750 For the purchase, leasing and acquisition of telecommunications, electronic, computer, office, research, equipment and administrative systems and the maintenance and renovation costs related to the foregoing; provided, that the University of Massachusetts may borrow \$40,000,000 through the Massachusetts Health and Educational Facilities Authority for this purpose; and provided further, that the borrowing through the Massachusetts Health and Educational Facilities Authority may be structured as a revolving loan program with the maximum principal of loans from such program outstanding at any time not to exceed
.....\$40,000,000.

SECTION 15B. Item 7220-0961 of section 2 of chapter 267 of the acts of 1995 is hereby amended by striking out the words 'the university of Massachusetts at Lowell is hereby authorized to borrow five million dollars' and inserting in place thereof the following words:— the University of Massachusetts at Lowell may borrow an amount not greater than \$9,000,000.

SECTION 15C. Item 7452-7965 of section 2 of chapter 267 of the Acts of 1995 is hereby amended by striking out the following words 'the university of Massachusetts at Boston is hereby authorized to borrow twenty-five million dollars' and inserting in the place thereof the following words:— the University of Massachusetts at Boston may borrow an amount not greater than \$35,000,000."; and

By adding the following section:—

"SECTION 22. For the purpose of furthering the legislative policy established by section 3 of chapter 898 of the acts of 1969 and notwithstanding any provisions of said section 3, including the requirement of certain determinations, or any other special or general law to the contrary, the parcel of land described in said section 3 and referred to as Parcel One, together with any trees and structures thereon, is hereby condemned and taken by the power of eminent domain in fee simple and title to said Parcel One is hereby vested in the commonwealth for use by the University of Massachusetts. The taking shall be effective notwithstanding any prior inconsistent public use. Compensation for the taking shall be as provided in this section. Said university shall fulfill all

other requirements of chapter 79 of the General Laws as if it were the taking authority and this section shall be deemed to be an order of taking and shall be accepted for filing in the appropriate registry of deeds or land court.

The compensation for this taking shall be \$1,000,000 in scholarships for residents of the city of Boston to attend the University of Massachusetts at Boston and the conveyance with conditions of a certain parcel of land to the Boston Water and Sewer Commission, established by chapter 436 of the acts of 1971. Said parcel of land shall consist of approximately one hundred thousand square feet and shall be located within the boundaries of Parcel F as said parcel is described on a plan of land entitled "Plan of Land in Boston (Dorchester) Massachusetts, University of Massachusetts Columbia Point Site authorized by the Commonwealth of Massachusetts, Chapter 898 Acts of 1969." dated October 6, 1969, Scale 1" = 200' prepared by New England Survey Service Inc., Civil Engineers and Surveyors, 556 Atlantic Avenue, Boston, No. 23244, signed and certified by the Secretary of the Board of Trustees of the University of Massachusetts, an attested copy of which has been recorded with the order of taking by the University of Massachusetts dated October 18, 1969 and recorded at Suffolk Registry of Deeds at Boston on November 12, 1969, Book 8324, Page 505 and currently used by the university. Notwithstanding the provisions of any other special or general law to the contrary, the board of trustees of the University of Massachusetts, established by section 1A of the General Laws, may make the conveyance of land authorized herein under the terms and conditions contained in a Memorandum of Understandings between said university and said commission dated January 11, 1999 and on file with the office of the chancellor of the University of Massachusetts at Boston. Said commission may use the conveyed parcel as a permanent transfer station subject to design and use approvals of the University of Massachusetts as agreed to in said memorandum. The eligibility criteria for the scholarships authorized herein shall be determined in accordance with said memorandum. The scholarships shall be in addition to any other scholarships available to residents of the city of Boston and shall be administered directly by the university, notwithstanding the provisions of any other special or general law to the contrary.

If at any time the commission determines that the parcel conveyed to it under the provisions of this section is no longer required for the purpose authorized herein, it shall so notify the university and the university may thereupon reacquire said parcel, or portions thereof from time to time, by purchase or by the exercise of the power of eminent domain, within one year from the date of receipt of the notice.

Notwithstanding the provisions of any other special or general law to the contrary, said university may allow said commission to use and occupy said Parcel One until such time as the commission has obtained all permits and approvals to use the parcel conveyed to it under this section as a permanent transfer station but if, after using all diligent and good faith efforts, the commission cannot obtain the permits and approvals, then the university may reconvey said Parcel One to the commission with the same conditions and restrictions as found in section 3 of said chapter 898 of 1969 and all other provisions of this act shall become void."

The amendment was adopted.

Messrs. Creedon and Joyce moved to amend the bill by inserting after section 12A (inserted by amendment) the following sections:—

"SECTION 12B. Item 2120-8962 of section 2 of chapter 15 of the acts of 1996 is hereby amended by inserting after the words 'Pierce Beach Park in the town of Somerset;' the following words:— several parcels of land abutting D.W. Field Park in the town of Avon, all as shown on an assessors map of the town of Avon and designated as parcels 6, 7, 8, C4-9-4, C4-9-3, C3-1-6, and 3.22 acres of land adjacent to parcel 6 and 3 acres now owned by V.F.W. Post No. 8892.

SECTION 12C. Said item 2120-8962 of said section 2 of said chapter 15 is hereby further amended by striking out the figure '30,000,000' and inserting in place hereby the following figure:— '32,000,000'."

The amendment was adopted.

Mr. Creedon moved to amend the bill by adding the following section:—

"SECTION 23. Item 7004-8986 of section 2 of chapter 257 of the acts of 1998 is hereby amended by adding the following words:— ; provided, that not more than \$750,000 shall be expended for the development of a family preservation center in the southeast region of the commonwealth to be operated by a nonprofit organization under contract with the department of social services."

The amendment was adopted.

Mr. Lees moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; and provided further, that not less than \$250,000 shall be expended for the design and improvements to the Greenleaf park-center in the city of Springfield"; and in said item 7004-6666, by striking out the figure "3,550,000" (inserted by amendment) and inserting in the place thereof the following figure:— "3,800,000".

The amendment was adopted.

Mr. Magnani and Ms. Jacques moved to amend the bill, in section 2B, by inserting before item 1599-1986 the following item:

"Massachusetts Corporation for

Educational Telecommunications.

1100-1400 For a payment to the Massachusetts Corporation for Educational Telecommunications for the establishment and implementation of information technology infrastructure and services to schools and cities and towns throughout the commonwealth through the Massachusetts community network, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the corporation shall not enter into any contracts that would cause the commonwealth's obligation to exceed the amount appropriated herein
.....9,000,000";

and in section 2C, by striking out item 7027-3000 and inserting in place thereof the following item:

"7027-3000 For the development of on-line educational resources that are consistent with the Massachusetts curriculum frameworks, so-called; provided, that notwithstanding the provisions of any general or special law to the contrary, the department of education shall not enter into any contracts that would cause the commonwealth's obligation to exceed the amount appropriated herein
.....1,000,000";

and by inserting after section 12C (inserted by amendment) the following section:—

"SECTION 12D. Section 3 of Chapter 560 of the acts of 1982, as amended by chapter 305 of the acts of 1988, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

MCET shall be governed and its powers exercised by a board of directors which shall consist of the following 13 individuals or their designees: the commonwealth's chief information officer, the secretary of transportation, the secretary of health and human services, the director of economic development, the commissioner of education, the chancellor of higher education, the president of the University of Massachusetts, the president of the WGBH Educational Foundation, the director of the board of library commissioners, the president of the Massachusetts Municipal Association, the president of the Massachusetts Association of School Superintendents, the president of the Massachusetts Association of School Committees and the president of the Massachusetts Computer Using Educators. The directors shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties. The board shall meet not less than four times in each year, and shall have final authority over the activities of MCET.

The board may plan, implement and oversee a statewide communications network, to be known as the Massachusetts community network, for the purpose of providing telecommunications services to the public primary and secondary schools, state universities, colleges, community colleges, municipalities and state agencies and for any other purpose determined by the board. The board may also establish charges to be paid by users of the Massachusetts community network, the board shall obtain the approval of the commissioner of administration prior to setting or changing any such charges."

The amendment was adopted.

Mr. Rauschenbach and Ms. Murray moved to amend the bill by adding the following section:—

"SECTION 24. Notwithstanding the provisions of any general or special law to the contrary, item 1102-7967 of section 2 of chapter 12 of the acts of 1996 is hereby amended by striking out the words 'twenty million dollars shall be expended for the Barnstable' and inserting in place thereof the following words:— 40 million dollars shall be expended for the Barnstable."

The amendment was adopted.

As previously stated, the above amendments were considered as one and adopted.

There being no objection, the following amendments were considered as one and rejected, to wit:

Mr. Moore moved to amend the bill, in section 2C, by inserting after item 2120-7999 the following item:

"2120-8xxx For the restoration of Milford Pond, also known as
Cedar Swamp Pond, in the town of Milford 200,000".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill, in section 2C, by inserting after item 0340-2300 the following item:

"0511-1991 For the cost associated with capital improvements for the Archives Facility; provided further that the funds appropriated will be used for re-pointing of structure, general roof repairs, and furniture replacement. Notwithstanding any general or special law to the contrary, the appropriation made shall not expire until June 30, 2003, prior appropriation continued

.....125,000".

The amendment was *rejected* .

Mr. Antonioni moved to amend the bill, in section 2C, by insert ing after item 7066-0115 the following item:

"7100-2000 For a one-time program to provide state matching funds for the purpose of matching private contributions to the permanent endowment funds of the University of Massachusetts; provided, that expenditures from this item shall be contingent upon the prior receipt or prior legally-binding pledge of private contributions in an amount equal to said expenditures

.....10,000,000".

The amendment was *rejected* .

Mr. Tolman moved to amend the bill, in section 2C, in item 0526-0111, by striking out the figure "12,500,000" and inserting in place thereof the following figure:— "12,600,000"; and in said item 0526-0111, by adding the following words:— "; provided further, that not less than \$100,000 shall be expended for a historic commemorative clock and accompanying beautification at Cleveland Circle on the Boston-Brookline border."

The amendment was *rejected* .

Mr. Tolman moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; 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"; and in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— "3,350,000".

The amendment was *rejected* .

Mr. Tolman moved to amend the bill, in section 2C, by inserting after item 7000-2992 the following item:

"7000-xxxx For the installation of new carpet and venetian blinds in the Academy Hill branch of the Boston public library in Brighton

.....60,000".

The amendment was *rejected* .

Mr. Tolman moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; provided further, that a sum of \$100,000 shall be made available for a program of tree planting and replacement with not less than 50 per cent of the trees under this program allocated to cities and towns for use by them in city and town parks and streets"; and in said item 2120-7999, by striking out the figure "1,480,000" and inserting in place thereof the following figure:— "1,580,000".

The amendment was *rejected* .

Mr. Tolman and Ms. Resor moved to amend the bill, in sec tion 2C, by inserting after item 2120-7997 the following item:

"xxxx-xxxx Notwithstanding any general or special law to the contrary, for the first 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 the New Stationary Sources and Emission Guidelines for Existing Sources: Municipal Waste Combusters,' 40 C.F.R. 60, pursuant to section 129 of the Clean Air Act Amendments of 1990; provided, 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, Westford, West Newbury, Wilmington and Winchester shall be eligible to receive this 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".

The amendment was *rejected* .

Mr. Tolman and Ms. Fargo moved to amend the bill, in section 2C, in item 2495-8998, by inserting after the words "McCrehan pool on Rindge avenue in the city of Cambridge", the following words:— "; provided further, that not less than \$200,000 shall be expended for renovations and improvements to the buildings and property known as Connors Memorial Pool in Waltham;" and in said item 2495-8998, by striking out the figure "6,710,000" and inserting in place thereof the following figure:— "6,910,000".

The amendment was *rejected* .

Mr. Rosenberg moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; provided further, that \$40,000 shall be expended for the installation of heating and cooling systems in the Shea theater in the town of Montague;".

The amendment was *rejected* .

Mr. Rosenberg moved to amend the bill, in section 2A, in item 6037-9917, by inserting after the words "federally aided projects" the following words:— "; provided, that \$1,750,000 shall be expended for the reconstruction of Buffam road in the town of Pelham; provided further, that \$950,000 shall be expended for the Grove and Bridge streets project, so-called, in the town of Hatfield;".

The amendment was *rejected* .

Mr. Lynch moved to amend the bill, in section 2C, in item 2495-8998, by adding the following words:— "; and provided further, that not less than \$150,000 shall be expended from this item to improve and supplement the existing streetlights outside the Murphy memorial rink in the South Boston section of the city of Boston"; and in said item 2495-8998, by striking out the figure "6,710,000" and inserting in place thereof the following figure:— "6,860,000".

The amendment was *rejected* .

Mr. Lynch moved to amend the bill, in section 2C, in item 2120-7997, by adding the following words:— "; and provided further, that not less than \$1,500,000 shall be expended from this item for the reconstruction of that portion of the sea wall and harborwalk in the city of Boston that is located on the easterly side of the Fort Point channel between Congress street and Northern avenue, abutting property owned by Wharf Museum, Inc., such reconstruction to be undertaken in conjunction with the Massachusetts Bay Transportation Authority's construction of the South Boston Piers Access Project, so-called; provided, that Wharf Museum, Inc. shall grant to the Massachusetts Bay Transportation Authority and to the city of Boston such rights as may be necessary to construct the project and to secure the city's permanent ownership and interest in that portion of the harborwalk and sea wall"; and in said item 2120-7997, by striking out the figure "2,421,625" and inserting in place thereof the following figure:— "3,921,625".

The amendment was *rejected* .

Mr. Glodis moved to amend the bill, in section 2C, in item 1599-4994, by inserting after the words "properly transport sewage from said project," the following words:— "provided further that not less than \$300,000 shall be expended for the completion of a certain sewer project on South Main street in Worcester as initiated by the provisions of paragraph (c) of section 3r of chapter 15 of the acts of 1988;" and in said item 1599-4994, by striking out the figure "21,500,000" and inserting in place thereof the following figure:— "21,800,000".

The amendment was *rejected* .

Messrs. Morrissey, Glodis, Ms. Resor, and Mr. Tarr moved to amend the bill by inserting after section 12 the following section:—

"SECTION 12A. Section 6 of chapter 64H of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by adding the following paragraph:—

(rr) 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."

The amendment was *rejected* .

Mr. Clancy moved to amend the bill, in section 2A, in item 6037-0019, by adding the following words:— "; provided further, that \$1,000,000 shall be expended for the realignment, resurfacing and repaving of Route 1A in the town of Swampscott."

The amendment was *rejected* .

Mr. Clancy moved to amend the bill, in section 2C, in item 2120-7997, by inserting after the words "Upper Mystic Dam;" the following words:— "; provided further, that not less than \$250,000 shall be expended for the repair and improvement of the Ocean Avenue Causeway sea wall in the town of Marblehead."

The amendment was *rejected* .

Ms. Melconian moved to amend the bill, in section 2C, in item 1102-3332, by adding the following words:— "; provided further, that not less than \$50,000 shall be expended for the demolition and site development of the abandoned technical high school building in Springfield"; and in said item 1102-3332, by striking out the figure "2,210,000" and inserting in place thereof the following figure:— "2,260,000".

The amendment was *rejected* .

Mr. Berry moved to amend the bill, in section 2C, by inserting after item 0540-0001 the following item:

"0611-1991 For the one-time costs of capital and technology improvements for the office of the treasurer
.....223,000".

The amendment was *rejected* .

Ms. Murray moved to amend the bill, in section 2A, in item 2120-7997, by adding the following words:— "and provided further, that not less than \$200,000 shall be expended for repairs to fish ladders in the towns of Kingston, Pembroke and Plymouth".

The amendment was *rejected* .

Ms. Murray moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Notwithstanding the provisions of any general or special law to the contrary, the county commissioners of Plymouth county, on behalf of said county, may convey to Jordan Health Systems, Incorporated, by deed approved as to form by the attorney general, a certain parcel of land situated in the town of Plymouth and shown as 'Parcel A' on a plan entitled 'Plan of Land in Plymouth Massachusetts' to be recorded in the Plymouth county registry of deeds, for a price equal to the fair market value of said lot or \$650,000 and provision of a quitclaim deed conveying to the county a fifty-three-acre parcel of land which is further described in the Plymouth county registry of deeds at Book 8507, Page 235 as Parcel 6. The county shall grant to Jordan Health Care Systems a right of way as shown on said plan as "Easement B' on a plan of land entitled "Plan of Land in Plymouth Massachusetts' or such other easement as shall be mutually agreeable to the county commissioners of Plymouth county and Jordan Health Systems to assure suitable access to 'Parcel A'."

The amendment was *rejected* .

Mr. Shannon moved to amend the bill by inserting after item 1102-3332 the following item:

"1599-0036 For the repair and completion of rehabilitation of the Chevalier memorial auditorium in the city of Medford
.....750,000".

The amendment was *rejected* .

Mr. Shannon moved to amend the bill, in section 2C, by inserting after item 1599-3810 the following item:

"1599-3839 For a reserve for payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers for targeted local pipeline improvements projects, or portions thereof, which have been approved by the department of environmental protection or otherwise authorized by law
.....861,525".

The amendment was *rejected* .

Mr. Shannon moved to amend the bill, in section 2C, in item 2495-8998 by adding the following words:— "; and provided further, that \$1,500,000 shall be used to replace the bed and necessary items at Veterans' rink in the city of Somerville"; and in said item 2495-8998, by striking out the figure "6,710,000" and inserting in place thereof the following figure:— "8,210,000".

The amendment was *rejected* .

Mr. Jajuga moved to amend the bill, in section 2C, by inserting after item 1599-6666 the following item:

"2100-2030 For the construction of a waterfront pier in the town of Salisbury in an amount not less than
.....\$200,000."

The amendment was *rejected* .

Mr. Jajuga moved to amend the bill, in section 2C, by inserting after item 1599-6666 the following item:

"2100-2030 For the renovation and restoration of the James J. Landry Memorial Stadium in the town of Amesbury in an amount not less than
.....\$430,000."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill, in section 2C, by inserting after item 1599-6666 the following item:

"2100-2030 For the renovation and restoration of Haverhill Stadium in an amount not less than
.....\$2,000,000."

The amendment was *rejected* .

Mr. Jajuga moved to amend the bill, in section 2C, by inserting after item 7066-0115 the following item:

"8100-0001 For the purchase of state police cruisers; provided, that the colonel of state police shall submit a report on the current state of the cruiser fleet; provided further, that the report shall include the identification number, make and model, age, condition and mileage of every vehicle in the fleet; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than September 1, 1999
.....5,000,000."

The amendment was *rejected* .

Mr. Nuciforo moved to amend the bill, in section 2C, by inserting after item 0540-0001 the following item:

"1102-1992 For a one-time payment for the initiative to improve and expand the information technology infrastructure of the Berkshire county region, to be known and referred to as the Berkshire Connect Initiative; provided, that for the purpose of fostering a more favorable and responsible environment for technology intensive and dependent industry in the Berkshire county region, the initiative shall seek to accelerate, facilitate, and reduce the overall cost of access to the infrastructure; provided further, that the amounts appropriated herein shall be expended and applied by the Massachusetts Technology Park Corporation through its Massachusetts technology collaborative; provided further, that in applying the funds the collaborative shall be required to seek and leverage all available public and private resources necessary to reduce the overall public costs of improving the infrastructure; provided further, that the corporation shall file a report with the house and senate committees on science and technology detailing the activities undertaken with funds appropriated herein by March 15, 2000; and provided further, the amount appropriated herein shall create no further obligation on the part of the commonwealth for the financial support of said initiative
.....1,000,000".

The amendment was *rejected* .

Mr. Nuciforo moved to amend the bill, in section 2C, item 2120-7997, by adding the following words:— "; provided further, that not less than \$227,250 be expended for the repair of Goose Pond Dam located in the towns of Lee and Tyringham"; and in said item 2120-7997, by striking out the figure "2,421,625" and inserting in place thereof the following figure:— "2,648,875".

The amendment was *rejected* .

Mr. Clancy moved to amend the bill, in section 2C, in item 7066-0011, by adding the following words:— "; provided further, that the board shall purchase the property and building located at 195 Market Street in the city of Lynn to be used as the North Shore Community College technology center".

The amendment was *rejected* .

Mr. Antonioni moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided, that not less than \$700,000 shall be expended from the amount appropriated herein for one year of a 20 year matching grant to the city of Fitchburg for the Urban Renewal Project, so-called, in the city".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2A, in item 6037-0019, by adding the following words:— "; provided further, that not less than \$150,000 shall be expended for the reconstruction of Mountain road in Princeton".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2C, in item 1599-4994, by adding the following words:— "; provided further, that not less than \$750,000 shall be allocated to the city of Leominster for the costs associated with the development of the industrial park off state highway Route 117 in Leominster".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 2C, in item 1599-4994, by adding the following words:— "; provided further, that not less than \$2,500,000 shall be expended for the construction and design of a project to extend an existing sewer main to an industrial zoned area in the towns of Lancaster, Leominster, and Lunenburg".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2C, by inserting after item 7000-3993 the following item:

"7003-0803 For the Brockton Area One-Stop Career Center which opened on February 1, 1999; provided that no other career centers shall receive funding from this item
.....250,000".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill, in section 2C, by inserting after item 7066-0115 the following item:

"7508-0100 For a concrete sidewalk at Massasoit Community College to extend from the Fine Arts Building parking lot to the college's Crescent Street entrance
.....80,000".

The amendment was *rejected*.

Mr. Norton moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Notwithstanding the provisions of any special or general law to the contrary, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the uncompensated care trust fund \$10,000,000 for payments to the University of Massachusetts medical school, pursuant to an agreement between the department of correction, the University of Massachusetts medical school, and the division of medical assistance; provided, that said medical school shall provide or arrange for the provision of psychiatric and other health services to persons incarcerated in correctional facilities operated by the department of correction; provided further, that the division of medical assistance shall obtain not less than \$10,000,000 in new federal revenue in fiscal year 1999 or 2000 for inmate health services provided by department of public health facilities; and provided further, that the comptroller shall credit \$10,000,000 of said new federal revenue to said medical assistance intergovernmental transfer account for the purpose of financing the expenditures authorized by this section. Programs funded pursuant to this section shall not create recurring liabilities to the commonwealth in future fiscal years."

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; and provided further, that not more than \$2,100,000 shall be expended for the Chestnut street turn-back project, so-called, in the town of Needham".

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; and provided further, that \$50,000 shall be expended for improvements to city-owned recreational fields in the city of Attleboro"; and in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— 3,350,000".

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; and provided further, that \$50,000 shall be expended for improvements to the Attleboro Senior Center"; and in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— "3,350,000".

The amendment was *rejected*.

Ms. Jacques moved to amend the bill, in section 2C, by inserting after item 8324-1008 the following item:—

Department of State Police.

"8324-xxxx For the purchase of warrant management system-linked laptop computers for state police cruisers
.....5,000,000".

The amendment was *rejected* .

Mr. Lees moved to amend the bill, in section 2C, by inserting after item 8324-1008 the following item:

"8324-1501 For improvement and upgrade to the Norris J. Quinn Fire Center in the city of Springfield
.....250,000".

The amendment was *rejected* .

Mr. Lees moved to amend the bill, in section 2C, by inserting after item 1102-3332 the following item:

"1102-9998 For the removal of asbestos at the University of Massachusetts at Amherst
.....1,500,000".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 0540-0001 the following item:

"0611-5505 For assistance to the East Waste Water Treatment Plant of Marlborough to reduce the impact of phosphorous
in the region's waterways and aquifers
.....6,000,000".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, in item 2495-8998, by adding the following words:— "; and provided further, that \$200,000 shall be expended for the soccer field on Acre Bridge road in Southborough".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2A, in item 6037-0019, by adding the following words:— "; provided further, that not less than \$300,000 be expended on resurfacing and repaving 3.5 miles on Rte. 110 known as Still River Road which runs from the center of the town of Harvard to the Bolton line".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 1102-3332 the following item:

"1102-5996 For costs associated with the facilitation of a transfer of land by the department of environmental management to the department of fire services, resolution of land transfer issues between the commonwealth and the federal government and relocation of personnel in an amount not to exceed \$350,000; provided further, that not more than \$400,000 shall be expended on the architectural design, engineering studies, preparation of plans and construction cost analysis for the construction of a multiple function headquarters and training facility in the town of Stow for the department of fire services; provided further, that the design, plan, study and analysis shall include, but not be limited to, furnishings and equipment, office and administrative space, a firefighter training tank, a computer laboratory and technical development center, a cafeteria, dormitories and a parking facility; and provided further, that the cost analysis shall include an estimate of the annual operating costs for the facility
.....750,000".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; and provided further, that \$20,000 shall be expended for the purpose of site preparation, a foundation and relocation of the historic Whitcomb House in the town of Boxborough".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, in item 7000-2992, by adding the following words:— "; and provided further, that not less than \$24,000 shall be provided as a grant to the Harvard Public Library for the planning, design and preparation for expansion".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 7004-6666 the following item:

"xxxx-xxxx For grants to be allocated by the department in support of regional redevelopment projects provided that, \$200,000 of the amount appropriated herein shall be expended for a grant to the Devens Enterprise Commission established pursuant to chapter 498 of the acts of 1993; provided further, that said commission shall take all steps necessary to be self-sufficient not later than June 30, 2002; provided further, that not more than \$75,000 of said grant shall be obligated to the communities of Ayer, Harvard, Lancaster and Shirley in order to conduct a progress review of the status of the redevelopment effort at Fort Devens; provided further, that not less than \$275,000 shall be expended for a grant to the South Shore Tri-town Development Corporation established by section 3 of chapter 301 of the acts of 1998; and provided further, that not less than \$800,000 of the amount appropriated herein shall be expended for a grant to the Mystic Valley Development Commission established pursuant to section 11 of chapter 294 of the acts of 19961,275,000".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 7066-0015 the following item:

"7100-0250 For the University of Massachusetts to support capital expenditures related to information technology, including the Massachusetts Information Turnpike Initiative (MITI), distance learning classroom and library systems, including not less than \$500,000 specifically for the classrooms at the University Center for Professional Education6,000,000".

The amendment was *rejected* .

Mr. Joyce moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; and provided further, that not less than \$500,000 shall be expended for repairs and improvements to Stetson hall in the town of Randolph".

The amendment was *rejected* .

Messrs. Tisei and Tarr moved to amend the bill, in section 2C, by adding the following item:

"8324-2000 For the costs associated with the purchase of two mobile firearms training trailers to be used exclusively by the 63 communities that participated in training exercises at Camp Curtis Guild600,000".

The amendment was *rejected* .

Mr. Tisei moved to amend the bill, in section 2C, in item 1102-3332, by adding the following words:— "; provided, that not less than \$50,000 shall be expended for the demolition of an abandoned building located at 147 Lowell street in the town of Wakefield"; and in said item 1102-3332, by striking out the figure "2,210,000" and inserting in place thereof the following figure:— "2,260,000".

The amendment was *rejected* .

Mr. Tisei moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that \$125,000 shall be expended for the replacement of the Reading Senior Center roof, located at 49 Pleasant street in the town of Reading"; and further, in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— "3,425,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; provided further, that \$45,000 shall be provided for the Worcester women's history project to preserve and exhibit historic artifacts."; and in said item 0526-0111, by striking out the figure "12,500,000" and inserting in place thereof the following figure:— "12,545,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 0526-0111, by inserting after the words "Echo Bridge in Newton;" the following words:— "; provided further, that not less than \$400,000 shall be expended for the renovation of the historic Tuckerman Hall in the city of Worcester;"; and in said item 0526-0111, by striking out the figure "12,500,000" and inserting in place thereof the following figure:— "12,900,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; provided further, that \$5,000,000 shall be expended for repairs to the Massachusetts National Guard Military Museum in the city of Worcester."; and in said item 0526-0111, by striking out the figure "12,500,000" and inserting in place thereof the following figure:— "17,500,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 2120-7999, by inserting after the words "the city of Waltham" the following words:— "; provided further, that not less than \$50,000 shall be expended for repairs to the Worcester Regatta Point boathouse."; and in said item 2120-7999, by striking out the figure "1,480,000" and inserting in place thereof the following figure:— "1,530,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 2495-8998, by inserting after the words "the town of Nahant;" the following words:— "provided further, that not less than \$1,500,000 shall be expended for the reconstruction and rehabilitation of the Dawson pool recreation area in the town of Holden."; and in said item 2495-8998, by striking out the figure "6,710,000" and inserting in place thereof the following figure:— "8,210,000".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; and provided further that not less than \$28,600 shall be expended for the reconstruction and signalization of Chadwick Square in the city of Worcester."; and in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:— "3,328,600".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill, in section 2C in item 7004-6666, by adding the following words:— "; and provided further that not less than \$200,000 shall be expended for a study of the Blackstone Canal, so-called, and to uncover portions of said canal in the city of Worcester."; and in said item 7004-6666, by striking out the figure:— "3,300,000" and inserting in place thereof the following figure:— "3,500,00".

The amendment was *rejected* .

Mr. Bernstein moved to amend the bill by adding the following section:—

"SECTION 19. Notwithstanding any general or special law to the contrary, the department of youth services shall relocate and terminate the use of the facility located at Belmont street in the city of Worcester no later than June 30, 2002. An amount not to exceed \$5,000,000 shall be made available for the purpose of funding said permanent relocation. Furthermore, any expansion of said facility prior to June 30, 2002 shall be temporary and of a type of construction which can be disassembled, reconfigured and relocated at another site."

The amendment was *rejected* .

Mr. Knapik moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; provided further, that not less than \$24,088 shall be expended for Cabotville Common in the city of Chicopee".

The amendment was *rejected* .

Mr. Knapik moved to amend the bill, in section 2, in item 0526-0111, by adding the following words:— "; provided further, that not less than \$120,000 shall be expended for the Municipal Hall in the city of Westfield".

The amendment was *rejected* .

Mr. Knapik moved to amend the bill, in section 2C, in item 1102-3332, by adding the following words:— "; and provided further, that not less than \$200,000 shall be expended for the demolition and development of property in the city of Holyoke"; and in said item 1102-3332, by striking out the figure "2,210,000" and inserting in place thereof the following figure:— "2,410,000".

The amendment was *rejected* .

Mr. Knapik moved to amend the bill, in section 2C, in item 2120-7997, by adding the following words:— "; and provided further, that not less than \$230,000 shall be expended for repairs to the Congamond lakes south culvert in the town of

Southwick"; and in said item 2120-7997, by striking out the figure "2,421,625" and inserting in place thereof the following figure:— "2,651,625".

The amendment was *rejected* .

Ms. Resor moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. The department of environmental management historic landscape preservation grant program shall award the amount of \$45,414 to the town of Ayer for the purpose of restoring the Ayer town hall; provided further that the department shall approve the grant application of the town of Littleton for the purpose of restoring and preserving the 'Old Burying Grounds'."

The amendment was *rejected* .

Ms. Fargo, and Messrs. Brewer, Tolman, Nuciforo, Glodis, Tarr, Havern and Hedlund moved to amend the bill, in section 2C, by inserting after item 1599-6666 the following item:

"2100-2051 For the expense of the non-native invasive aquatics species control program to protect the commonwealth's lakes, rivers and streams
.....1,000,000."

The amendment was *rejected* .

Ms. Fargo moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$850,000 be provided for traffic signalization project at the intersection of North, Parkhurst and Dalton roads in Chelmsford."

The amendment was *rejected* .

Ms. Fargo moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$510,000 be provided for traffic signalization project at the intersection of North road and Dalton road in Chelmsford."

The amendment was *rejected* .

Ms. Fargo moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$1,360,000 be provided for traffic signalization projects at the intersections of route 4 and Dalton road and at the three way intersection of Route 4, Davis road and Parkhurst road."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$30,000 shall be expended for the construction of the Moving Vietnam Wall in the town of Holliston".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2C, in item 2120-7997, by adding the following words:— "; and provided further, that not less than \$32,900 shall be expended for repairs to the Blood Pond Dam in the town of Hopkinton."; and in said item 2120-7997 by striking out the figure "2,421,625" and inserting in place thereof the following figure:— "2,454,525".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$156,000 shall be expended for road reconstruction surrounding the Mill Road Bridge in the town of Westborough".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$1,346,092 shall be expended for the Speen street roadway reconstruction project in the towns of Framingham and Natick".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$1,493,487 shall be expended for the route 16 at route 126 roadway reconstruction project in the town of Holliston".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$1,017,725 be expended for the Fountain Street Bridge reconstruction in the town of Ashland".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$566,305 shall be expended for the 9/90 crossing in the town of Framingham".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$85,063 shall be expended for sidewalk reconstruction in the town of Medway".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2C, in item 1599-6666, by adding the following words:— "; and provided further, that \$50,000 shall be expended for the improvement of the kitchen facilities at the Framingham Civic League"; and in said item 1599-6666, by striking out the figure "365,000" and inserting in place thereof the following figure:— "415,000".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$25,000 shall be expended for the Cole Community Center in the town of Natick".

The amendment was *rejected* .

Mr. Tolman and Ms. Fargo moved to amend the bill by inserting after section 13 the following section:—

"SECTION 13A. 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. The purpose of this section is to alleviate regional flooding conditions in the towns of Arlington, Belmont and Lexington and the city of Waltham. To meet the expenditures necessary to carry out the provisions of this act, 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, 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 of the Constitution of the Commonwealth; but 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 act, be general obligations of the commonwealth. The treasurer may borrow from time to time on the credit of the commonwealth such sums of money in an amount not to exceed \$7,200,000 as may be necessary for the purpose of making payments authorized and may issue and review from time to time notes of the commonwealth shall be fixed by said Treasurer. Such notes shall be issued and may be renewed one or more times for such term, 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 of the Commonwealth, 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 act, notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth."

The amendment was *rejected* .

Mr. Rauschenbach moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; provided further, that not more than \$50,000 shall be expended for a matching grant to the Cape Cinema in the town of Dennis operated by the Raymond Moore Foundation, Inc., for the repairs to the roof and ceiling mural; and provided further, that said grant not be allotted or disbursed prior to the commitment of equal matching funds from the Raymond Moore Foundation, Inc., so called, for the repairs".

The amendment was *rejected* .

Mr. Rauschenbach moved to amend the bill by inserting after item 1102-3332 the following item:

"1102-7967 For planning and studies, acquisition of land and buildings and interests therein, the preparation of plans and specifications, construction, renovation, reconstruction, alteration, improvement, demolition, expansion, repair and furnishings and equipment for the Barnstable county jail and house of correction; provided, that Barnstable county shall build a 222-bed facility with funds appropriated or to apply the funds, with the consent of the secretary of the executive office of public safety, to the planning, design and site work for up to a 500-bed facility; and provided further, that nothing herein shall be construed to commit the commonwealth to funding costs in addition to those authorized in this item
.....40,000,000".

The amendment was *rejected* .

Mr. Rauschenbach moved to amend the bill by inserting after section 12 the following section:—

"SECTION 12A. (a) Notwithstanding section 4 of chapter 85 of the acts of 1994, the commissioner of the department of environmental management may convey to the town of Brewster a leasehold interest in the Crosby mansion, so-called, and two cottages in Nickerson state park. The area of the leasehold is described on a plan to be filed with the department of environmental management entitled 'Land and buildings in Nickerson State park to be leased to the town of Brewster.' The lease shall contain terms and conditions established by the department. Notwithstanding any other provision of law, the term of such lease shall be 25 years, subject to extension for another 10 year term at the discretion of the commissioner.

(b) The use of the Crosby mansion and cottages shall be for town municipal purposes and for promoting the appreciation of the Mansion and historic resources. Should the use terminate, or should the commissioner determine that the town has failed to comply with the terms of the lease entered into between the department and the town, the property described in subsection (a) shall revert to said department.

(c) Use of the mansion and cottages shall be in compliance with all statutes, regulations and executive orders governing, but not limited to environmental protection, and the town shall secure all necessary approvals and permits. Failure to obtain or maintain compliance with said statutes, regulations, or to obtain and maintain permits and approvals shall constitute cause for termination of said lease.

(d) The use of the mansion and cottages shall not interfere with the commonwealth's use and operation of adjacent property as a state park."

The amendment was *rejected* .

Mr. Rauschenbach moved to amend the bill by adding the following section:—

"SECTION . Section 1. Notwithstanding section forty-four of chapter eighty-five of the acts of 1994, as amended by section fifty of chapter fifteen of the acts of 1996, the commissioner of the department of environmental management is authorized to convey to the town of Brewster a leasehold interest in the Crosby Mansion, so-called, and two cottages in Nickerson State park. The area of said leasehold is described on a plan to be filed with the department of environmental management entitled 'Land and buildings in Nickerson State park to be leased to the town of Brewster.' Said lease shall contain terms and conditions established by the department. Notwithstanding any other provision of law, the term of such lease shall be twenty-five years, subject to extension for another ten year term at the discretion of the commissioner.

Section 2. The use of said Crosby Mansion and cottages shall be for Town municipal purposes, and for promoting the appreciation of the Mansion and historic resources. Should said use terminate, or should the commissioner determine that the town has failed to comply with the terms of the lease entered into between said department and the town, the property described in section 1 shall revert to said department.

Section 3. Use of said mansion and cottages shall be in compliance with all statutes, regulations and executive orders governing, but not limited to environmental protection, and the town shall secure all necessary approvals and permits. Failure to obtain or maintain compliance with said statutes, regulations, or to obtain and maintain permits and approvals shall constitute cause for termination of said lease.

Section 4. The use of said Mansion and cottages shall not interfere with the Commonwealth's use and operation of adjacent property as a state park."

The amendment was *rejected* .

Mr. Rauschenbach moved to amend the bill by inserting after Section 12 the following section:—

"SECTION 12A. Chapter 149 of the General Laws is hereby amended by inserting after section 44E, as appearing in the 1996 Official Edition, the following section:—

Section 44E½. The commissioner of the division of capital asset management and maintenance may procure construction contracts for the renovation or repair of the state house in accordance with the provisions of this section.

The procurement of a contract for the renovation or repair of the state house shall be deemed a building project for purposes of section 39A of chapter 7.

When the commissioner procures a contract for the renovation or repair of the state house as authorized by this section, the commissioner shall solicit competitive sealed proposals through issuance of a request for proposals. Said request shall include;

- (1) the time and date by which proposals must be received, the address of the office to which the proposals must be delivered, and the maximum time for proposal acceptance by the division;
- (2) the purchase description and all criteria that will be utilized in evaluation proposals;
- (3) all contractual terms and conditions applicable to the procurement; provided, however, that the contract may incorporate by reference a plan submitted by the selected offeror for renovation or repairing the state house;
- (4) a notice stating that every proposal shall be accompanied by a copy of an appropriate certificate of eligibility issued by the commissioner pursuant to section 44D, together with an update statement; and
- (5) a notice stating that every proposal shall be accompanied by a certification that the offeror is able to furnish labor that can work in concert with all other elements of labor employed or to be employed at the state house.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain such documents. The request for proposals shall provide for the separate submission of a price proposal and shall indicate when and how the offerors shall submit the price proposal. The division shall make copies of the request for proposals available to all persons on an equal basis.

Public notice of the request for proposals for the renovation or repair of the state house shall be published in accordance with the provisions of section 44J.

The division shall not open the proposals publicly, but shall open them in the presence of at least one witness at the time specified in the request for proposals. Notwithstanding the provisions of section 7 of chapter 4, until the completion of the evaluation, or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not be disclosed to competing offerors. At the opening of proposals the division shall prepare a register of proposals. The register of proposals shall be open for public inspection. The division shall open the price proposals at a later time and shall open the price proposal in a manner that ensures that the content of the price proposals is not disclosed to the individuals evaluating the proposals on the basis of criteria other than price.

The division shall designate the individual or individuals responsible for the evaluation of the proposals on the basis of criteria other than price. The designated individuals shall prepare their evaluations based solely on the criteria set forth in the request for proposals. Such criteria shall include all standards by which acceptability will be determined as to quality, workmanship, results of inspections and tests, and suitability for a particular purpose, and shall also include all other measures that will be utilized. The evaluations shall specify in writing:

- (1) for each evaluation criterion, a rating of each proposal as highly advantageous, advantageous, not advantageous, or unacceptable, and the reasons for such rating;
- (2) a composite rating for each proposal and the reasons for such rating; and
- (3) recommendations for revisions, if any, to each proposed plan for the renovation or repair of the state house which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

The division shall unconditionally accept a proposal except as provided by this paragraph. An offeror may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the opening of proposals. After such opening, an offeror may not change the price or any other provisions of the proposal in a manner prejudicial to the interest of the division or fair competition. The division shall waive minor informalities, or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the division shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The division may permit an offeror to withdraw an offer if a mistake is clearly evident on the face of the document but the intended correct offer is not similarly evident.

Taking into consideration price and the evaluation criteria set forth in the request for proposals, the commissioner shall determine the most advantageous proposal from a responsible, responsive, and eligible offeror. If a responsible, responsive and eligible offeror submits the lowest price and has received a composite rating of highly advantageous on the basis of criteria other than price, then the commissioner shall determine that offeror's proposal to be the most advantageous proposal. If the offeror who submits the lowest price has not received a composite rating of highly advantageous on the basis of criteria other than price, then the commissioner may, but is not required to, determine that the lowest price proposal from among those proposals that have received a composite rating of highly advantageous on the basis of criteria other than price, is the most advantageous proposal. The commissioner may condition an award on successful negotiation of any revisions recommended in the evaluation and shall explain in writing the reasons for omitting any such revisions from the contract. The division shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

If the commissioner awards the contract to an offeror who did not submit the lowest price, the commissioner shall explain the reasons for the award in writing, specifying in reasonable detail the basis for determining that the anticipated performance of the selected offeror justifies the additional cost, and the division shall maintain such explanation in its files for at least six years from the date of final payment under the contract.

Prior to execution of a contract pursuant to this section, the selected offeror shall furnish to the division a payment bond and a performance bond of a surety company qualified to issue bonds in the commonwealth and satisfactory to the division each in the sum of the contract price.

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill, in section 2C, by inserting after item 2120-7999 the following item:

"2120-xxxx To provide for a capital outlay program for the subsurface, surface and sea wall restoration of the Harbor Towers plazas, sea walls and shoreline, more particularly described as portions of parcels B, C and D on that certain plan entitled 'Plan of Land of Cullinan Engineering Co., Inc., dated February 14, 1980' and recorded at Suffolk registry of deeds Book 9403, Page 79 and further described in that certain plan of land entitled 'The Commonwealth of Massachusetts Plan of Land in the City of Boston Showing Location of Easements Taken by the Department of Highways' dated March 16, 1995, also, recorded at the registry of deeds, and, in particular, for the preparation of plans, studies, construction, restoration and improvement of subsurface conditions, including depressions in walkway areas, settlement and destruction of pavers, repair and restoration of sea walls, and installation of geotextile material along sea wall areas to prevent further erosion and damage to open plaza areas, for the restoration and landscaping of plaza, pavement and walkway areas and further, to authorize expenditure for the acquisition of easements or licenses for public water taxi transportation uses under terms and conditions to be negotiated between the commonwealth and Harbor Towers with respect to location, schedule of operation and use by specific types of water-born transportation vessels1,500,000".

The amendment was *rejected*.

Ms. Creem moved to amend the bill by inserting after section 12 the following section:—

"SECTION 12A. The Massachusetts Bay Transportation Authority, the department of highways, the Massachusetts turnpike authority and the metropolitan district commission, acting jointly, shall undertake a study relative to the Woodland and Riverside 'T' stations, so-called, and the area surrounding the stations. The study shall include, but not be limited to, proposed development of the area and its impact on the quality of life of residents in the area, transportation and traffic and the feasibility of an intermodal transportation terminal. The agencies shall hold at least one public hearing in a place accessible to the residents of the affected area.

The results of the study shall be filed with the joint committee on transportation within six months of the effective date of this act; but no development shall take place in the area prior to the completion and filing of the study."

The amendment was *rejected*.

Ms. Creem moved to amend the bill by inserting after section 18 the following two sections:—

"SECTION 18A. Item 7004-0099 of section 2 of chapter 194 of the acts of 1998 is hereby amended by adding the following words:— ; provided, that not less than \$62,000 shall be expended for the construction of an intergenerational community playground at the Davis Community Playground in Newton.

SECTION 18B. Said item 7004-0099 of said section 2 of said chapter 194 is hereby amended by striking out the figure '5,889,141' and inserting in place thereof the following figure:— 5,951,141".

The amendment was *rejected* .

Ms. Creem moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; provided further, that not less than \$50,000 shall be expended for the costs of designing Phase II of the Forte Memorial park construction plan in the city of Newton"; and in said item 2120-7999, by striking out the figure "1,480,000" and inserting in place thereof the figure:— "1,530,000".

The amendment was *rejected* .

Messrs. Tarr, Jajuga, and Panagiotakos, Ms. Fargo and Ms. Tucker moved to amend the bill by inserting after item 1599-6666 the following item:

"2040-1991 For the first 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', 40C.F.R.60, pursuant to section 129 of the Clean Air Act amendments of 1990; provided, 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".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$110,000 be appropriated for road drainage and reconstruction of Cedarwood lane in the town of Rowley".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$35,000 be expended for the construction of a handicap access stair chair lift for the Rowley Center School Municipal Annex in the town of Rowley".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$5,000 be appropriated for the resurfacing of the recycling center parking lot and work area in the town of Rowley".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$10,000 be appropriated for the remodeling of the second floor of the Rowley Center School Municipal Annex to increase space for the Council on Aging and town offices in the town of Rowley".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; provided further, that \$180,000 shall be expended for the completion of the River Walk, so-called, along the Ipswich river in the town of Ipswich".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided, that \$1 million dollars be expended for the construction of a public safety building in the town of West Newbury".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$200,000 be expended for improvements to Middleton road in the town of Boxford".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; 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. Tarr moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; provided further, that not less than \$125,000 shall be expended for improvements to the area known as Tuck's Point in the town of Manchester-by-the-Sea".

The amendment was *rejected* .

Messrs. Tarr and Jajuga moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided, that \$1,800,000 shall be expended for the construction of a water line on Plum Island in the city of Newburyport and the town of Newbury".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:— "; provided further, that not less than \$400,000 shall be expended for the purpose of matching funds for the construction of a senior center in the city of Gloucester".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in item 6037-9917, by adding the following words:— "; and provided further, that \$100,000 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 2C, in item 0526-0111, by adding the following words:— "; and provided further, that \$11,550.00 be expended for the completion of the Groveland veto museum building in the town of Groveland".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; and provided further, that not less than \$1,500,000 shall be expended for the purposes of the planning, design and construction of an industrial access road in the town of Georgetown".

The amendment was *rejected* .

Mr. Tarr moved to amend the bill, in section 2C, in item 2120-7999, by adding the following words:— "; and provided further, that not less than \$150,000 shall be expended for the purpose of matching funds expended by the town of Rockport for the purchase of public access rights to Pigeon Cove wharf in said town".

The amendment was *rejected* .

Messrs. Tarr and Clancy moved to amend the bill, in section 2C, in item 1599-3810, by adding the following words:— "; and provided further, that not less than \$3,000,000 shall be made available for the Massachusetts capital access program"; and in said item 1599-3810, by striking out the figure "2,000,000" and inserting in place thereof the following figure:— "5,000,000".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2, in item 6037-9916, by adding the following words:— "; and provided further, that \$9,900,000 shall be expended for the interstate highway route 495 interchange in the city of Marlborough".

The amendment was *rejected* .

Mr. Lees moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:— "; and provided further, that not less than \$700,000 shall be expended for the restoration of the historic fishing schooner, Adventure".

The amendment was *rejected* .

Mr. Hedlund moved to amend the bill, in section 2C, in item 1102-3332, by adding the following words:— "; and provided further, that not less than \$200,000 shall be expended to demolish certain buildings on the Hingham annex property, so-called,

adjacent to Wompatuck state park in the town of Hingham".; and in said item 1102-3332, by striking out the figure "2,210,000" and inserting in place thereof the following figure:—"2,410,000".

The amendment was *rejected* .

Mr. Hedlund moved to amend the bill, in section 2C, in item 2495-8998, by adding the following words:—" "; and provided further, that not less than \$50,000 shall be expended in a matching fund grant to the town of Hull to bolster tourism awareness".

The amendment was *rejected* .

Mr. Hedlund moved to amend the bill, in section 2A, in item 6037-0019, by adding the following words:—" "; and provided further, that not less than \$50,000 shall be provided to the town of Weymouth for the improvement and repair of Broad street, Babcock street, Central street, Cottage street, Essex street and Taber court".

The amendment was *rejected* .

Mr. Hedlund moved to amend the bill, in section 2C, in item 2495-8998, by adding the following words:—" "; and provided further, that not less than \$400,000 shall be expended on improvements to the Blue Hills ski area in the town of Canton".

The amendment was *rejected* .

As previously stated, the above amendments were considered as one, and *rejected* .

Ms. Jacques moved to amend the bill, in section 2C, in item 7004-6666, by adding the following words:—" "; and provided further, that \$1,000,000 shall be expended to defray the costs of the Millis Memorial Building project"; and in said item 7004-6666, by striking out the figure "3,300,000" and inserting in place thereof the following figure:—"4,300,000".

The amendment was *rejected* .

Mr. Pacheco moved to amend the bill, in section 2C, in item 0526-0111, by adding the following words:—" "; and provided further, that not less than \$600,000 shall be expended for the renovation of the Star Theater building, so-called, in the city of Taunton".

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 0540-0001 the following item:

"1102-3204 For the acquisition of real property located in the town of Ayer set forth in section 20 and for the construction and installation of a parking area for use by the Ayer district court
.....110,000";

and by adding the following section:—

"SECTION 19. The commissioner of the division of capital asset management and maintenance, in the name of and on behalf of the commonwealth, shall, pursuant to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws acquire certain real property located in the town of Ayer for use as a parking lot at the Ayer division of the district court department of the trial court, at 18 Prospect street, and more particularly described as follows:

Beginning at the southwesterly corner of the granted premises at the intersection of Prospect Street and School Street;

Thence, running northerly by said School Street forty-six and zero hundredths (46.00) feet;

Thence, turning at a right angle and running easterly by land of Nellie E. Fox, sixty-four and zero hundredths (64.00) feet;

Thence, turning at a right angle and running southerly by land of Nellie E. Fox forty-six and zero hundredths (46.00) feet to said Prospect Street;

Thence, turning at a right angle and running westerly by said Prospect Street sixty-four and zero hundredths (64.00) feet to the point of beginning, this line making a right angle with the first described line.

Said parcel contains two thousand nine hundred forty-four and zero hundredths (2,944.00) square feet more or less.

Being the same premises conveyed by Marie P. Walsh to Marie P. Walsh, Trustee of the Mid-Hill Trust dated April 4, 1974 and recorded at the Middlesex south district registry of deeds in Book 12610, Page 553."

The amendment was *rejected* .

Ms. Resor moved to amend the bill, in section 2C, by inserting after item 7004-6666 the following item:

"7007-0950 For grants to public and private non-profit local and regional organizations to be awarded by the Massachusetts office of travel and tourism; provided, that \$50,000 shall be expended for the Freedom's Way Heritage Association."

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2C, in item 1599-4994, by adding the following words:— "; and provided further, that not less than \$600,000 shall be expended for the infrastructure projects, including water and sewer, for the 126 corridor in the town of Ashland".

After remarks, the amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$1,578,161 shall be expended for improvements at the West Main street intersection in the town of Hopkinton".

The amendment was *rejected* .

Mr. Magnani moved to amend the bill, in section 2A, in item 6037-9917, by adding the following words:— "; provided further, that not less than \$380,000 shall be expended for the route 126 underpass project in the town of Framingham".

The amendment was *rejected* .

Ms. Creem moved to amend the bill, in section 2, in item 2495-8998, by adding the following words:— "; provided further, that \$350,000 be expended for the reconstruction of fish ladders at the Cordingly, Findlay, Moody, Watertown and New Charles River Dams."

The amendment was *rejected* .

After remarks, the question on passing the bill to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-five minutes before twelve o'clock midnight, on motion of Mr. Montigny, as follows, to wit (yeas 38 — 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
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.
Travaglini, Robert E.
Tucker, Susan C.

Magnani, David P.
Melconian, Linda J.

Walsh, Marian
Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

The yeas and nays having been completed at twenty-one minutes before twelve o'clock midnight, the bill was passed to be engrossed, in concurrence, with the amendments adopted by the Senate. [For text of Senate amendments, see Senate, No. 1823, printed as amended.]

Sent to the House for concurrence in the amendments.

PAPER FROM THE HOUSE .

A petition (accompanied by bill, House, No. 4419) of Michael W. Morrissey, Joseph C. Sullivan and others relative to further extending the time for which certain land in Norfolk County may be used as a temporary minimum security alternative correction center,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Counties.**

Orders of the Day.

The House Bill making appropriations for the fiscal year 2000 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. 4401, 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 fourteen minutes past twelve o'clock midnight, on motion of Mr. Montigny, as follows, to wit (yeas 38 — 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.

Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Norton, Thomas C.
Nuciforo, Andrea F., Jr.
Pacheco, Marc R.
Panagiotakos, Steven C.
Rauschenbach, Henri S.
Resor, Pamela
Rosenberg, Stanley C.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Tolman, Steven A.

Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.

Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

The yeas and nays having been completed at twenty minutes past twelve o'clock midnight, the bill was passed to be engrossed, in concurrence, with the amendments adopted by the Senate. [For text of Senate amendments, see Senate, No. 1822, printed as amended.]

Sent to the House for concurrence in the amendments.

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.
