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 13, 2001.
[being the legislative session
Tuesday, June 12, 2001.]

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

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced John Jordan, a city councillor in the city of Revere. Mr. Jordan was the guest of Senators Birmingham and Travaglini.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Montigny) introduced, seated in the Senate gallery, the 5th grade class of the William H. Taylor School in New Bedford. The students, teachers and chaperones were the guests of Senator Montigny.

There being no objection, during consideration of the Orders of the Day, the Chair (Ms. Melconian) recognized, seated in the gallery, the Dedham High School Girls Ice Hockey Team, the 2000-2001 Division II state champions. They were accompanied by their coaches Don Parr, Tom Greland and Victor Pacella. They were the guest of Senator Walsh.

Reports of a Committee.

Mr. Brewer, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The Senate bills
Relative to the subdivision control law (Senate, No. 1012);
To further regulate the use of interlocal agreements (Senate, No. 1036, changed);
Designating a plaque for Edward Cohen (Senate, No. 1564);
Relative to condominium by-laws (Senate, No. 1877); and
The House Bill relative to home inspectors (House, No. 4135).

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2002 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. 4101, 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 7010-0005, by inserting after the word "readiness", in line 17, the following words:— "; provided further, that the department shall conduct a study and submit a report not later than November 30,

2001 to the joint committee on education, arts and humanities and the house and senate committees on ways and means to determine the appropriateness of the calculations of foundation budget amounts in chapter 70 of the General Laws as they apply to rural regional school districts; provided further, that the study and report shall provide data and analysis to determine if the ratios and average costs assumed in chapter 70 calculations are reasonably attainable in rural regional districts and shall offer a set of guidelines, procedures and programs to address the problems identified, including cost projections of amounts believed to be sufficient to remedy deficiencies in such calculations and recommended mechanisms for the disbursement of such funds".

After remarks, the amendment was adopted.

Ms. Fargo, Messrs. Antonioni and Magnani, Ms. Creem and Mr. Nuciforo moved to amend the bill in section 2, in item 7010-0005, by adding the following words:— "; and provided further, that the department shall continue to fund the position of content specialist in the arts".

After remarks, the amendment was *rejected.*

Mr. Joyce moved to amend the bill in section 2, in item 7027-0016, by striking out the figure "$47,750" and inserting in place thereof the following figure:— "$51,500".

After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill in section 2, in item 7028-0302, by adding the following words:— "; and provided further, that the town of Holbrook shall receive $40,000 for its unique educational expenses for certain school-aged children with special needs attending schools".

The amendment was *rejected.*

Mr. Magnani moved to amend the bill in section 2, in item 7030-1000, by inserting after the words "family networks;" in line 53, the following words:— "provided further, that not less than $150,000 shall be allocated to the town of Framingham for the purpose of conducting a family network program;"; and by striking out the figure "$114,460,421" and inserting in place thereof the following figure:— "$114,610,421".

After remarks, the amendment was *rejected.*

Mr. Joyce moved to amend the bill in section 2, in item 7035-0002, by striking out the figure "$31,136,800" and inserting in place thereof the following figure:— "$39,736,800".

The amendment was *rejected.*

Mr. Tolman, Ms. Fargo, Mr. Lynch, Ms. Creem and Mr. Joyce moved to amend the bill in section 2, in item 7035-0002, by striking out the figure "$31,136,800" and inserting in place thereof the following figure:— "$34,686,604".

The amendment was *rejected.*

Messrs. Tisei and Glodis moved to amend the bill in section 2, in item 7035-0002, by adding the following words:— "provided further, the department of education shall establish a program unit to be known as the Massachusetts high school equivalency diploma program which shall be responsible for establishing requirements for the issuance of the high school equivalency diplomas including, but not limited to, such assessments as the tests of general educational development, or GED, as established by the American Council on Education".

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.*

Messrs. Joyce and Tisei moved to amend the bill in section 2, in item 7052-0004, by inserting after the words "before any other projects;" the following words:— "provided further that capital school construction projects in cities, towns and regional school districts which receive a favorable vote, for design or construction, by the city council and mayor or town meeting, after April 1, 2001, but before December 31, 2001, shall have added 15 percentage points to their project reimbursement rate if land under the management of the Metropolitan District Commission in those cities, towns and regional school districts is greater than 10 per cent of the total land; provided further, that the total reimbursement rate shall in no circumstances exceed 90 per cent of approved project costs;".

The amendment was *rejected.*

Ms. Tucker, Messrs. Tolman, Moore and Creedon, Ms. Murray, Messrs. Lynch, Nuciforo, Joyce, Jajuga and Tarr, Ms. Resor, Mrs. Sprague and Messrs. Tisei and Hedlund moved to amend the bill in section 2, in item 7052-0005, by adding the following words:— "; provided further, that not less than $19,661,986 shall be expended for the purpose of reimbursement of estimated annual payments to cities, towns and regional school districts for category III major construction projects; and provided further, that the $19,661,986 shall be disbursed in accordance with the amount of the estimated annual bond payments of the individual cities, towns and regional school districts making payments on category III projects".

The amendment was *rejected.*

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

"SECTION 39A. The reimbursement rate for school construction is hereby amended to establish project cost factors of $192/square foot for elementary schools, $180/square foot, and $204/square foot for high schools."

The amendment was *rejected.*

Mr. Moore moved to amend the bill in section 2, in item 7052-0007, by adding the following words:— "; provided further, that $413,006 shall be expended for the completed emergency roof repairs to the Stall Brook school in the town of Bellingham; and provided further, that $457,924 shall be expended for the completed emergency roof repairs to the Macy school in the town of Bellingham".

The amendment was *rejected.*

Ms. Murray moved to amend the bill in section 2, in item 7061-0006, by inserting after the word "growth", in line 2, the following words:— "; provided further, that not less than $200,000 be appropriated for the town of Sandwich public schools".

After remarks, the amendment was *rejected.*

Ms. Murray moved to amend the bill in section 2, in item 7061-0006, by inserting after the word "growth", in line 2, the following words:— "provided further, that not less than $250,000 be appropriated for the town of Wareham public schools".

The amendment was *rejected.*

Messrs. Tisei, Lees and Jajuga, Ms. Murray, Messrs. Tarr, Knapik and Hedlund, Mrs. Sprague and Mr. O'Leary moved to amend the bill in section 2, by striking out item 7061-0006 and inserting in place thereof the following item:—

"7061-0006 For a chapter 70 equalization grant program, to be administered by the department of education to (a) provide enrollment aid to communities which have experienced past extraordinary enrollment growth or (b) to meet deficiencies in the base chapter 70 aid that a community received at the inception of the education reform act; provided, that such grants shall be available upon application to communities which receive less than 20 per cent of their foundation budget through chapter 70; provided further, that the commissioner of education shall establish criteria for the awarding of such grants; provided further, that the commissioner shall consult with the school district regarding the merits of any application; provided further, that the commissioner shall issue a report to the chairs of the house and senate committees on ways and means and to the chairs of the joint committee on education regarding any money expended from this account; provided further, that notwithstanding any general or special law to the contrary, assistance funded by this item shall be available on a recurring basis until the chapter 70 formula has been revised; and provided further, that funds distributed from this item to a municipality shall be considered as base aid used in the calculation of the minimum required local contribution for fiscal year 2003..... 5,000,000
Local Aid Fund 100.0% ".

Ms. Resor moved to amend the bill in section 2, in item 7061-0006, by adding the following words:— "; and provided further, that the town of Southborough is determined to have experienced past extraordinary enrollment growth and shall qualify for additional aid in an amount not less than $255,134".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 7061-0006, by adding the following words:— "; and provided further, that enrollment aid shall be considered part of base aid for fiscal year 2003 for the purposes of chapter 70 of the General Laws".

The amendment was *rejected*.

Messrs. Jajuga, Tisei and O'Leary moved to amend the bill in section 2, by inserting after item 7061-0006 the following item:—

"7061-0007 For a chapter 70 equalization grant program, to be administered by the department of education to meet deficiencies in the base chapter 70 aid that a community received at the inception of the education reform act; provided, that the grants shall be distributed to communities which receive less than 20 per cent of their foundation budget through chapter 70. The commissioner of the department shall promulgate regulations to award the grants to the affected communities; provided further, that the commissioner shall distribute the grants proportionally to the number of students enrolled in each school district; and provided further, that funds distributed from this item to a municipality shall be considered as base aid used in the calculation of the minimum required local contribution for fiscal year 2003 10,000,000
Local Aid Fund 100.0% ";

and in item 7061-9404, by striking out the figure "$50,000,000" and inserting in place thereof the following figure:— "$40,000,000".

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

YEAS.

Hedlund, Robert L.	O'Leary Robert A.
Jajuga, James P.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.-9
Murray, Therese	

NAYS.

Antonioni, Robert A.	Creem, Cynthia Stone
Berry, Frederick E.	Fargo, Susan C.
Brewer, Stephen M.	Glodis, Guy W.
Chandler, Harriette L.	Havern, Robert A.
Clancy, Edward J., Jr.	Jacques, Cheryl A.
Creedon, Robert S. Jr.	Joyce, Brian A.
Lynch, Stephen F.	Panagiotakos, Steven C.
Magnani, David P.	Resor, Pamela
Melconian, Linda J.	Rosenberg, Stancly C.
Menard, Joan M.	Shannon, Charles E.
Montigny, Mark C.	Tolman, Steven A.
Moore, Richard T.	Travaglini, Robert E.
Morrissey, Michael W.	Tucker, Susan C.
Nuciforo, Andrea F. Jr.	Walsh, Marian
Pacheco, Marc R.	Wilkerson, Diane-30

The yeas and nays having been completed at seven minutes past eleven o'clock A.M., the amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 7061-0008, by striking out the figure "$150,000" and inserting in place thereof the following figure:— "$175,000".

After debate, the amendment was adopted.

Mr. O'Leary moved to amend the bill in section 2, in item 7061-0008, by inserting after the words "in fiscal year 2002;" the following words:— "; provided further, that for those communities that are at or below the fiftieth percentile of the statewide average for median household income and are currently receiving per pupil chapter 70 funds that are less than 50 per cent of the statewide per pupil chapter 70 expenditure average, funds shall be allocated to bring the per pupil chapter 70 contribution in those

qualifying communities to a minimum of 50 per cent of the statewide average. These communities should be held harmless each subsequent fiscal year for this minimum state contribution of chapter 70 aid .....3,181,547,614".

After remarks, the amendment was *rejected*.

Mr. Travaglini in the Chair, Mr. Berry moved to amend the bill in section 2, in item 7035-0002, by adding the following words:— "; and provided further, that not more than $2,500,000 in grants shall be provided to the community colleges that do not currently have grants to provide direct services to students in need of basic literacy or English as a second language instruction and to expand the direct service on the campuses where they exist in order to reduce the waiting list of individuals in need of these services in their respective region".

After remarks, the amendment was adopted.

Messrs. Antonioni and Knapik moved to amend the bill in section 2, in item 7035-0004, by inserting after the word "1983", in line 10, the following words:— "; provided further, that a school district that transports or pays for the transportation of public school children in grades 7 to 12, inclusive, shall provide transportation or payment for transportation for non-public school children in the same grades".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes before twelve o'clock noon, on motion of Mr. Pacheco, as follows, to wit (yeas 20 — nays 19):

YEAS.

Antonioni, Robert A.	Clancy, Edward J., Jr.
Berry, Frederick E.	Creedon, Robert S.
Glodis, Guy W.	Morrissey, Michael W.
Havern, Robert A.	Nuciforo, Andrea F., Jr.
Jajuga, James P.	O'Leary, Robert A.
Knapik, Michael R.	Panagiotakos, Steven C.
Magnani, David P.	Tisei, Richard R.
Melconian, Linda J.	Tolman, Steven A.
Montigny, Mark C.	Travaglini, Robert E.
Moore, Richard T.	Walsh, Marian-20.

NAYS.

Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Pacheco, Marc R.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles C.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Lees, Brian P.	Tucker, Susan C.
Lynch Stephen F.	Wilkerson, Dianne-19.
Menard, Joan M.	

The President in the Chair, the yeas and nays having been completed at twelve minutes before twelve o'clock noon, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, item 4400-1000, by striking out, in lines 93 to 96, inclusive, the words: "accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs;" and inserting in place thereof the following words:— "first attempt to staff these extended office hours by offering workers the option of flex-time that would allow the workers to modify their working hours to accommodate specific personal and family needs; provided further, that the department shall staff the extended hours, to the extent that they are not adequately staffed through workers making use of the flex-time option, on a volunteer basis;".

After remarks, the amendment was adopted.

Ms. Creem, Mr. Magnani, Ms. Fargo, Ms. Resor and Ms. Jacques moved to amend the bill in section 2, in item 7061-0008 by striking out, in lines 19 and 20, the following words:— "no school district shall receive less than $75 per student in chapter 70 aid," and, inserting in place thereof the following words:— "no school district shall receive less than $125 per student in chapter 70 aid,"; and by striking out the figure "$3,168,635,209" and inserting in place thereof the following figure:— "$3,182,640,943".

After debate, the amendment was *rejected*.

Mr. Nuciforo, Ms. Fargo and Messrs. Tolman, Brewer and Joyce moved to amend the bill in section 2, in item 7061-0011, by striking out the figure "$750,000" and inserting in place thereof the following figure:— "$3,000,000".

After remarks, the amendment was *rejected*.

Messrs. Travaglini and Antonioni moved to amend the bill in section 2, in item 7061-0012, by striking out, in lines 26 and 27, the words: "not less than $350,000 shall be expended for the costs of borrowing audiotaped textbooks" and inserting in place thereof the following words:— "not less than $525,000 shall be expended for the costs of borrowing audiotaped textbooks"; and by striking out, in lines 34 and 35, the words "of said $350,000 funds shall be made available for the purposes of training teachers and students" and inserting in place thereof the following words:— "of said funds, $175,000 shall be made available for the purposes of training teachers and students and providing listening equipment to schools".

After remarks, the amendment was adopted.

Mr. Berry moved to amend the bill in section 2, in item 7061-9404, by inserting after the words "integrated tutoring and mentoring programs" the following words:— "supplemental web-based tutorial programs that are diagnostic and prescriptive".

Ms. Melconian in the Chair, after remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 7061-9404 by adding the following words:— "; and provided further, that not less than $2,500,000 shall be granted directly to Jobs For Youth-Boston, Inc., for the purpose of providing to the public schools and community agencies of the commonwealth a comprehensive program to improve and enhance student performance on the Massachusetts Comprehensive Assessment System examination through instructional computer software".

The amendment was *rejected*.

Mr. Glodis and Ms. Tucker moved to amend the bill in section 2, in item 7061-9604, in lines 4 and 5, by striking out the words "taking into consideration those experts recommended" and inserting in place thereof the words "chosen from a list provided".

After remarks, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7061-9610, by adding the following words:— "; and provided further, that not less than $1,000,000 shall be expended for grants to school districts to plan and implement models of differentiated teacher compensation and alternative career pathways for programs during regular school hours and after school hours".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9611, by inserting after the word "area", in line 26, the following words:— "; provided further, that $500,000 shall be expended to extend the model of the Gardner Extended Services School to all schools in cluster 5 of the Boston public school system".

After remarks, the amendment was *rejected*.

Recess.

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

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill making appropriations for the fiscal year 2002 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. 4101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9611, by striking out, in lines 33 to 35, inclusive, the words "low income residents of the Allston and Brighton sections of the city of Boston area" and inserting in place thereof the following words:— "deaf and hard of hearing students in the Allston and Brighton sections of the city of Boston".

The amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 7061-9611, in line 9, by adding the following words: "; and provided further, that not less than $400,000 shall be expended for the Grover Cleveland Middle School in Dorchester to establish a comprehensive violence prevention and academic support program with a particular focus on at risk middle school female students"; and by striking out the figure "$5,100,000" and inserting in place thereof the following figure:— "$5,500,000".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, in item 7061-9621, by striking out the figure "$452,970" and inserting in place thereof the following figure:— "$1,000,000".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, by inserting after item 7061-9621 the following item:—

"7061-9622 For a school library and media services pilot program for cities, towns and regional school districts to provide resources to improve school library services in the form of books, periodicals, computer services or to increase staffing. In no event shall the grants be used to supplant a school district's previous year budget allocation for school library and media services. These grants shall be administered and moni- tored by the department of education.....500,000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9626, by striking out the figure "$2,475,000" and inserting in place thereof the following figure:— "$2,650,000".

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 7070-0031, by adding the following words:— "; provided that, not less than $400,000 shall be expended for the program at Roxbury Community College".

The amendment was adopted.

Messrs. Moore and Joyce moved to amend the bill in section 2, in item 7070-0035, by inserting after the words "nursing homes," in line 12, the following words:— "home health agencies".

The amendment was adopted.

Messrs. Pacheco and Creedon moved to amend the bill in section 2, in item 7070-0035, by striking out, in lines 1, 2, 19, the word "training" each time it appears and inserting in place thereof, in each instance, the following word:— "education"; by striking out, in lines 3 and 29, each time it appears, the word "field" and inserting in place thereof, in each instance, the following word:— "profession"; by striking out, in line 7, the word "certification" and inserting in place thereof the words:— "education and licensure"; by inserting after the word "shall", in line 7, the following words:— "administer said program through the state scholarship office and"; by inserting after the word "health", in line 9, the following words:— ", the board of registration in nursing"; by inserting after the word "define", in line 10, the following words:— "recommended nursing academic preparation

and"; by inserting after the word "nursing", in line 30, the following words:— ", the level of education attained"; and in item 7070-0035, by striking out, in line 34, the words "finance and policy".

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 7070-0065, by adding the following wording:— "; provided further, that not more than $4,000,000 shall be expended for the Commonwealth Futures Program"; and by striking out the figure "$90,056,268" and inserting in place thereof the following figure:— "$94,056,256".

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7070-0065, by striking out the figure "$9,666,947" and inserting in place thereof the following figure:— "$13,666,947"; and by striking out the figure "$90,056,268" and inserting in place thereof the following figure:— "$94,056,268".

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7070-0065, by inserting after the words "Washington Center-Massachusetts Initiative Academic Internship program;" the following words:— "provided further, that not less than $300,000 shall be expended for free tuition grants for any Massachusetts resident who is a paraprofessional in a public school pursuing a bachelor's degree at any state college to become a teacher in the public schools of Massachusetts;".

The amendment was adopted.

Ms. Melconian in the Chair, Ms. Chandler moved to amend the bill in section 2, in item 7100-0200, by adding the following words:— "; and provided further, that not less than $431,000 shall be expended for the analysis of narcotic drug synthetic substitutes, poisons, drugs, medicines, and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys of the commonwealth, the state police, and the police departments of the cities and towns of the commonwealth".

After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 7100-0200, by striking out the figure "$491,471,606" and inserting in place thereof the following figure:— "$538,028,563"; and by adding the following words:— "; and provided further, that not less than $1,050,000 shall be expended for the operation of the board of higher education's Commonwealth College at the University of Massachusetts at Amherst".

After remarks, the amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, by inserting after item 7100-0300 the following item:—

"7100-0444 For an endowment incentive program for the University of Massachusetts; provided that private donations contributed for the purpose of this program shall not result in direct or indirect reductions in the commonwealth's appropriation for the university; provided further, that the amount appropriated herein may fund matching grants paid to the university's recognized foundation in an amount not to exceed 75 cents for every dollar privately contributed or contractually pledged to the university's board of trustees or the university's recognized foundation; provided further, that the fifth paragraph of section 15E of chapter 15A of the General Laws shall apply to this program; and provided further, that the amount appropriated herein shall be in addition to any other amounts avail-able for the endowment incentive program .....10,000.000".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7100-0500, by striking out the figure "$1,750,000" and inserting in place thereof the following figure:— "$2,800,000".

After debate, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7110-0100, by striking out the figure "$330,000" and inserting in place thereof the following figure:— "$430,000"; and by striking out the figure "$25,885,412" and inserting in place thereof the following figure:— "$25,985,412".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 7115-0100, by striking out the figure "$21,229,464" and inserting in place thereof the following figure:— "$22,457,178."

The amendment was *rejected.*

Mr. Joyce moved to amend the bill in section 2, in item 7117-0100, by striking out the figure "$13,709,862" and inserting in place thereof the following figure:— "$14,765,844".

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 7506-0100, by striking out the figure "$18,802,689" and inserting in place thereof the following figure:— "$20,204,000."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0000, by striking out the figure:— "$1,616,999" and inserting in place thereof the following figure:— "$1,733,949".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Rowley", the following words:— "; provided further, that not less than $40,000 be expended for community policing in the town of Ipswich, in addition to the funds appropriated for the town in fiscal year 2001".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the words "$30,000 shall be provided for community policing in the town of Hampden" the following words:— "; provided further, that not less than $40,000 shall be provided for the community policing program in the town of Williamstown".

The amendment was adopted.

Messrs. Tisei and Jajuga moved to amend the bill in section 2, in item 8000-0010, by inserting after the words "department of state police;", in line 3, the following words:— "provided further, that not less than $150,000 shall be provided for a workplace violence pilot initiative in the town of Wakefield".

The amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 8000-0010, in line 131, by inserting after the words "that not less than $20,000 shall be provided for the town of Sherborn" the following words:— "; provided further, that not less than $20,000, in addition to the amounts received in fiscal year 2001, shall be provided for the municipalities of Somerset and Swansea".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill in section 2, in item 8000-0010 by striking out the words "provided further, that not less than $30,000 shall be provided for the town of Walpole" and inserting in place thereof the following words:— "provided further, that not less than $42,000 shall be provided for the town of Walpole".

After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Southborough" the following words:— "; provided further, that not less than $30,000 shall be expended for the purchase by the town of Southborough of public emergency rescue equipment"; and by adding the following words:— "; and provided further that $13,000 shall be awarded to the town of Southborough for a central dispatch system in addition to the amount awarded to said town in fiscal year 2001".

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, by inserting after item 8000-0030 the following item:—

"8000-0035 The secretary of public safety may expend for a building and specialty code training program an amount not to exceed $250,000 from fees generated through the program, in addition to funds available for this purpose in item 8000- 0167; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the secretary may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....250,000".

The amendment was *rejected.*

Ms. Menard, Ms. Creem, Ms. Fargo and Mr. Tarr moved to amend the bill in section 2, by inserting after item 8000-0030 the following item:—

"8000-0035 For the operation of the Massachusetts Police Accreditation Program .....290,000".

The amendment was *rejected.*

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0125, by striking out the figure "$4,730,439" and inserting in place thereof the following figure:— "$4,890,888"; and in item 8000-0110, by striking out the figure "$3,459,724" and inserting in place thereof the following figure:— "$3,553,134".

The amendment was *rejected*.

Messrs. Lees and Tisei moved to amend the bill in section 2, in item 8000-0160, by striking out the figure "$584,379" and inserting in place thereof the following figure:— "$561,020".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8000-0619, by striking out the words "provided further, that not less than $1,078,666 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E programs" and inserting in place thereof the following words:— "provided further, that not less than $1,250,000 shall be provided as a discretionary grant program for city and town student awareness of fire education programs, to be known as S.A.F.E programs".

The amendment was *rejected*.

Mr. Jajuga and Ms. Creem moved to amend the bill in section 2, in item 8100-0000, by adding the following words:— "; provided further, that the department shall expend not more than $360,000 for 4 additional chemists in the DNA unit and 5 additional chemists in the criminalistics unit".

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 8100-0301, by striking out the figure "$5,000" and inserting in place thereof the following figure "$35,000"; and by striking out the figure "$2,404,537" and inserting in place thereof the following figure:— "$2,434,537".

The amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2, in item 8100-0301, by inserting after the words "Bourne Scenic Highway" the following words:— "; provided further, that not less than $60,000 shall be expended for increased state police patrols on United States highway Route 6 in the towns of Orleans, Eastham, Wellfleet and Truro between Memorial Day and Labor Day".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 8100-0301, by striking out the figure "$75,000" and inserting in place thereof the following figure:— "$125,000"; and by striking out the figure "$46,666" and inserting in place thereof the following figure:— "$65,000".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8200-0200, by adding the following words:— "; and provided further, that $200,000 shall be made available to the Massachusetts Police Leadership Institute at the University of Massachusetts at Lowell".

After debate, the amendment was *rejected*.

Messrs. Hedlund, Lees, Knapik, Tarr and Tisei and Mrs. Sprague moved to amend the bill in section 2, in item 8200-0200, in line 6, by inserting after the word "police;" the following words:— "provided further, that $250,000 shall be provided to the South Shore Tri-Town Development Corporation as reimbursement for costs incurred to renovate facilities for a federally funded police corps training program at the criminal justice training council facility located at the former South Weymouth Naval Air Station;"; and by striking out the figure "$3,525,845" and inserting in place thereof the following figure:— "$3,775,845".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 8315-1000, by striking out the figure “$4,188,482” and inserting in place thereof the following figure:— “$4,311,215”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, by inserting after item 8315-1020 the following item:—

“8315-2000 The department of public safety may expend for the salary, employee-related, and equipment costs of building inspectors an amount not to exceed $250,000 from fees charged for inspections for the Central Artery/Tunnel Project, the Massachusetts Port Authority, the Massachusetts Convention Center Authority, and the Massachusetts Turnpike Authority; provided, that notwithstanding any general or special law to the contrary, for the purposes of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system .....250,000”.

The amendment was adopted.

Ms. Creem moved to amend the bill in section 2, in item 8950-0001, by adding the following words:— “; provided further, that not less than $200,000 shall be expended for the statewide expansion of the intensive parole for sex offenders program; and provided further, that such expansion shall have as its priority the provision of resources to supervise sex offenders considered by the board to be most at risk of reoffending”.

The amendment was *rejected*.

Ms. Creem, Ms. Jacques and Messrs. Magnani and Panagiotakos moved to amend the bill in section 2, in item 8950-0002, by adding the following words:— “; provided, that $49,000 shall be expended for 1 additional advocate to the staff of the victim service unit”; and by striking out the figure “$283,475” and inserting in place thereof the following figure:— “$331,793”.

The amendment was *rejected*.

Mr. Moore and Ms. Chandler moved to amend the bill in section 2, in item 9110-1455, by striking out the words “provided further, that not less than $250,000” and inserting in place thereof the following words:— “provided further, that not less than $500,000”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 9110-1604, by striking out the figure “$2,025,000” and inserting in place thereof the following figure:— “$2,700,000”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 9110-1660, by adding the following words:— “; and provided further, that $600,000 shall be expended for the operation of Kit Clark Senior Services in the city of Boston”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 9110-1900, by adding the following words:— “; and provided further, that not less than $20,000 shall be expended for general repairs and equipment for the Holliston senior center in Holliston”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 9110-1900, by adding the following words:— “; and provided further, that $2,000 shall be expended for the purposes of making enhancements to the Fairbank senior center in Sudbury;”.

The amendment was *rejected*.

Mr. Morrissey and Ms. Creem moved to amend the bill in section 2B, by inserting after item 1775-0800 the following item:—

“1775-0901 For the development of a cost savings plan to facilitate the purchase of electricity and natural gas by the commonwealth and its political subdivisions consistent with the municipal aggregation and volume purchasing provisions of chapter 164 of the acts of 1997; provided, however, that the plan shall include, but not be limited to, the identification of the public entities projected to benefit from the program, a detailed description of the uniform procurement procedures and options available to such entities to achieve such savings, a description of the efforts of other states to generate costs savings from utility deregulation, the projected amount of savings from the program, a detailed time frame for the development and implementation of the program, a spending plan detailed by subsidiary and object code necessary to

implement the program and any recommendations, including legislation necessary to effectuate the orderly implementation of the program; and provided, further, that the division shall file the plan with the house and senate committees on ways and means not later than February 1, 2002 .....400,000".

The amendment was *rejected.*

Mr. Creedon moved to amend the bill in section 5, in subsection (B), by striking out paragraph (e) and inserting in place thereof the following paragraph:—

"(e) The center shall (1) identify and disseminate information about evidence-based best practices to reduce medical errors and enhance patient safety; (2) develop a process for determining which evidence-based best practices should be considered for adoption; (3) serve as a central clearinghouse for the collection and analysis of existing information on the causes of medical errors and strategies for prevention; and (4) increase awareness of error prevention strategies through public and professional education. A person or entity providing information or documents to the center may not seek to avoid discovery or admissibility of said information or documents in any court proceeding because it was provided to the center, provided that such information or documentation would be otherwise discoverable or admissible."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 17, by striking out, in lines 52 and 53, the words "and the pension reserves investment management board".

The amendment was *rejected*.

Mr. O'Leary moved to amend the bill by striking out Section 31.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 4000-0600 by adding the following words:— "; and provided further, that an amount shall be expended for a physician and home health agency rate study from this item as set forth in Section 43A; and

By inserting after Section 43 the following section:—

"43A. (a) The division of medical assistance shall also contract with an independent consultant appointed by the secretary of administration and finance and by the joint committee on health care, to conduct a study of Medicaid reimbursement rates paid to physicians and physician practices throughout the commonwealth. The study shall include the following:

(1) a review of Medicaid reimbursement rates paid to physicians and physician practices from fiscal years 1992 to 2001, inclusive;

(2) a comparison of Medicaid rates paid in relation to costs incurred providing care for Medicaid patients;

(3) an evaluation of the adequacy of adjustments in the Medicaid rates compared with inflation and other factors impacting the adequacy of rates;

(4) a review and analysis of Medicaid reimbursement rates paid compared with Medicaid rates paid in other similar states and compared with rates paid by Medicare;

(5) a review of the state of physician practice in the commonwealth, including a review of prevailing fees, practice costs, the effects of inflation and other factors on practice costs, and factors affecting the recruitment and retention of physicians in the commonwealth;

(6) a review and analysis of the length of time it takes for physicians to receive Medicaid reimbursement for patient care upon submission of an initial claim;

(7) an estimate of the aggregate costs of any recommended policy reforms or funding enhancements.

(b) The independent consultant shall not have a financial interest in the physicians and physician practices under review and shall consult with the division of medical assistance, the division of health care finance and policy and various health care providers, physician organizations, advocacy organizations and other interested parties in conducting the study. Physician advisors shall include physicians in academic and community settings and shall represent a cross-section of licensed physicians based on geography and specialty, including primary care physicians. The independent consultant shall file the initial findings of the study with the secretary of administration and finance, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on health care on or before November 15, 2001. The secretary shall

submit a plan detailing the process for implementing the findings with the house and senate committees on ways and means and the joint committee on health care on or before January 31, 2002.

(c) The division of medical assistance shall also contract with an independent consultant, appointed by the secretary of administration and finance and by the joint committee on health care, to conduct a study of Medicaid reimbursement rates paid to home health agencies throughout the commonwealth. The study shall include the following:

(1) a review of Medicaid reimbursement rates paid to home health agencies under the MassHealth program 114.3 CMR 3.00 and the Private Duty Nursing program 114.3 CMR 24.00 from fiscal years 1991 to 2001, inclusive;

(2) a comparison of Medicaid rates paid in relation to costs incurred providing care for Medicaid patients;

(3) an evaluation of the adequacy of adjustments in the Medicaid rates compared with inflation and other factors impacting the adequacy of rates;

(4) a review and analysis of Medicaid reimbursement rates paid compared with Medicaid rates paid in other similar states;

(5) a review of the home health industry administrative costs, including a review of unfunded state and federal mandated compliance programs, the effects of inflation and other factors on costs, and factors affecting the recruitment and retention of nurses and home health aides in the commonwealth;

(6) a review and analysis of the length of time it takes for home health agencies to receive Medicaid reimbursement for patient care upon submission of an initial claim;

(7) a review of the practice of post-payment review and recoupment of claims under the state Medicare maximization and commercial third-party liability programs operated by the benefits coordination unit of the division of medical assistance;

(8) an estimate of the aggregate costs of any recommended policy reforms or funding enhancements.

(d) The independent consultant shall not have a financial interest in the home health agencies under review and shall consult with the division of medical assistance, the division of health care finance and policy and various health care providers, physician organizations, organizations and other interested parties in conducting the study. Home health advisors shall include home health agency directors in academic and community settings and shall represent a cross-section of the home health industry based on geography and specialty. The independent consultant shall file the initial findings of the study with the secretary of administration and finance, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on health care on or before November 15, 2001. The secretary shall submit a plan detailing the process for implementing the findings with the house and senate committees on ways and means and the joint committee on health care on or before January 31, 2002."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in Section 46 by inserting after the words "3 members of the senate," in line 14, the following words:— "1 of whom shall be appointed by the minority leader,"; and by inserting after the words "3 members of the house of representatives,", in lines 14 and 15, the following words:— "1 of whom shall be appointed by the minority leader,".

The amendment was adopted.

Mr. Antonioni moved to amend the bill in Section 47 by striking out, in line 3, the number "5" and inserting in place thereof the following number:— "6" and by inserting after the word "Association", in line 6, the following words:— "and a representative of the Massachusetts Association of School Committees".

The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 31 the following 2 sections:—

"SECTION 31A. Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as appearing in section 1 of chapter 8 of the acts of 2000, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under authority of this act shall not exceed $5,400,000,000 outstanding at any one time; provided, however, that 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 31B. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in section 2 of said chapter 8, 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 $5,400,000,000 outstanding at any one time; provided, however, that 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."

The amendment was adopted.

Mr. Jajuga 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 128C the following chapter:—

CHAPTER 128D.

THE MASSACHUSETTS CASINO CONTROL ACT.

Section 1. (a) This chapter shall be known and may be cited as the 'Massachusetts Casino Control Act.'

(b) The general court hereby finds, and declares it to be the public policy of the commonwealth, that:

(1) The continuing growth of the tourism industry will benefit the general welfare of our citizens and create new jobs and tax revenue.

(2) An integral part of the growing tourism industry is the offering of regulated casino gaming, among other activities.

(3) The nature of the tourism industry is such that the operation of casino gaming in certain specified locations will result in many economic benefits.

(4) The existence of and potential for additional casino gaming facilities in neighboring states adversely impacts the commonwealth.

(5) Casino gaming facilities will create new job opportunities and promote economic development in the communities and areas where they are located.

(6) Casino gaming facilities shall be licensed and supervised through the period of construction of the casino and continuing through to the operation of the casino, and gaming-related employees of those casinos, gaming operators and manufacturers, and distributors of gaming equipment shall be regulated, licensed, and controlled to accomplish and promote the above public policies while protecting the public health, safety, and morals, good order and general welfare of the citizens of the commonwealth.

(7) Regulation of licensed casino gaming is important in order that gaming is conducted honestly and competitively, and that gaming is free from criminal and corruptive elements.

(8) Public confidence and trust in casino gaming can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed casino gaming establishments and the manufacture or distribution of slot machines and other gaming equipment.

(9) All establishments where casino gaming is conducted must be licensed and controlled to protect the public health, safety, morals, good order and general welfare of the citizens of the commonwealth.

(c) In the event of any conflict between the provisions of this chapter and any other provision of the General Laws, the provisions of this chapter shall prevail.

Section 2. The following words as used in this chapter shall, unless the context clearly requires otherwise, have the following meanings:

'Affiliate', any person which a licensee or applicant directly or indirectly controls or in which an applicant or licensee possesses an interest. For the purposes of this section 'controls' means either (i) directly or indirectly holding more than ten percent of voting membership rights or voting stock or partnership interest, or (ii) that a majority of the directors, general partners, trustees, or members of an entity's governing body or representatives of, or are directly or indirectly controlled by, the licensee or applicant. For the purposes of this subsection, 'possesses an interest in' means either (i) directly or indirectly holding more than 5 per cent of voting membership rights or voting stock or (ii) that at least 25 per cent of the directors, general partners, trustees, or members of an entity's governing body or representatives of, or are directly or indirectly controlled by, the licensee or applicant.

'Applicant', any person who on his own behalf or on behalf of another has applied for permission to engage in any act or activity which is regulated by the provisions of this act or regulations promulgated thereunder.

‘Application’, a written request for permission to engage in any act or activity, which is regulated under the provisions of this chapter.

‘Bureau’, the casino gaming control bureau as established by this chapter.

‘Casino gaming license’, a gaming license that permits the gaming operator to offer any gambling game played with cards, with dice or with any mechanical, electromechanical, or electronic device or machine for money, checks, credit or any representation of value including, without limiting the generality of the foregoing, faro, roulette, keno, twenty-one, blackjack, craps, poker, chuck-a-luck, wheel of fortune, baccarat, pai gow, slot machine, or any other game or device approved by the Commission.

‘Chairman’, the chairman of the casino control commission.

‘Commission’, the Massachusetts casino control commission.

‘Commissioner’, a member of the casino control commission.

‘Committee”, the Massachusetts gaming policy committee.

‘Controlled game’ or ‘controlled gaming’, any game of chance played for currency, check, credit, or any other thing of value that is not prohibited and made unlawful by chapter 271 of the General Laws, or any other general or special laws, or by local ordinance except:

(1) The game of bingo conducted pursuant to chapter section 7A of chapter 271 and 961 C.M.R. 3.00.

(2) Pari-mutuel wagering on horse and dog races, whether live or simulcast, regulated by the state racing commission.

(3) Any lottery game conducted by the state lottery commission, in accordance with section 24 of chapter 10 of the General Laws.

(4) Games played with cards in private homes or residences in which no persons makes money for operating the game, except as a player.

‘Electronic gaming device’, any mechanical, electrical or other device, contrivance or machine, including any so-called video wagering terminal, video lottery terminal or video poker machine, which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by the machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or any thing of value, whether the payoff is made automatically from the machine or in any other manner.

‘Establishment’, any building, room, place or other indoor or outdoor premises where any controlled gaming occurs, including all public and non-public areas of any such establishment.

‘Executive director’, the executive director of the casino enforcement bureau.

(n) ‘Game’ and ‘gambling game’, any game approved by the commission and played with cards, dice, equipment or any mechanical, electro-mechanical or electronic device or machine, including slot machine as defined by this act, for money, property, checks, credit or any representative of value, but does not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, or games defined within chapter 10 or chapter 271 of the General Laws.

‘Gaming’, ‘gambling’ and ‘gaming operations’, to deal, operate, carry on, conduct, maintain or expose for play any games as defined in this section.

‘Gaming device’, any equipment or mechanical, electro-mechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss.

‘Gaming employee’, any person employed in a properly licensed casino, gaming facility connected directly with the operation of the gaming including, without limitation, boxmen; dealers or croupiers; floormen; machine mechanics; security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; surveillance personnel; and data processing personnel; or any other person whose employment duties predominantly involves the maintenance or operation of gaming activity or equipment and assets associated therewith or who, in the judgment of the commission, is so regularly required to work in a restricted area that licensure as a gaming employee is appropriate.

The term ‘gaming employee’ shall not include any person employed in a properly licensed casino gaming facility whose duties do not involve gaming activities including without limitation bartenders, cocktail servers, food preparation and service personnel,

hotel personnel, retail sales personnel, secretarial, janitorial, maintenance personnel, entertainers or other persons who, in the judgment of the commission, are to be considered non-gaming employees.

‘Gaming establishment’, any establishment licensed to conduct gaming operations in the Commonwealth under this chapter.

‘Gaming license’ or ‘license’, any license or work permits issued by the Commission under the chapter that authorizes the person named therein to engage or participate in controlled gaming, including work permits and licenses issued to gaming establishments, to gaming suppliers, to parties in interest to gaming schools, and to officers and directors of licensed persons or entities.

‘Gaming revenues’, the total of all gaming sums won from patrons from the conduct of any controlled gambling game less the total of all sums paid out as winnings to patrons.

‘Gaming service industry’, any form of enterprise which provides more than $100,000.00 a year in goods or services regarding the realty, construction, maintenance, or business of a proposed or existing gaming facility on a regular or continuing basis which directly relate to gaming activities or indirectly relate to gaming operations including, without limitation, junket enterprises; security businesses; manufacturers; suppliers, distributors and servicers of gaming devices or equipment; waste disposal companies; maintenance companies; schools teaching gaming and either playing or dealing techniques; suppliers of alcoholic beverages, food and nonalcoholic beverages; vending machine providers; linen suppliers; shopkeepers located within the approved hotels; limousine services; and construction companies contracting with gaming applicants or licensees, but not including professional services such as accountants, auditors, attorneys, and broker dealers, or other professions which are regulated by a public agency.

‘Holding company’, any corporation, firm, partnership, trust, or other form of business organization not a natural person that, directly or indirectly, owns, has the power or right to control, or holds with power to vote, all or any part of the limited partnership interests or outstanding voting securities of a corporation or any other business entity that holds or applies for a state gambling license. In addition, a holding company indirectly has, holds, or owns any power, right or security mentioned herein if it does so through any interest in a subsidiary or successive subsidiaries, however many of these subsidiaries may intervene between the holding company and the corporate licensee or applicant.

‘Intermediary company’, any corporation, firm, partnership, trust, or other form of business organization other than a natural person that is both of the following:

(1) A holding company with respect to a corporation or limited partnership that holds or applies for a gaming license, and

(2) A subsidiary with respect to a holding company.

‘License’, means a gaming license, or a manufacturer’s or distributor’s license.

‘License fees’, any money required by law to be paid to obtain or renew a gaming license, manufacturer’s or distributor’s license, or gaming service industries license.

‘Licensed casino gaming facility’, any facility wherein all gaming is sanctioned and regulated by the commission and taxed by the commonwealth.

‘Licensee’, any person to whom a valid gaming license, manufacturer’s or distributor’s license has been issued.

‘Manufacturer’, a person who: (1) manufactures, assembles, programs or makes modifications to a gaming device or cashless wagering system; or (2) designs, controls the design or assembly or maintains a copyright over the design of a mechanism, electronic circuit or computer program which cannot be reasonably demonstrated to have any application other than in a gaming device or in a cashless wagering system, for use or play in this state or for distribution outside of this state.

‘Manufacturer’s seller’s or distributor’s license’, a license issued pursuant to this act to a manufacturer or distributor of gaming equipment.

‘Net gaming revenue’, the total, prior to the deduction of any operating, capital or other expenses whatsoever, of all gaming revenue retained by any gaming establishment licensed under this chapter less gaming taxes paid pursuant to this chapter.

‘Off-track betting facility’, the facility at which off-track wagers are accepted by the licensee of an off-track betting system pursuant to the provisions of this chapter.

‘Off-track betting system’, any person that is in the business of accepting wagers on either horse races or dog races at locations other than the place where such races are run, which business is conducted pursuant to the provisions of this chapter.

‘Party in interest’, any corporation, firm, partnership, trust, or other entity or person with any direct or indirect pecuniary interest in a licensed casino gaming establishment, or a person who owns any interest in the premises of a licensed casino gaming establishment, or land upon which such premises is licensed, whether he leases the property directly or through an affiliate.

‘Person’ or ‘party’, a natural person, corporation, partnership, limited partnership, trustee, holding company, joint venture, association, or any business entity.

‘Request for proposals’, a written document issued by the Commission to potential bidders which invites bidders to submit proposals outlining their qualifications and desire to obtain a gaming license from the commission.

‘Skimming’, the intentional excluding of or the taking of any monies, chips, or any other items in an attempt to exclude any monies, chips, or any other items or their value from the deposit, counting, collection, or computation of gross revenues from gaming operations or activities, net gaming proceeds, or amounts due the Commonwealth pursuant to this chapter.

‘Substantial party in interest’, any person holding a greater than 5 per cent direct or indirect pecuniary interest, whether as owner, mortgagor or otherwise, in an operating entity, premises, or any other licensee or applicant.

‘Work permit’, a card, certificate, or permit issued by the Commission authorizing the holder to be employed in a licensed casino gaming facility.

Section 3. There shall be a Massachusetts gaming policy committee, consisting of the governor or his designee, who shall act as chairman, the attorney general, the treasurer and receiver general, the secretary of consumer affairs, the chairman of the state racing commission, the executive director of the state gaming control bureau, the executive director of the state lottery, the secretary of public safety, and the colonel of the state police. The chairman may call meetings of the committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the committee are advisory and not binding on the bureau or the commission in the performance of their duties and functions.

Section 4. (a) There shall be a Massachusetts casino control commission consisting of 5 members. Each member shall be a citizen of the United States and a resident of the commonwealth. No person holding any elective office in state, county, or local government; nor any officer or official of any political party, nor any person who was formerly a licensee or an unlicensed employee of a gaming licensee within the 2 years prior to any appointment shall be eligible for appointment to the commission. The commission shall be composed of the most qualified persons available; but no person actively engaged or having a direct pecuniary interest in gaming activities shall be a member of the commission. Not more than 3 members of the commission shall be of the same major political affiliation. The governor shall appoint 3 members of the commission and designate 1 member to serve as chairman of the commission. The attorney general shall appoint 1 member of the commission. The state auditor shall appoint 1 member of the commission.

(b) The term of the office of each member of the commission shall be 5 years except that, of the members initially appointed, one shall be appointed by the governor for a term of 2 years, one shall be appointed by the attorney general for a term of 3 years, one shall be appointed by the governor for a term of 4 years, one shall be appointed by the auditor for a term of 5 years, and one shall be appointed by the governor for a term of 5 years. After the initial term, the term of office for each member of the commission shall be 5 years, but no member shall serve more than 2 consecutive terms of 5 year periods. Any vacancies shall be filled by the original appointing authority within 60 days of the occurrence of such vacancy. Any appointee shall continue in office beyond the expiration date of his term until the appointment of a successor but in no event longer than 6 months. Any commissioner may be removed by the governor for just cause, and shall be removed immediately upon conviction of any felony. Any person so removed and later acquitted of any such felony shall be reinstated to the commission upon such acquittal, with full back pay.

(c) The commission members shall devote that time to the business of the commission as may be necessary to the discharge of their duties. The members of the commission shall be compensated for work performed for the commission at $50,000.00 a year, with the chairman receiving $20,000.00 a year in addition to his compensation. Commission members shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties. Before entering upon the duties of the office, each member shall swear that he does not have a pecuniary interest in any business or organization holding a gaming license under this chapter, or doing business with any gaming service industry, as defined by this chapter and shall submit to the governor, attorney general and state auditor, a statement of financial interest required by chapter 268B of the General Laws listing all assets and liabilities, property and business interests, and sources of income of the commissioner and his spouse, if any. The statement shall be under oath and shall be filed at the time of employment and annually thereafter. No commission member shall have any interest, direct or indirect, in any applicant or in any person licensed by or registered with the commission during his term of office. Regular and special meetings of the commission may be held, at the discretion of the commission, at such times and places as it may deem convenient, but at least one regular meeting must be held each month on or after the fifteenth day of the month.

(d) The Commission shall make an annual report of its activities to the general court by March 31, for the prior calendar year.

(e) The commission shall establish and maintain its general place of business in the city of Boston. The commission may hold meetings at any place within the state when the interests of the public may be better served. Except as otherwise provided for herein, meetings of the commission shall be subject to the provisions of section 11A and 11A½ of chapter 30 of the General Laws. A majority of the membership of the commission shall be a quorum of the commission. A public record of every vote shall be maintained at the commission's general office. The commission may maintain any other files and records, as it deems appropriate.

(f) The commission shall have general responsibility for the implementation of this chapter, as hereinafter provided, including, the right to hear and decide promptly and in reasonable order all license, registration, certificate, and permit applications and causes affecting the granting, suspension, revocation, or renewal thereof; to conduct all hearings pertaining to civil violations of this chapter or regulations promulgated hereunder; to promulgate and implement, pursuant to sections 2 and 3 of chapter 30A of the General Laws, rules and regulations for the implementation of this chapter, including the method and form of application which any applicant for a gaming license or for a manufacturer's seller's or distributor's license must follow and complete before consideration of his application by the commission, the information to be furnished by any applicant or licensee concerning his antecedents, habits, character, associates, criminal history or record, business activities and financial affairs, past or present; the information to be furnished by a licensee relating to his gaming employees; the fingerprinting of an applicant or licensee or employee of a licensee or other methods of identification; the manner and procedure of all hearings conducted by the casino control bureau, as defined by this chapter, or commission or any hearing examiner of the bureau or commission, including special rules of evidence applicable thereto and notices thereof; the issuance and revocation of work permits for employment of persons in licensed gambling facilities; the manner in which winnings, compensation from games and gaming devices, and gross revenue must be computed and reported by the licensee; the minimum procedures for adoption by each licensee to exercise effective control over its internal fiscal affairs; the payment by any applicant of all or any part of the fees and cost of investigation of such applicant as may be determined by the bureau or the commission; governing the manufacture, sale and distribution of gambling devices and equipment; licensee bonding requirements; monitoring of licensee requirements; investigations both civil and criminal; the method and operation of gambling operations including the type and manner of gambling, record keeping, accounting, audit requirements and safeguarding of assets; the testing and inspection of gambling equipment; the licensing of corporations, limited partnerships, holding companies and intermediary companies; the limitations of security controls and agreements; the sale of securities of affiliated companies; emergency proceeding; setting forth those persons to be excluded or ejected from gambling establishments including the type of conduct prohibited thereat; to collect all license and registration fees, taxes, and penalties imposed by this chapter and the regulations issued pursuant hereto; to be present through its inspectors and agents at all times during the operation of any licensed casino gaming facility for the purpose of certifying the revenue thereof and receiving complaints from the public; and to review and rule upon any complaint by a licensed casino gaming facility licensee regarding any investigative procedures of the bureau which are unnecessarily disruptive of licensed casino gaming facility operations; and a code of conduct for employees of the bureau. The need to inspect and or investigate a licensed casino gaming facility shall be presumed at all times. The commission shall adopt an official seal and alter same at pleasure.

(g) The commission shall conduct hearings in accordance with chapter 30A. The commission may, by a majority vote, issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers, or things, at or prior to any hearing as is necessary to enable the commission to effectually discharge its duties, and may administer oaths or affirmations as necessary in connection therewith. The commission may petition a superior court for an order requiring compliance with a subpoena. The commission and the bureau shall have the authority to propound written interrogatories and may appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, require testimony under oath, report same, and fashion recommended decisions upon the recommendation of said commission.

(h) The commission may require any person to apply for a license as provided in this chapter and approve or disapprove, transactions, events, and processes as provided in this chapter. The commission may grant or deny any application for a license or approval; may limit, condition, restrict, suspend, or revoke any license or approval for any cause deemed reasonable by the commission, consistent with this chapter or any general or special law. The commission may also impose a civil fine of not more than $50,000.00 upon any person licensed, registered or otherwise approved under this chapter for any violation of this chapter or of any general or special law related to gambling. The commission may, as further provided in regulations approve or disapprove transactions, events, and processes as provided in this chapter, take actions reasonably designed to ensure that no unsuitable persons are associated with controlled gambling activities. The commission may expend for legal, investigative, clerical and other assistance such as may be appropriated therefor. Investigators employed by the commission shall have access to all records maintained by all licensees and registrants hereunder, whether maintained at the licensed gambling establishment or other location as may be pertinent to the investigatory powers of the commission.

(i) The commission shall assure, to the extent required by this chapter, that licenses, approvals, certificates, or permits shall not be issued to nor held by, nor shall there be any material involvement, directly or indirectly, with the licensed casino gaming facility operation or the ownership thereof by, unqualified or disqualified persons or persons whose operations are conducted in a manner not conforming with the provisions of this chapter. In enforcing the provisions of this chapter, the commission shall have the power and authority to deny any application; limit or restrict any license, registration, certificate, permit or approval; suspend

or revoke any license, registration, certificate, permit or approval; and impose a penalty on any person licensed, registered, or previously approved for any cause deemed reasonable by the commission pursuant to rules and regulations promulgated thereby.

(j) No commission member or person employed by the commission shall represent any person or party other than the commonwealth before or against the commission or be employed by any licensee for a period of 2 years from the termination of his office or employment with the commission.

(k) The commission shall initiate proceedings or actions appropriate to enforce statutory and regulatory requirements mandated of license-holders.

(l) The commission may refuse to reveal, in any court or administrative proceeding except a proceeding brought by the commonwealth or the United States the identity of an informant, or the information obtained from the informant, or both the identity and the information.

(m) The commission shall have the power to acquire, lease, use, hold and mortgage real, personal or mixed property or any interest, easements or rights therein, as may be necessary or appropriate to carry out the provisions of this chapter; to enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentalities thereof, the United States or any federal, state or other governmental agency; to formulate plans for the projects involving the acquisition and operation of facilities pursuant to the provisions of this chapter and to construct or reconstruct, expand, remodel, to fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges for the use of any building, structure, other property or portion thereof under its control; and to acquire in the name of the Commission by purchase or otherwise, in such terms and conditions and in such manner as it may deem proper, any land and other property and any and all rights, title and interest in such land and other property, and any fee simple absolute in, easements upon or the benefit of restrictions upon abutting property, and to preserve and protect any project.

(n) The commission may investigate, civil or criminally, fraud, deceit, misrepresentation or violations of law by any person licensed or registered under this chapter, or the occurrence of any such activity within or involving any licensed casino gambling establishment or gambling operation. If the commission has reasonable basis to believe that any person licensed or registered under this chapter is engaged in criminal behavior or that criminal activity is occurring within or involving any licensed gaming facility or licensed gambling operation said commission shall report same to the attorney general and the district attorney of the county within which the gaming facility is located and make available to the attorney general and the district attorney all relevant information on such activity. The commission, as it deems appropriate, may ask the attorney general and/or said district attorney to restrain a violation of this chapter or enforce any provision thereof. An action brought against a person pursuant to this chapter does not preclude any other criminal or civil proceeding as may be authorized by law.

(o) No person shall transfer a direct or indirect pecuniary interest in a licensed operating entity or premises, or enter into an option contract or other agreement providing for such transfer in the future, without having notified the commission. No person shall transfer a greater than 5 per cent direct or indirect pecuniary interest in a licensed operating entity or premises without the issuance by the commission to the transferee of an operating license or an affirmative statement that the transferee has met the operating license standards, as the commission may require.

Section 5. (a) There shall be a casino enforcement bureau. The bureau may acquire such furnishings, equipment, supplies, stationery, books, motor vehicles and other things as it may deem necessary or desirable in carrying out its functions; incur such other expenses, within the limit of money available to it, as it may deem necessary. The bureau shall furnish to the commission such administrative and clerical services and such furnishings, equipment, supplies, stationery, books, motor vehicles and all other things as the commission may deem necessary or desirable in carrying out its functions. Except as otherwise provided in this chapter, all costs of administration incurred by the bureau must be paid out on claims from the state general fund in the same manner as other claims against the state are paid.

(b) There shall be an executive director of the casino enforcement bureau. The secretary of administration and finance shall appoint the executive director for a term of 3 years. The executive director shall not serve more than 2 consecutive terms. The executive director may be removed by the governor for cause. The executive director shall be responsible for the conduct of the commission’s administrative matters. The executive director shall be the executive secretary of the commission and shall carry out and execute the duties as specified by law and the commission. The executive director shall employ such professional, technical, and clerical assistance and employees as necessary, subject to appropriation; but the assistants and employees shall not be subject to chapter 31 or section 9A of chapter 30 of the General Laws. The executive director shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

(c) The bureau shall, within the limits of legislative appropriations or authorizations, employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the bureau and commission may require. The bureau and the commission shall, by suitable regulations, establish a comprehensive plan governing employment, job classifications and performance standards, and retention or discharge of

employees to assure that termination or other adverse action is not taken against such employees except for cause. The bureau may employ the services of such persons as it considers necessary for the purposes of consultation or investigation.

(d) Each employee of the bureau shall file with the state ethics commission a statement of financial interest as defined in chapter 268B of the General Laws, listing all assets and liabilities, property and business interests, and sources of income of said employee and his spouse, if any. The statement shall be under oath and shall be filed at the time of employment and annually thereafter.

(e) No employee of the bureau shall be permitted to gamble in any establishment licensed by the commission, except in the course of his duties. Each employee or agent of the bureau shall devote his entire attention to his duties and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the commission or bureau, unless otherwise directed; and provided further, however, that other employees and agents of the bureau may engage in such other gainful employment as shall not interfere or be in conflict with the duties to the bureau, upon approval by the commission and the director of the bureau.

(f) No person employed by the bureau shall represent any person or party other than the Commonwealth before or against the bureau or the commission or be employed by any licensee for a period of 2 years from the termination of his office or employment with the bureau.

(g) Before the beginning of each legislative year, the bureau shall submit to the house and senate committees on ways and means and the joint legislative committee on government regulations a report defining, for the preceding 12 month period, the gross revenue, net revenue, and average depreciation of each licensee; the number of persons employed by each licensee, and related payroll information; and the assessed valuation of each Massachusetts licensed casino gaming facility as listed on the assessment rolls.

(h) Employees of the bureau and their agents may inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed; inspect all equipment and supplies in, upon, or about such premises; summarily seize and remove from such premises and impound any equipment, supplies, documents or records for the purpose of examination and inspection; demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter; demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the bureau or commission knows or reasonably suspects is involved in the financing, operation or management of the licensee. Licensees shall retain all books, papers, and records necessary for audits for 3 years after the date of the surrender or revocation of his gaming license.

(i) The bureau may place expert accountants, technicians, and any other persons, as it may deem necessary, in the office, gambling area, or other place of business of any person licensed or registered under this chapter for the purpose of determining compliance with the rules and regulations adopted pursuant to this chapter.

(j) The bureau may investigate, for purposes of prosecutions any suspected criminal violation of this chapter; provided, however, that nothing in this section shall be deemed to limit the investigatory and prosecutorial powers of other state and local officials and agencies, including district attorneys and police departments.

(k) The bureau may recommend to the commission the denial of any application, the limitation, conditioning, restriction, suspension, or revocation of any license, permit, registration or approval, or the imposition of any fine upon any person licensed or approved by the commission.

(l) The executive director of the bureau and employees of the bureau so designated by the executive director shall have and exercise throughout the commonwealth, subject to the rules and regulations as the director, with the approval of the commission, may from time to time adopt, all the authority of police officers and constables, except the service of civil process, to effectuate the purposes of this chapter.

(m) No official, member, employee, or agent of the commission or bureau, having obtained access to confidential records or information in the performance of duties pursuant to this chapter, unless otherwise provided by law, shall knowingly disclose or furnish the records or information, or any part thereof, to any person who is not authorized by law to receive it. Violation of this provision shall be punishable by a fine of not more than $10,000.00 or by imprisonment in the house of corrections for not more than one year, or by both such fine or imprisonment.

(n) The bureau shall make a continuous study and investigation of gaming throughout the commonwealth in order to ascertain defects in state gaming law, or in rules and regulations issued thereunder; to formulate recommendations for changes in said law and the rules and regulations promulgated thereunder. The bureau shall make a continuous study and investigation of the operation and administration of similar laws in other states or countries; of any literature or reports on the subject which from time to time may be published or available to licensed casino gaming facilities; of any federal laws which may affect the

operation of gaming in the commonwealth; and of the reaction of citizens or the commonwealth to existing and potential features of gaming with a view to recommending or effecting changes that will tend to better serve and implement the purposes of state gaming law. The bureau shall make a continuous study of state gaming policy, including gaming, as defined by this chapter; the state lottery, as defined by chapter 10 of the General Laws and pari-mutuel racing, as defined by chapter 128 of the General Laws and the impact of said policy on the commonwealth.

(o) The executive director of the bureau shall petition the commission to initiate proceedings or actions appropriate to enforce statutory and regulatory requirements mandated of license-holders, and the commission shall grant or deny such petitions expeditiously.

(p) Employees of the bureau may refuse to reveal, in any court or administrative proceeding except a proceeding brought by the commonwealth or the United States the identity of an informant, or the information obtained from the informant, or both the identity and the information.

Section 6. (a) The commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the commission. These records shall be open to public inspection, except those portions declared by law to be confidential.

(b) Notwithstanding any other general or special law to the contrary all files, records, reports, and other information in possession of any state or local government agency including tax filings and related information that are relevant to an investigation by the bureau conducted pursuant to this chapter shall be made available to the bureau as requested. However, any tax or financial information received from a government agency shall be used solely for effectuating the purposes of this chapter. To the extent that these files, records, reports, or information are confidential or otherwise privileged from disclosure under any law they shall not lose that confidential or privileged status for having been disclosed to the bureau.

(1) The commission and the bureau shall not release or disclose any privileged information, documents or communications provided by an applicant or licensee without the prior written consent of the applicant or licensee or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or licensee.

(2) The commission and the bureau shall maintain all privileged information, documents and communications in a secure place accessible only to members of the commission and the executive director, and employees of the commission.

(3) The commission and the bureau shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant or licensee.

Section 7. (a) The commission and the bureau shall investigate the qualifications of each applicant under this act before any license is issued or any registration, finding of suitability or approval of acts or transactions for which commission approval is required or permission is granted, and shall continue to monitor the conduct of all licensees and registrants and other persons having a material involvement, directly or indirectly with a licensed casino gaming facility or holding company to ensure that licenses are not issued or held by, nor is there any material involvement directly or indirectly with a licensed gaming facility or holding company by unqualified, disqualified or unsuitable persons, or persons whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places or locations, as provided in commission regulations. All expenses associated with the licensing of any applicant shall be borne by the applicant. Pursuant to its regulations, the commission shall require each applicant for a gambling license to deposit with the Commission, together with the application therefor, an application fee. The fee shall constitute the anticipated costs and charges incurred in the investigation and processing of the application, and any additional sums as are required by the commission to pay final costs and charges.

(b) The commission and the bureau may require a finding of suitability or the licensing of any person who owns any interest in the premises of a licensed establishment; owns any interest in real property used by a licensed establishment whether he leases the property directly to the licensee or through an intermediary; repairs, rebuilds or modifies any gaming device; manufactures or distributes chips or gaming tokens for use in the commonwealth.

(c) The commission and the bureau may require a finding of suitability or the licensing of any person who furnishes services or property to a state gaming licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming.

(d) No applicant for a gaming license, or a manufacturer’s or distributor’s license or other affirmative commission approval has any right to a license or the granting of the approval sought. Any license issued or other commission approval granted pursuant to the provisions of this act is a revocable privilege, and no holder acquires any vested right therein or thereunder.

No person shall operate a gaming establishment without having obtained all necessary operating licenses from the commission. There shall be a single licensed operator for each gaming establishment. The licensing standards must be met at all times by each officer, director, partner, and trustee of the operating entity, by each substantial party in interest of the operating entity or of the premises on which such establishment is located, and by such other party in interest of the operating entity, the premises, or any holding company or intermediary company of the operating entity or the premises as the commission may require. In no event

shall the commission permit a person or entity previously convicted of a felony to be a party in interest of the operating entity or of the premises or of any holding or intermediary company of the operating entity or the premises. A separate license shall be required for any person described above, unless the commission specifically determines otherwise.

(e) Each gaming operator license approved by the commission pursuant to subsections (a), (b) and (c) of section 8 shall be valid for a term of 5 years from date of approval and shall be renewed for additional 5 year terms unless the commission demonstrates that the operator is no longer qualified to hold a gaming license pursuant to this chapter.

(f) Each license approved by the commission shall be awarded as the result of an application process to be designed and established by said commission. Said process shall include a request for proposals which shall be designed to maximize the economic benefits and revenue generating potential. A person may apply to be a licensed casino gaming operator by filing an application with the commission, in the form and with such accompanying application fees as the commission may establish. Information on the application will be used as the basis for a thorough background investigation which the bureau shall conduct with respect to each applicant. Each application shall disclose the identity of each party in interest, each holding company and intermediary company, and each affiliate of the operating entity. The application shall disclose, in the case of a privately held corporation, the names and addresses of all directors, officers, and stockholders; in the case of a publicly traded corporation, the names and addresses of all directors, officers, and persons holding at least 1 per cent of the total capital stock issued and outstanding; in the case of a partnership, the names and addresses of all partners, both general and limited, and in the case of a trust, the names and addresses of all trustees and beneficiaries. Persons applying for gaming operator licenses shall be required to define the number of full-time equivalent employees that the project will produce, and the project's non-gaming economic development potential.

(g) Each operating entity shall identify, in its application, the premises where it proposes to conduct its gaming operations and demonstrate that the operating entity owns or has legal control of the premises where it proposes to conduct its gaming operations. The application shall contain such information regarding the physical location and condition of the premises and the potential impact of the proposed gaming operations upon adjacent properties and the municipality and region within which the premises are located, as the commission may require. The application shall disclose the identity of all parties in interest regarding the premises; and, except as otherwise permitted herein, no person other than a licensee shall have any right to or interest in net gaming revenue or adjusted net gaming revenue in the form of a percentage of any sums payable hereunder. An operating entity may also identify temporary premises in its application where an applicant may be permitted to operate a temporary casino facility for a period of no longer than 24 months during construction of its permanent gaming facility.

Section 8. The commission shall grant no more than 3 casino gaming operator licenses. No casino shall be sited in a community without the approval of that community's legislative body or, in such cases as is required by the governing body of said community, the voters of said community in a referendum. No casino gaming operator license shall be granted to operate a casino in the town of Salisbury.

Section 9. (a) The commission shall require that each licensed operator utilize Massachusetts resources, goods and services to the reasonable extent practical in the operation of the licensed casino gaming facility. The Commission shall develop reasonable standards to assure that a substantial amount of all resources, goods and services used in the operation of the licensed casino gaming facility come from manufacturers, suppliers, vendors and service providers in the commonwealth.

(b) The commission shall require that each licensed operator make reasonable effort to insure that a substantial number of their employees are residents of the commonwealth. The commission shall develop reasonable standards to assure that residents of the commonwealth are afforded preferential treatment in hiring and training.

(c) The commission shall require that each licensed operator provide facilities and make available for sale Massachusetts lottery tickets on the premises of the licensed casino gaming facility on the same terms as other non-casino retail lottery outlets in accordance with section 24 of chapter 10 of the General Laws.

(d) In the event that an off-track betting system is sanctioned by the commonwealth each licensed casino gaming facility shall, on reasonable terms and conditions, make available within said facility space for an off-track betting facility to be jointly leased and operated by all persons licensed under section 3 of chapter 128A, other than licensees conducting horse or dog racing in connection with a state or county fair, to be operated in accordance with the rules and regulations applicable to the enabling legislation of that off-track betting system.

(e) No licensed operator shall obtain any gaming equipment from a person who does not hold a license. No licensed operator shall enter into any agreement for the receipt of goods or services, of any form and in any amount, from a person who does not hold a license, when a license is required for such agreement under this chapter or under regulations promulgated by the commission or bureau.

(f) No licensed operator shall employ any person in a gaming establishment who does not hold a work permit, when a work permit is required for such position under regulations promulgated by the commission or bureau.

(g) Any person who the commission determines is qualified to receive a license or be found suitable under the provisions of this chapter may be issued a state gaming license or found suitable, as appropriate. The burden of proving his qualification to receive any license or be found suitable is on the applicant. A license to operate a gaming establishment shall not be granted unless the applicant has satisfied the commission that he or she has adequate business probity, competence and experience, in gaming; and the proposed financing of the entire operation is adequate for the nature of the proposed operation; and, from a suitable source. An application to receive a license or be found suitable constitutes a request for a determination of the applicant's general character, integrity, and ability to participate or engage in, or be associated with gaming, as appropriate. The commission may limit the license or place such conditions thereon, as it may deem necessary in the public interest. The commission may, if it considers necessary, issue a probationary license. No state gaming license may be assigned either in whole or in part. The commission may limit or place such conditions, as it may deem necessary in the public interest upon any registration, finding of suitability or approval for which application has been made. A licensee may be granted a temporary gaming license to operate a casino gaming facility during the construction phase of any licensed casino gaming facility, provided that no more than 1 temporary license be awarded for any licensed casino gaming facility, and provided further that no temporary license remain in force for a period in excess of 24 months.

(h) Any state license in force may be renewed by the commission for the next succeeding license period upon proper application for renewal and payment of state license fees and taxes as required by law and the regulations of the commission. If any licensee or other person fails to renew his license the commission may order the immediate closure of all his gaming activity until the license is renewed by the payment of the necessary fees, taxes, interest and any penalties.

(i) If satisfied that an applicant is eligible to receive a state gaming, manufacturing, selling, or distributing license, and upon tender of all license fees and taxes as required by law and regulation of the commission; and a bond executed by the applicant as principal, and by a corporation qualified under the laws of the commonwealth as surety, payable to the commonwealth, and conditioned upon the payment of license fees and taxes and the faithful performance of all requirements imposed by law or regulation or the conditions of the license, the commission shall issue and deliver to the applicant a license entitling him to engage in the gaming, manufacturing, selling or distributing operation for which he is licensed, together with an enumeration of the specific terms and conditions of the license.

(j) A license issued pursuant to the provisions of this chapter shall be posted by the licensee and kept posted at all times in a conspicuous place in the area where gaming is conducted in the establishment for which the license is issued until it is replaced by a succeeding license.

(k) If the commission is not satisfied that an applicant is qualified to be licensed under this chapter, the commission may cause to be made such investigation into and conduct such hearings concerning the qualifications of the applicant in accordance with its regulations as it may deem necessary.

(l) The commission shall have the power and authority to deny any application for any cause it deems reasonable. If an application is denied, the commission shall prepare and file its written decision upon which its order denying the application is based.

(m) A person who has had his application for a license denied or who has been found unsuitable by the commission shall not retain his interest in a corporation, partnership, limited partnership, limited-liability company or joint venture beyond that period prescribed by the commission; and shall not accept more for his interest in a corporation, partnership, limited partnership, limited limited-liability company or joint venture than he paid for it or the market value on the date of the denial of the license or the funding of unsuitability.

(n) The voluntary surrender of a license by a licensee shall not become effective until accepted in the manner provided in the regulations of the commission. The surrender of a license shall not relieve the former licensee of any penalties, fines, fees, taxes or interest due.

(o) The bureau shall promptly and in reasonable order investigate all applications, enforce the provisions of this chapter and any regulations promulgated hereunder. The bureau shall provide the commission with all information necessary for all actions requested of it under this chapter and for all proceedings involving enforcement of the provisions of this act or any regulations promulgated hereunder.

(p) The bureau shall investigate the qualifications of each applicant before any license, certificate, or permit is issued pursuant to the provisions of this chapter; investigate the circumstances surrounding any act or transaction for which commission approval is required; investigate violations of this chapter and regulations promulgated hereunder; initiate, prosecute and defend such proceedings before the commission, or appeals therefrom, as the bureau may deem appropriate; provide assistance upon request by the commission in the consideration and promulgation of rules and regulations; conduct continuing reviews of licensed casino gaming facility operations through on-site observation and other reasonable means to assure compliance with this chapter and regulations promulgated hereunder; conduct audits of licensed casino gaming facility operations at such times, under such circumstances, and to such extent as the director shall determine, including reviews of accounting, administrative and financial

records, and management control systems, procedures and records utilized by a licensed gaming facility licensee; and be entitled to request information, materials and any other data from any licensee or registrant, or applicant for a license or registration under this chapter.

(q) Each licensee or registrant, or applicant for a license or registration under this chapter shall cooperate with the commission and the bureau in the performance of their duties.

(r) The bureau and its employees and agents, upon approval of the director, shall have the authority, without notice and without warrant to inspect and examine all premises wherein gaming is conducted; or gaming devices or equipment are manufactured, sold, distributed, or serviced, or wherein any records of such activities are prepared or maintained; to inspect all equipment and supplies in, about, upon or around such premises; to seize summarily and remove from such premises and impound any such equipment or supplies for the purpose of examination and inspection; to inspect, examine and audit all books, records, and documents pertaining to a gaming licensee's operation; to seize, impound or assume physical control of any book, record, ledger, game, device, cash box and its contents, counting room or its equipment, or licensed casino gaming facility operations; and to inspect the person, and personal effects present in a licensed gaming facility licensed under this chapter, of any holder of a license or registration issued pursuant to this chapter while that person is present in a licensed casino gaming facility.

(s) Every licensed casino gaming facility must, upon receipt of criminal or civil process compelling testimony or production of documents in connection with any criminal investigation, immediately disclose such information to the bureau.

Section 10. (a) All gaming service industries as defined in this chapter offering goods or services which directly relate to gaming activities or indirectly relate to gaming operations shall be licensed in accordance with rules of the commission and prior to conducting any business whatsoever with a gaming applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not. Gaming service industries that directly relate to gaming activities shall include gaming and wagering equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and gaming security services. Gaming service industries that indirectly relate to gaming operations shall include junket enterprises; suppliers of alcoholic beverages, food and non-alcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services and construction companies contracting with gaming applicants or licensees or their employees or agents.

(b) Each gaming service industry, as well as its owners, management and supervisory personnel and other principal employees must qualify under standards promulgated by the commission.

(c) The commission may exempt any person or field of commerce from the licensing requirements of this section if the person or field of commerce demonstrates that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, or provides professional services such as accountants, auditors, attorneys, or broker dealers, and that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this chapter. Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the bureau and, upon request, to provide information in the same manner as required of a gaming service industry licensed pursuant to this section.

(d) Licensure pursuant to this section of any gaming service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 7.

(e) There is hereby imposed and levied on each applicant for a gaming service industry license under this section an annual license fee in the amount of $500.00.

Section 11. Any person aggrieved by a determination by the commission to issue, deny, modify, revoke or suspend any license or approval, or to issue an order, under the provisions of this chapter, may request an adjudicatory hearing before the commission under the provisions of chapter 30A of the General Laws. Any such determination shall contain a notice of this right to request a hearing and may specify a time limit, not to exceed 21 days, within which said person shall request said hearing. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the commission shall within a reasonable time act upon a request in accordance with the provisions of said chapter 30A.

A person aggrieved by a final decision in an adjudicatory hearing held under the provisions of this section may obtain judicial review thereof pursuant to the provisions of chapter 30A.

Section 12. (a) Except as otherwise provided in this chapter or in chapter 10 or in section 7A of chapter 271 of the General Laws, it shall be unlawful for any person to deal, operate, carry on, conduct, maintain or expose for play in the commonwealth any gambling game, gaming device, or slot machine as defined by this chapter; to receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, gaming device, or slot machine; to permit any gambling game, gaming device, or slot machine to be conducted, operated, dealt or

carried on in any house or building or other premises owned by him, in whole or in part; to lend, let, lease or otherwise deliver or furnish any equipment of any gambling game, including any slot machine, for any interest, percentage or share of the money or property played, under guise of any agreement whatever; to lend, let, lease or otherwise deliver or furnish, except by a bona fide sale or capital lease, any slot machine under guise of any agreement whereby any consideration is paid or is payable for the right to possess or use that slot machine, whether the consideration is measured by a percentage of the revenue derived from the machine or by a fixed fee or otherwise; to furnish services or property, real or personal, on the basis of a contract, lease or license, pursuant to which that person receives payments based on earnings or profits from any gambling game, including any slot machine, without having first procured a state gaming license from the commission.

(b) Any person included on the list of persons to be excluded or ejected from a gambling establishment pursuant to regulations promulgated pursuant to this chapter who knowingly enters or remains on the premises of a licensed gambling establishment shall be punished by a fine to be determined by the commission, in addition to any other penalties prescribed by law.

(c) Any person under the age of 21 years who plays, placed wagers at, or collects winnings from, whether personally or through an agent, any controlled game, or who is employed as an employee in a licensed casino gaming establishment shall be punished by imprisonment in the house of correction for not more than 1 year, or by a fine of not more than $1,000.00, or by both such imprisonment and fine. A subsequent violation of this section shall subject a person to imprisonment in the house of correction for not more than 2 years, or by a fine of not more than $5,000.00, or by both such imprisonment and fine. Any licensee, or other person, who knowingly allows a person under the age of 21 to play, place wagers at or collect winnings, whether personally or through an agent, shall be punished by imprisonment in the house of correction for a term of not more than 1 year or pay a fine of not more than $25,000.00, or by both such imprisonment and fine. A subsequent violation of this section shall subject the licensee to imprisonment in the house of correction for not more than 2 years or pay a fine of not more than $50,000.00 or by both such imprisonment and fine. In any prosecution or other proceeding for the violation of this subsection, it shall not be a defense for the licensee or his agent to plead that he believed the person to be 21 years of age or older.

(d) Any person who willfully fails to report, pay, or truthfully account for and pay over any license registration fee, penalty, fine or interest thereon imposed by this chapter, or willfully attempts in any manner to evade or defeat the license fee, penalty, fine, or interest thereon or payment thereof shall be punished by a fine to be determined by the commission.

(e) Any person who willfully resists, prevents, impedes, or interferes with the commission or the bureau or any of their agents or employees in the performance of duties pursuant to this chapter shall be punished by a fine to be determined by the commission, in addition to any other penalties prescribed by law.

(f) Any person who willfully violates, attempts to violate, or conspires to violate any provision of a regulation adopted pursuant to this chapter shall be punished by a fine to be determined by the commission, in addition to any other penalties prescribed by law.

(g) Any person, as owner, lessee, or employee, whether for hire or not, either solely or in conjunction with others, who shall do any of the following without having first procured and thereafter maintained in effect all licenses required by law shall be punished by imprisonment in the state prison for not more than 5 years, or by imprisonment in the house of corrections for not more than 2½ years, or by a fine of not more than $25,000.00 or by both such imprisonment and fine:

(1) To deal, operate, carry on, conduct, maintain or expose for play in this state any controlled game or gaming equipment used in connection with any controlled game.

(2) To receive, directly or indirectly, any compensation or reward or any percentage or share of the revenue, for keeping, running, or carrying on any controlled game, or owning the real property or location in which any controlled game occurs.

(3) To manufacture or distribute within the territorial boundaries of the Commonwealth any gaming equipment to be used in connection with controlled gaming..

(h) Any person who knowingly permits any controlled game to be conducted, operated, dealt, or carried on in any house or building or other premises that he owns or leases, in whole or in part, if that activity is undertaken by a person who is not licensed as required by state law shall be punished by imprisonment in state prison for not more than 5 years, or by imprisonment in the house of corrections for not more than 1 year, or by a fine of not less than $25,000.00 or by both such imprisonment and fine.

(i) Any former commission member who, within 3 years after his employment on said commission has ceased, solicits or accepts employment with or provides consultant services to any licensee or at any licensed casino gaming facility shall be deemed to have violated chapter 268B of the General Laws. Any licensed casino gaming facility which employs a former commission member in violation of this subsection shall be punishable by a fine to be determined by the commission.

(j) It shall be unlawful for any person:

(1) To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players.

(2) Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gaming.

(3) To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects or reasonably may tend to affect the outcome of the game or with knowledge of any event that affects the outcome of the game. As used in this section, 'cheat' means to alter the selection of criteria which determine: (i) the results of a game; or (ii) the amount or frequency of payment in a game.

(4) To have on his person or in his possession on or off the premises of any licensed casino gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gaming or equipment, or for removing money or other contents therefrom, except where such person is a duly authorized employee of a licensee acting in furtherance of his employment within a licensed casino gaming establishment.

A violation of this section shall be punishable by imprisonment in the house of corrections for not more than 5 years or by a fine of not more than $50,000.00, or by both such imprisonment and fine.

(k) Any individual who commits, attempts, or conspires to commit skimming, as defined by this chapter, for a total value of less than $1,000,00 against a gaming licensee or upon the premises of a licensed casino gaming facility shall be punished by imprisonment in the house of corrections for not more than 5 years and by a fine of not more than $50,000.00 or by imprisonment in the house of corrections for not more than 10 years and by a fine of not more than $100,000.00 if the total value is more than $1,000.00.

(l) In addition to any other penalty imposed under this section, a violation of this section by a licensed casino gaming establishment shall subject to forfeiture to the Commonwealth any or all of the gaming equipment related to the violation. A district attorney may petition the superior court in the name of the commonwealth in the nature of a proceeding in rem to order forfeiture of any such gaming equipment subject to forfeiture under the provisions of this subsection. Such petition shall be filed in the court having jurisdiction over the gaming equipment or having final jurisdiction over any related criminal proceedings brought under any provision of this chapter. In all such suits where the property is claimed by any person, other than the commonwealth, the commonwealth shall have the burden of proving to the court the existence of probable cause to institute the action, and any such claimant shall then have the burden of proving that the gaming equipment is not forfeitable. The court shall order the commonwealth to give notice by certified or registered mail to the owner of said gaming equipment and to such other persons as appear to have an interest therein, and the court shall promptly but not less than 2 weeks after notice, hold a hearing on the petition. Upon the motion of the owner of said gaming equipment the court may continue the hearing on the petition pending the outcome of any criminal trial related to the violation of this chapter. At the hearing the court shall hear evidence and make conclusions of law, and shall thereupon issue a final order, from which the parties shall have a right of appeal. In all such suits where a final order results in a forfeiture, said final order shall provide for disposition of said gaming equipment, by the commonwealth in any manner not prohibited by law, including official use by an authorized law enforcement or other public agency, or sale at public auction or by competitive bidding. The proceeds of the sale shall be used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising, and notice, and the balance thereof shall be deposited in the gaming regulatory account established by this chapter.

Section 13. (a) All licensees, all registrants, all persons required to be qualified under this chapter, and all persons employed by a gaming service industry licensed pursuant to this chapter, shall have a duty to inform the commission or bureau of any action which they believe would constitute a violation of this chapter. No person who so informs the commission or the bureau shall be discriminated against by an applicant, licensee or registrant because of the supplying of such information.

(b) Any gaming licensee, or its officers, employees or agents may question any person in its establishment suspected of violating any of the provisions of this chapter. No gaming licensee or any of its officers, employees or agents shall be criminally or civilly liable:

(1) on account of any such questioning; or

(2) for reporting to the executive director or law enforcement authorities the person suspected of the violation.

(c) Any gaming licensee or any of his officers, employees or agents who has reasonable cause for believing that there has been a violation of this chapter in his establishment by any person may take that person into custody and detain him in the establishment in a reasonable manner and for a reasonable length of time. Such a taking into custody and detention does not render the licensee or his officers, employees or agents criminally or civilly liable unless it is established by clear and convincing evidence that the taking into custody and detention are unreasonable under all the circumstances.

(d) No gaming licensee or its officers, employees or agents are entitled to the immunity from liability provided for in subsection (c) unless there is displayed in a conspicuous place in his establishment the following notice in boldface type clearly legible and in substantially this form: Any gaming licensee, or any of his officers, employees or agents who has reasonable cause for believing that any person has violated any provision of the Massachusetts Casino Control Act prohibiting cheating in gaming may detain that person in the establishment.

Section 14. (a) There shall be a gaming investigative account. Any and all expenses associated with the licensing of any applicant and monitoring of any licensee shall be borne by the applicant or licensee. Pursuant to its regulations, the commission shall require each applicant to deposit with the commission, together with the application therefor, an application fee which shall be deposited in the gaming investigative account. Such fee shall constitute the anticipated costs and charges incurred in the investigation and processing of the application, and any additional sums as are required by the commission and the bureau to pay final costs and charges. Expenses may be advanced from the gaming investigative account by the commission to the bureau. Any money received from an applicant in excess of the costs and charges incurred in the investigation or the processing of the application shall be refunded pursuant to regulations adopted by the commission. At the conclusion of the investigation, the bureau shall provide the applicant a written accounting of the costs and charges so incurred.

(b) There shall be a gaming regulatory account. Funds deposited in the gaming regulatory account shall be expended for the support of the commission and bureau in carrying out their duties and responsibilities under this chapter. The commission and the bureau shall issue regulations which apportion all expenses of the commission and the bureau in addition to those set out in subsection (a), among all gaming licensees on a fair and reasonable basis.

(c) All fees, revenue, and penalties collected pursuant to this chapter, with the exception of those revenues collected as stated in subsection (a) of section 15 and subsections (a) and (b) of section 16, shall be deposited in the general fund. Funds deposited in the general fund, pursuant to this act, shall, subject to appropriation, be distributed as stated in section 17 and section 18.

(d) All revenue received from any game or gaming device which is leased for operation on the premises of the licensee-owner to a person other than the owner thereof, or located in an area or space on the premises which is leased by the licensee-owner to any such person, must be attributed to the owner for the purposes of this section and be counted as part of the gross revenue of the owner. The lessee is liable to the owner for his proportionate share of the license fees.

(e) All gaming license fees and penalties imposed by the provisions of this chapter shall be paid to the state treasurer to be deposited into the general fund. Fees shall be paid annually on or before June 20. Penalties imposed under this chapter shall be paid within thirty days of the final determination to the commission of the violation.

Section 15. (a) Each licensed operator within the commonwealth shall pay to the commission weekly as the commission shall direct a gaming tax in the amount equal to 7.5 per cent of the gaming revenue of each licensed casino gaming facility. All revenue collected as provided in this section shall be deposited into the Local Aid Fund created pursuant to chapter 29 of the General Laws and shall be used solely for payment to cities, towns and districts and for the reduction of property taxes in accordance with the formula provided in said chapter 29, and ½ of said revenue shall be expended for educational purposes.

(b) Each licensed operator shall receive as an offset from any amount due under subsection (a) of section 14 any amount assessed by the commission pursuant to subsection (b) of section 12 to cover the licensed operator's pro rata share of the regulatory costs of the commission. The regulatory costs shall not include any investigation expense or application fee assessed by the commission pursuant to subsection (a) of section 14.

Section 16. (a) Each licensed operator within the commonwealth shall pay to the municipality or political subdivision within which jurisdiction said facility shall be located, an additional gaming tax in an amount equal to 1½ per cent of its gaming revenues.

(b) Each licensed operator within the commonwealth shall pay an additional gaming tax in an amount equal to 1½ per cent of its gaming revenues to be distributed to each city and town in the commonwealth which is immediately contiguous to the municipality within which jurisdiction said facility is located, said distribution to be made proportionate to the population of each contiguous community.

(c) No municipality or other political subdivision shall impose any additional license fee or gaming tax on any person or equipment licensed to conduct gaming pursuant to this chapter. Nothing herein precludes the imposition of customary local taxes and fees applicable to other non-gaming businesses in the municipality or political subdivision.

Section 17. (a) Each licensed operator within the commonwealth shall pay to the commission as the commission shall direct a gaming tax in an amount equal to 15 per cent of the gaming revenue to be used exclusively in preventing and treating compulsive gambling behavior.

(b) The department of public health shall conduct a comprehensive study to measure the prevalence of compulsive, obsessive behaviors in the commonwealth; to measure the prevalence of problem gambling in the commonwealth; to measure the

prevalence of underage problem gambling in the commonwealth; and, to measure the social cost of problem gambling in the commonwealth; and to develop appropriate treatment modalities and public education strategies that address the findings of the study.

Section 18. Each licensed operator within the commonwealth shall pay to the commission as the commission shall direct a gaming tax in an amount equal to .0035 per cent of the gaming revenue to be used exclusively for law enforcement purposes including contributions annually to the budgets of the attorney general, district attorneys and courts.

Section 19. (a) Each gaming licensee shall adopt an internal control system which shall include but not be limited to provisions for:

(1) The safeguarding of its assets and revenues, especially the recording of cash and evidences of indebtedness.

(2) The provision of reliable records accounts and reports of transactions, operations and events, including reports to the executive director and the commission.

(b) The internal control system must be designed to reasonably ensure that:

(1) Assets are safeguarded.

(2) Financial records are accurate and reliable.

(3) Transactions are performed only in accordance with management's general or specific authorization.

(4) Transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes, and to maintain accountability for assets.

(5) Access to assets is permitted only in accordance with management's specific authorization.

(6) Recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(7) Functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

(c) Each gaming licensee and each applicant for a gaming license shall describe, in such manner as the executive director may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each gaming licensee and applicant for a gaming license shall submit a copy of its written system to the executive director. Each written system shall include:

(1) An organizational chart depicting appropriate segregation of functions and responsibilities.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of subsection (a).

(4) A written statement signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner attesting that the system satisfies the requirements of this section.

(5) If the written system is submitted by an applicant, a letter from an independent accountant stating that the applicant's written system has been reviewed by the accountant and complies with the requirements of this section.

(6) Such other items as the executive director may require.

(d) The executive director, with the advice of the commission, shall adopt and publish minimum standards for internal control procedures.

Section 20. (a) Whenever a licensee refuses payment of alleged winnings to a patron, the licensee and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves: (1) at least $500.00, the licensee shall immediately notify the bureau; or (2) less than $500.00, the licensee shall inform the patron of his right to request that the bureau conduct an investigation.

The bureau shall conduct whatever investigation it deems necessary and shall determine, in its sole discretion and without need for a hearing, whether payment should be done. In the event the bureau determines that payment should be made, all costs of the

investigation shall be borne by the licensee. Failure of the licensee to notify the bureau or inform the patron as provided herein shall subject the licensee to disciplinary action.

(b) Any party aggrieved by the determination of the bureau may file a petition for reconsideration with the commission setting forth the basis of the request for reconsideration. Any hearing for reconsideration shall be conducted pursuant to regulations adopted by the commission.

(c) A credit instrument evidencing a gaming debt may be enforced by a licensee by legal process.

(d) A licensee or person acting on the licensee's behalf may accept an incomplete credit instrument which:

(1) Is signed by a patron.

(2) States the amount of the debt in figures and may complete the instrument as is necessary for the instrument to be presented for payment.

(e) A licensee or person acting on behalf of a licensee:

(1) May not accept a credit instrument, which is incomplete, except as authorized in subsection (d).

(2) May accept a credit instrument that is payable to an affiliate or affiliated company or may complete a credit instrument in the name of an affiliate or affiliated company as payout if the credit instrument otherwise complies with this section and the records of the affiliate or an affiliated company pertaining to the credit instrument are made available to the executive director upon request.

(f) This section shall not prohibit the establishment of an account by a deposit of cash, recognized traveler's check, or any other instrument which is equivalent to cash."

After debate, the amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 48 the following section:—

"SECTION . Section 2 of chapter 124 of the acts of 1878 is hereby amended by striking out, in lines 15 and 16, the words 'five rods' and inserting in place thereof the following words:— 1,500 feet.

Said chapter 124 is hereby further amended by striking out section 4 and inserting in place thereof the following section:—

Section 4. The city of Brockton may borrow amounts necessary to accomplish the purposes of this act in accordance with chapter 44 of the General Law."

Mr. Clancy, for the committee on Bills in the Third Reading, reported, asking to be discharged from further consideration thereof.

This report was accepted.

The amendment was then *rejected*.

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

"SECTION 39A. Notwithstanding chapter 189 of the Acts of 1998 or any general or special law to the contrary, the commissioner of capital asset management and maintenance may release the proceeds of bonds issued pursuant to said chapter 189 for cost to provide for acquisition, improvement and remediation of environmental hazards of land in the block bounded by Clinton avenue, West Elm street, Belmont street and Warren avenue in the city of Brockton to the city of Brockton to provide for acquisition, improvement and remediation of environmental hazards of land in the block bounded by Clinton avenue, West Elm street, Belmont street and Warren avenue in the city of Brockton."

The amendment was *rejected*.

Messrs. Creedon, Glodis, Hedlund, Joyce, Morrissey and Panagiotakos, Mrs. Sprague, Ms. Wilkerson and Mr. Lynch moved to amend the bill by inserting after Section 39 the following section:—

"SECTION 39A. Notwithstanding section 429 of chapter 159 of the acts of 2000 to the contrary and in order to reduce the mortality and morbidity from, improve access to care for underserved populations and prevent the spread of cardiovascular disease, the department of public health shall, subject to the following conditions, approve the development and operation of new open heart surgery programs at 7 community hospitals in the commonwealth, including programs which were granted by the department during this calendar year before the passage of this act, as contemplated by the cardiac care task force established

under section 388 of chapter 194 of the acts of 1998. The department shall, subject to the following conditions, immediately begin processing approvals for 7 community hospitals during 2001 under 105 CMR 100.308 and shall finish the review and authorization process by September 1, 2001. All community hospitals applying to participate in these programs shall certify an ability to conform to the following requirements as a condition of obtaining any approval:

(a) each applicant must have executed a written affiliation agreement, including licensing arrangements consistent with the provisions of this section, for the term of at least 5 years, in a form satisfactory to the department, with an academic medical center having an accredited primary cardio-thoracic surgery residency program; but no single academic medical center may have affiliation agreement with more than two community hospitals;

(b) each applicant must be operating a fixed cardiac catheterization lab in accordance with standards established by the department of public health at the time of application;

(c) each applicant must be performing at least 1,000 cardiac catheterization procedures per year or have a projected annual cardiac catheterization volume of 1,000 procedures per year by the end of the third year;

(d) each applicant must have a projected open heart surgery volume of at least 300 procedures per year and a projected open heart surgery volume per surgeon of 100 procedures per year, by the end of the third year;

(e) each applicant must demonstrate an ability to finance any necessary capital improvements and operating expenses for said program;

(f) each applicant must develop programs for cardiovascular disease prevention and health promotion aimed at reducing the incidence of cardiovascular disease; and,

(g) each applicant must comply with clinical standards for program quality developed by the department.

Beginning on July 1, 2001, the department shall require all hospitals in the commonwealth that perform open heart surgery to submit patient specific outcome data and shall develop a process, after consulting with the cardiac care quality advisory commission established in section 428 of chapter 159 of the acts of 2000, for accurately and reliably validating all such data. Beginning on March 1, 2002, and annually thereafter, the department shall conduct an evaluation of all cardiac surgery programs in the commonwealth and shall submit a report of such evaluation to the house and senate committee on ways and means and the joint committee on health care. The review should include a case-by-case analysis of the cardiac procedures delivered at community hospitals, peer review, systematic performance measurement and feedback, specific outcome data as well as an overall review of the quality of the service and the impact of the developing programs on the primary academic medical centers and community hospitals. Based on the results of its annual evaluations of existing and new programs, the department, in its March 2004 report, shall make a determination of (i) whether open heart surgery programs at the community hospitals have resulted in a material benefit to the public with no countervailing risk to the public health, and (ii) whether additional community cardiac surgery programs would be of material benefit to the health and safety of Massachusetts citizens.

Nothing in this section shall limit the authority of the department of public health to take any action authorized by law, against a community hospital obtaining a license under this section for failure to comply with any law, rule or regulation.

Pending the question on adoption of the amendment, Mr. Pacheco moved to amend the amendment (Creedon, et al) in section 39A, in the first paragraph, by inserting after clause (g) the following clause:—

“(h) each applicant must maintain staffing levels for open heart surgery programs that are comparable to and not less than such staffing levels currently provided by hospitals that are now licensed by the department to operate, and are operating, such programs.”

After remarks, the further amendment was adopted.

The pending amendment (Creedon, et al) was then further considered; and, after debate, it was *rejected*.

Mr. Tarr moved to amend the bill inserting after section 43, the following section:—

“SECTION 43A. The Massachusetts Bay Transportation Authority shall install security improvements at the West Gloucester commuter rail station in the city of Gloucester. Said improvements shall include, but not be limited to, the upgrading and replacement of security cameras.”

The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 37 the following section:—

“SECTION 37A. Section 467 of the chapter 159 of the acts of 2000 is hereby repealed.”

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 43 the following section:—

“SECTION 43A. Item 7002-9500 of section 2A of chapter 481 of the Acts of 1998 is hereby amended by striking out the words ‘until June 30, 2000’ and inserting in place thereof the following words:— until June 30, 2002. The department of employment and training shall report to the senate committee on ways and means, the house committee on ways and means, and the joint committee on government regulations detailing the number of workers eligible for re-employment assistance benefits as mandated by section 71I of chapter 151A of the General Laws. The report shall also describe the number of employees denied re-employment assistance benefits after June 30, 2000 and the amount of funding needed by the department of employment and training to pay for re-employment assistance benefits for all eligible workers until these funds are reimbursed in total by the utility.”

The amendment was *rejected*.

Messrs. Tisei and Tarr moved to amend the bill in section 2, in item 4000-0300, by adding the following words:— “provided further, that notwithstanding 130 CMR 422.000, the division shall provide supportive living services, including personal care attendant services, to MassHealth members with brain injuries in the ‘Transitional Living Program’ residing in a community-based residential program funded by federal Housing and Urban Development section 811 grant, provided further, that services shall be provided without regard to the ability of individuals to move to more independent living settings and shall continue to be provided for the duration of residency within such community-based residential programs; provided further, that the division shall seek federal approval to provide cueing and supervision services, and upon approval, shall provide such cueing and supervision services to said individuals; provided further, that the division shall develop a plan to establish a Life-Long Supportive Living Program, to provide and expand supportive living services to such individuals, provided further that said plan shall include, but not be limited to, a review of regulations regarding the Transitional Living Program; and provided further that the division shall file a report with the house and senate committees on ways and means no later than October 1, 2001 detailing the plan, the number of MassHealth members impacted, and recommendations to implement said program”.

The amendment was adopted.

Mr. Tolman and Ms. Fargo moved to amend the bill by inserting after section 39 the following section:—

“SECTION 39A. (a) The purpose of this section is to alleviate regional flooding conditions in the towns of Arlington, Belmont and Lexington and the city of Waltham.

(b) Notwithstanding any general or special law to the contrary, the commissioner of the metropolitan district commission shall construct the Beaver Brook Flood Mitigation Project, including an extension of a culvert system across Beaver Brook, construction of a relief culvert and related work in the vicinity of Linden street and Waverly Oaks road in the city of Waltham, construction at Beaver Brook Flood Mitigation Project-Reach II in the vicinity of Mill street and the reconstruction the Duck Pond dam and Mill Pond dam and related work in the city of Waltham and the town of Belmont.

(c) To meet the expenditures necessary to carry out this section, the state treasurer, upon request of the governor, shall issue and sell bonds of the commonwealth in amounts specified by the governor from time to time, not exceeding, in the aggregate, the sum of $7,200,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Beaver Brook Flood Control Program Loan, Act of 1999, and shall be issued for such maximum term of years not exceeding 20 years as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2020. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this section, be general obligations of the commonwealth.

(d) The state treasurer may borrow from time to time on the credit of the commonwealth such sums not to exceed $7,200,000 as may be necessary for the purpose of making payments authorized by this section and may issue and review from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rate as shall be fixed by the treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding 1 year, as the governor may recommend to the general court in accordance with section 3 of Article LXII of the Amendments to the Constitution, but the final maturity date of such notes, whether original or renewal, shall be not later than June 30, 2005. Notwithstanding any other provisions of this act, notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth.”

The amendment was *rejected*.

Messrs. Tarr, Brewer, Nuciforo, Lees and Knapik, Mrs. Sprague and Messrs. Tisei, Hedlund and Magnani moved to amend the bill by inserting after section 17 the following section:—

“SECTION 17A. Section 2B of chapter 32B, as so appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:— Any governmental units may provide health insurance coverage to such individuals, and may require such individuals to pay any portion of the premium costs necessary to provide coverage to such individuals and a reasonable service charge.”

The amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 12 the following section:—

“Section 12A. The fourth paragraph of section 4 of chapter 27 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Members of the parole board shall receive a salary not less than 85 per cent of the salary of a clerk magistrate in the district court department of the Trial Court.”

The amendment was *rejected*.

Mr. Moore moved to amend the bill by striking out section 28 and inserting in place thereof the following section:—

“SECTION 28. (A) Section 47C of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by a certified early intervention specialist, as defined in the early intervention operational standards by the department of public health. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable certification requirements, who are working in early intervention programs certified by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of $3,200 per year per child and an aggregate benefit of $9,600 over the total enrollment period. For each contract period beginning on or after January 1, 2002, the $3,200 per year per child benefit and the aggregate benefit of $9,600 shall be increased by the percentage by which the consumer price index for the past calendar year exceeds the consumer price index for the year preceding the past year.

(B) Section 8B of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by a certified early intervention specialist, as defined in the early intervention operational standards by the department of public health. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable certification requirements, who are working in early intervention programs certified by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of $3,200 per year per child and an aggregate benefit of $9,600 over the total enrollment period. For each contract period beginning on or after January 1, 2002, the $3,200 per year per child benefit and the aggregate benefit of $9,600 shall be increased by the percentage by which the consumer price index for the past calendar year exceeds the consumer price index for the year preceding the past year.

(C) Section 4C of chapter 176B, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by a certified early intervention specialist, as defined in the early intervention operational standards by the department of public health. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable certification requirements, who are working in early intervention programs certified by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of $3,200 per year per child and an aggregate benefit of $9,600 over the total enrollment period. For each contract period beginning on or after January 1, 2002, the $3,200 per year per child benefit and the aggregate benefit of $9,600 shall be increased by the percentage by which the consumer price index for the past calendar year exceeds the consumer price index for the year preceding the past year.

(D) Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The dependent coverage of any such policy shall also provide coverage for medically necessary early intervention services delivered by a certified early intervention specialist, as defined in the early intervention operational standards by the department of public health. Such medically necessary services shall be provided by early intervention specialists in accordance with applicable certification requirements, who are working in early intervention programs certified by the department of public health, as defined in sections 1 and 2 of chapter 111G, for children from birth until their third birthday. Reimbursement of costs for such services shall be part of a basic benefits package offered by the insurer or a third party, with a maximum benefit of $3,200 per year per child and an aggregate benefit of $9,600 over the total enrollment period. For each contract period beginning on or after January 1, 2002, the $3,200 per year per child benefit and the aggregate benefit of $9,600 shall be increased by the percentage by which the consumer price index for the past calendar year exceeds the consumer price index for the year preceding the past year."

The amendment was adopted.

Messrs. Panagiotakos and Lynch, Ms. Tucker, Ms. Resor and Ms. Jacques moved to amend the bill in section 2, in item 7004-3036, by striking out the figure "$1,000,000" and inserting in place thereof the following figure:— "$1,500,000"; and by striking out the figure "$1,506,000" and inserting in place thereof the following figure:— "$2,006,000".

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 45, by inserting after the words "Health Care for All," in lines 20 and 21, the following words:— "the Massachusetts chapter of the National Association of Insurance and Financial Agents,".

The amendment was adopted.

Messrs. Lees, Tisel, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 8850-0001, by adding the following words:— "; provided, that the bureau shall develop a master plan to increase the usage of motor vehicle safety belts in the commonwealth, including, but not limited to, enhanced drivers' education, public awareness campaigns, and enforcement; and provided further, that the master plan shall not consider primary enforcement of the law requiring the use of safety belts".

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7061-9404, by adding the following words:— "provided further, that $2,500,000 shall be expended for a competitive grant program, guidelines for which shall be developed by the department, for intensive literacy and math instruction for the graduating class of 2003; provided further, that such programs shall be in place by October 1, 2001; provided further, that eligible applicants shall include individual high schools, and those institutions of higher education, providers of adult basic education services, and other public and private educational services organizations that shall have partnered with a high school or group of high schools; and provided further, that preference shall be given to applicants targeting their services to high schools with at least 30 per cent of their students scoring in level 1 on math or English".

The amendment was adopted.

Mr. Berry of Peabody moved to amend the bill by inserting after section 17 the following section:—

"SECTION 17A. Paragraph 1 of section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by adding the following two sentences:— The word 'horticulture' in the preceding sentences applies to cities and towns of fewer than 47,000 people. For cities and towns of 47,000 people or more, the word 'horticulture' shall include the growing and keeping of nursery stock and the sale thereof if a majority of such products have been produced by the owner or lessee of land of 5 acres or more and on which the facility is located."

The amendment was *rejected*.

Messrs. Tarr and Jajuga moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Notwithstanding any general or special law to the contrary, any school building projects designed to address adequate space concerns as developed by the Pentucket regional school committee through its space needs subcommittee and approved by the towns of Merrimac, West Newbury and Groveland before January 1, 2002 shall be eligible for assistance through the school building assistance program at the rates of reimbursement for any project approved before December 30, 2000."

The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 13 the following section:—

“SECTION 13A. Section 2EE of chapter 29, as so appearing, is hereby amended by inserting after the word ‘costs’, in line 22, the following words:— ; and provided further, that the department of environmental management shall provide a detailed annual report on the revenues and expenditures of said fund, and shall submit the report to the joint committee on natural resources and agriculture, and the house and senate committees on ways and means, not later than February 15 of each year.”

The amendment was adopted.

Messrs. Glodis and Moore moved to amend the bill by inserting after section 17 the following section:—

“SECTION 17A. Section 8 of chapter 34B of the General Laws is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:—

(g) Notwithstanding any general or special law to the contrary, the comptroller shall deposit all funds collected pursuant to this section as follows: until such time as any regional retirement system transfer deficit is paid in full, all monies collected shall be paid to the regional retirement system; thereafter all funds so collected shall be paid to the commonwealth pension liability fund until all unfunded pension liability transferred the commonwealth pursuant to this chapter is retired; thereafter all funds collected shall be deposited in the local aid fund. Notwithstanding the provisions of any general or special law to the contrary, if, after the consideration of assets and liabilities, a county that was abolished on or after June 30, 1998 does not have sufficient net liabilities to create a payment stream that will retire the regional retirement system transfer deficit, the comptroller of the commonwealth shall pay an amount equal to the difference that will be paid and the amount owed from any cash on hand that the county had at the time of its abolition; but if such funds are no longer available, the regional retirement system may apply the amount of the regional retirement transfer deficit against any charges made, pursuant to paragraph (c) of subdivision (8) of section 3 of chapter 32, by the state retirement system.”

The amendment was *rejected*.

Mr. Tolman, Ms. Fargo, Ms. Creem, Ms. Resor and Ms. Wilkerson moved to amend the bill by inserting after section 46 the following section:—

“SECTION 46A. There shall be a special commission to investigate and study services and supports for adults with autistic spectrum disorders, which shall include, but not be limited to, Asperger’s syndrome, high functioning autism, and pervasive development disorder not otherwise specified and who do not therefore have a condition that meets the definition of mental retardation as defined in 1992 by the American association of mental retardation. The commission shall consist of: a member of the house of representatives appointed by the speaker of the house of representatives and a member of the senate appointed by the president of the senate; a member of the house of representatives appointed by the minority leader of the house of representatives and a member of the senate appointed by the minority leader of the senate; a representative of the governor; the secretary of the executive office of health and human services, or the secretary’s designee; the commissioner of the department of mental retardation, or the commissioner’s designee; the commissioner of the department of mental health, or the commissioner’s designee; the commissioner of the department of education, or the commissioner’s designee; 8 of whom shall be named by the Statewide Autism Group; 2 of whom shall be named by the Asperger’s Association of New England; and 2 of whom shall be named by the Autism Society of America, Massachusetts Chapter. Within 180 days of the passage of this act, the commission shall report to the general court the results of the investigation and study, and its recommendations, which shall include, but not be limited to, (1) defining the population to be served, (2) identifying the types of services and supports needed, (3) identifying how such services and supports can best be delivered, and (4) identifying the costs of such services and supports, together with drafts of legislation necessary to carry such recommendations into effect.

The secretary of the executive office of health and human services shall, within available appropriations, provide staff necessary for the performance of the functions and duties of the commission.”

The amendment was adopted.

Mr. Glodis moved to amend the bill by inserting after section 26, the following section:—

“SECTION 26A. Section 131 of chapter 140 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 103 and 104, the words:— ‘may issue if it appears that the applicant is a suitable person to be issued such license, and that’ and inserting in place thereof the following words:— ‘shall issue, if’.”

The amendment was *rejected*.

Messrs. Panagiotakos and Jajuga and Ms. Tucker moved to amend the bill by inserting after section 18 the following section:—

“SECTION 18A. Chapter 90 of the General Laws is hereby amended by inserting after section 19J the following section:—

Section 19K. For the purposes of this section only, the term ‘hitching mechanism’ shall be defined as the lift cylinder and the lift arm. Nothing in the section shall apply to state, county, or municipally-owned or operated vehicles. Between May 15 and October 15 of each year, a motor vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow shall be required to have removed the plow and hitching mechanism used with the plow. Vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces shall only be required to have the plow itself removed, provided, that the hitching mechanism is in the folded flat position while the vehicle is in operation. If snowfall occurs prior to October 25 or after May 15, vehicles subject to this section may be re-equipped with the plow and apparatus necessary for clearing snow. Such vehicles shall comply with this section within 72 hours of the conclusion of the snowfall. An individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined $250 for the second offense and $500 and revocation of the vehicle’s registration for the third offense. The revocation of a vehicle’s registration due to a third offense shall remain in effect until such time as the vehicle is in compliance with this section. This section shall not apply to hitching mechanisms which are permanently affixed through welding or other means, prior to the effective date of this section. It shall be a violation of this section and punishable by the same fines and revocations for a person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.’’; and

By inserting after section 43C (inserted by amendment) the following section:—

“SECTION 43D. The registry of motor vehicles shall, within 180 calendar days after the effective date of this act, develop a list of makes and models of hitching mechanisms that fold flat leaving no protruding surfaces. The registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby said registry shall ensure a motor vehicle’s compliance with this act following a third offense.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before four o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 27— nays 12):

YEAS.

Berry, Frederick E.	Menard, Joan M.
Chandler, Harriette L.	Montigny, Mark C.
Clancy, Edward J., Jr.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacqes, Cheryl A.	Tolman, Steven A.
Jajuga, James P.	Travaglini, Robert E.
Joyce, Brian A.	Tucker Susan C.
Lynch, Stephen F.	Walsh, Marian
Magnani, David P.	Wilkerson, Dianne-27
Melconian, Linda J.	

NAYS.

Antonioni, Robert A.	Nuciforo, Andrea F.
Brewer, Stephen M.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.

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

Messrs. Tarr, Jajuga and Lees, Ms. Resor and Messrs. Knapik, Tisei and Hedlund, Mrs. Sprague and Mr. Magnani moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Chapter 59 of the General Laws is hereby amended by inserting after section 25 the following section:—

Section 25A. A city or town which accepts this section may, subject to the limitations in sections 21C and 21D and the approval of the commissioner, in any year, add a specified amount to its rate of taxation, for the purpose of providing senior citizen tax relief through abatements to relieve qualified senior citizens of a portion of their real estate tax obligations.

Any amounts derived from any such rate increase shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest the funds at the direction of the officer, board, commission, committee or other agency of the city or town authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain in the fund and shall be used for the purpose of the fund, without further appropriation.

In any year in which this section is adopted by a city or town, the city council or board of selectmen shall conduct at least 1 public hearing and, pursuant to receiving public comment, shall determine eligibility criteria for assistance from the fund and the amounts of assistance which shall be provided in the form of abatements. All such determinations shall be made by a vote of the city council with the approval of the mayor, which may be overridden by a two-thirds vote, or by the board of selectmen. Criteria to be so determined may include, but shall not be limited to, a minimum age of not less than 65, annual income and the amount of the whole estate.

This section shall only apply in the year in which it is accepted by a city or town and may be renewed by separate vote for any successive year."

The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 27 the following section:—

"SECTION 27A. Section 47A of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out subsection (f) and inserting in place thereof the following subsection:—

(f) On or before March 1, 2003 a municipal lighting plant may conduct a study which may make recommendations relative to competitive choice of generation supply for the customers of such municipal lighting plant."

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved to amend the bill by inserting after Section 36 the following section:—

"SECTION 36A. (A) Section 1 of chapter 275 of the acts of 1998 is hereby amended by striking out, in line 7, the words 'Athletes Reaching Out Foundation' and inserting in place thereof the following words:— Mini-Fenway Park, Inc.

(B) Said section 1 of said chapter 275 is hereby further amended by striking out, in lines 10, 15, 17, 20 and 31, the word 'foundation' and inserting in place thereof, in each instance, the following word:— organization.

(C) Said section 1 of said chapter 275 is hereby further amended by striking out, in line 21, the word 'foundation's' and inserting in place thereof the following word:— organization's.

(D) Section 3 of said chapter 275 is hereby amended by striking out, in line 4, the word 'foundation' and inserting in place thereof the following word:— organization.

(E) Section 4 of said Chapter 275 is hereby amended by striking out, in line 1, the words 'Athletes Reaching Out Foundation' and inserting in place thereof the following words:— Mini-Fenway Park, Inc.

(F) Section 5 of said chapter 275 is hereby amended by striking out, in line 6, the word 'foundation' and inserting in place thereof the following word:— organization.

(G) Said section 5 of said chapter 275 is hereby further amended by striking out, in line 7, the word ‘foundation’s’ and inserting in place thereof the following word:— organization’s”.

The amendment was *rejected*.

Messrs. Hedlund and Tarr moved to amend the bill by inserting after section 39 the following section:—

“SECTION 39A. Notwithstanding any general or special law to the contrary, the driver of any hybrid automobile fueled on a combination of gasoline and electricity, which can travel at least 50 miles per gallon of unleaded gasoline, shall not be required to pay for a transponder compatible with the Fast Lane on the Massachusetts Turnpike nor shall the driver be required to pay for passage through the Fast Lane. The driver of any automobile which meets the requirements of this section shall be permitted to travel in any HOV Lane without an accompanying passenger.”

After remarks, the amendment was *rejected*.

Messrs. Hedlund, Lees, Knapik, Tarr, Tisei, and Mrs. Sprague moved to amend the bill by inserting after section 39 the following section:—

“SECTION 39A. Notwithstanding any general or special law to the contrary, regulations adopted by the commissioner of revenue shall implement and be consistent with the following:—

(a) All state personal income tax forms shall contain a check-off box allowing taxpayers to elect, at the option of the taxpayer, the following: ‘I elect to pay 5.85 per cent income tax on Part A taxable income and Part B taxable income’.

(b) All state personal income tax schedules and instruction booklets shall contain a table providing the tax at various incomes calculated at the voluntary rate of tax of 5.85 per cent.

(c) The department of revenue shall maintain a record of the number of taxpayers who choose to elect the rate of tax of 5.85 per cent.

(d) The department of revenue shall maintain a record of the amount of revenue collected from taxpayers who have elected to pay the rate of tax of 5.85 per cent.”

The amendment was *rejected*.

Messrs. Tarr, Lees, Knapik and Tisei, Mrs. Sprague, and Mr. Hedlund moved to amend the bill in section 2, by striking out item 7061-9404 and inserting in place thereof the following item:—

“7061-9404 For disbursements to assist cities, towns and regional school districts for remediation programs for the Massachusetts Comprehensive Assessment System examination; provided, that said disbursements shall be calculated according to a formula based upon the number of students scoring in level 1 on said examination in each city, town, regional school district and charter school; provided further, that funds appropriated herein may be expended through August 31, 2002; provided further, that $10,000,000 shall be expended for a competitive grant program, guidelines for which shall be developed by the department, for intensive literacy and math instruction for the graduating class of 2003, such programs shall be in place by October 1, 2001; and provided further, that eligible applicants shall include individual high schools and those institutions of higher education services and other public and private educational services organizations that have organizations that have partnered with a high school or group of high schools .....50,000,000”.

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

YEAS.

Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.-6

NAYS.

Antonioni, Robert A.	Montigny, Mark C.

Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S. Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Jajuga, James P.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne-33
Menard, Joan M.	

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

Mr. Clancy moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Section 22 of chapter 74A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words "and the payment of reasonable charges by said college for such use".

The amendment was *rejected*.

Messrs. Hedlund, Lees, Knapik, Tarr, Tisei and Mrs. Sprague moved to further amend the bill by inserting after section 43 the following section:—

"SECTION 43A. No funds shall be expended to further the restoration of the Greenbush commuter rail line until such time as the secretary of administration and finance and the secretary of the executive office of environmental affairs have received and reviewed for accuracy the results of a study similar to the study of the Millis Extension of the Needham commuter rail line, with special consideration given to the following:

1. The economic and environmental impacts of diesel commuter rail lines in contrast with alternative forms of transportation including, but not limited to, commuter boats, cars and electric commuter rail service, including analyses of each form of transportation and its impact on ozone depletion, and;

2. The cost of transit mandates required by agreement of the department of environmental protection, the executive office of transportation and construction, the department of highways and the Conservation Law Foundation, for the purpose of determining whether those costs should be reflected in the central artery financial program.

A report of the results of the review shall be filed with the joint committee on transportation and the clerks of the senate and house of representatives on or before December 30, 2001."

The President in the Chair, after debate the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before five o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 14 — nays 24):

YEAS.

Berry, Frederick E.	Lees, Brian P.
Brewerk Stephen M.	Morrissey, Michael W.
Clancy, Edward J., Jr.	Murray, Therese

Fargo, Susan C.	Sprague, Jo Ann
Glodis, Guy W.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Wilkerson, Dianne-14

NAYS.

Antonioni, Robert A.	Magnani, David P.
Chandler, Harrette L.	Melconian, Linda J.
Creedon, Robert S., Jr.	Menard, Joan M.
Creem, Cynthia Stone	Montigny, Mark C.
Havern, Robert A.	Moore, Richard T.
Jacques, Cheryl A.	Nuciforo, Andrea F., Jr.
Jajuga, James P.	Pacheco, Marc. R.
Joyce, Brian A.	Panagiotakos, Steven C.
Lynch, Stephen F.	Resor, Pamela
Rosenberg, Stanley C.	Travaglini, Robert E.
Shannon, Charles E.	Tucker, Susan C.
Tolman, Steven A.	Walsh Marian-24

ANSWERED "PRESENT".

O'Leary, Robert A. — 1.

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

Mr. Hedlund moved to amend the bill by inserting after section 28 the following section:—

"SECTION 28A. Section 6B of chapter 200A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) Subject to section 1A and subsection (b), any sum payable on a certified check, draft, cashier's check, treasurer's check, registered check or other similar written instrument, other than a third-party bank check, on which a person is directly liable shall be presumed abandoned under this section if it has been outstanding for more than 3 years from the date it was payable or from the date of its issuance, if payable on demand or in the case of traveler checks has been outstanding for more than 15 years or in the case of money orders has been outstanding for more than 7 years, from the date of its issuance, unless the owner has within 3 years, or within 15 years in the case of travelers checks, or within 7 years in the case of money orders, corresponded in writing with the person concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the person. A new person is directly liable if it is the actual holder of the fund representing the face amount of such instrument at the time of presumed abandonment hereunder."

The amendment was *rejected*.

Ms. Walsh and Ms. Fargo moved to amend the bill by inserting after section 17A (inserted by amendment) the following section:—

"SECTION 17B. Section 3 of chapter 40A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:—

Notwithstanding any general or special law to the contrary, providers of personal wireless services as defined in section 704 of the Federal Telecommunications Act of 1996 shall not be considered public service corporations. This paragraph shall apply to every city and town including, but not limited to, the city of Boston and the city of Cambridge."

The amendment was adopted.

Mr. Magnani, Ms. Creem and Ms. Fargo moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Section 2 of chapter 70 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 16 and 17, the words 'Base aid', in any fiscal year, the total of base aid, minimum aid and foundation aid of the previous fiscal year, and inserting in place thereof the following words:—

'Base Aid', in any fiscal year, the greater of foundation budget for the current fiscal year multiplied by .175 or the total of base aid, minimum aid and foundation aid of the previous fiscal year."

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 4 the following section:—

"SECTION 4A. The second paragraph of section 172C of chapter 6 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking clause (4) and inserting in place thereof the following two clauses:—

(4) any agency or organization that employs or refers personal care attendants; or

(5) any other entity receiving federal, state or local funds."

The amendment was adopted.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund, Mrs. Sprague and Mr. Joyce moved to amend the bill by inserting after section 46 the following section:—

"SECTION 46A. There shall be a special commission to consist of 3 members of the senate, 3 members of the house of representatives, the treasurer of the commonwealth, the commissioner of education, the secretary of administration and finance and 3 persons appointed by the governor for the purpose of making an investigation and study relative to the funding of the current waiting list for major reconstruction projects, also known as category 3 projects, as established under the school building assistance program. In addition, the special commission is charged with investigating and studying the feasibility of converting the funding program for major reconstruction projects to a low interest loan program.

The special commission may call upon officials of the commonwealth or its subdivisions for information as it may require in the course of its investigation and study. The special commission 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, 2001."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 21 the following section:—

"SECTION 21A. Section 12 of chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraph:—

The division shall, within 45 days of receiving a completed claim for reimbursement, or within 15 days if such claim is received electronically, from a provider of medical services that participates in a medical assistance program established pursuant to this chapter, (i) make payment for the services provided by such provider that are services covered under such medical assistance program and for which the claim is made, or (ii) notify such provider in writing of the reason or reasons for non-payment, or (iii) notify such provider in writing, based on the criteria established pursuant to this paragraph, of what additional information or documentation is necessary to establish such provider's entitlement to such reimbursement. If the division fails to comply with the provisions of this paragraph for any such completed claim for reimbursement, the division shall pay, in addition to any reimbursement for medical services to which such provider of medical services is entitled, interest on the amount unpaid, which shall accrue beginning 45 days after the division's receipt of the completed claim for reimbursement, or beginning 15 days after the division's receipt of a completed claim for reimbursement if such claim is submitted electronically, at the rate of 1.5 per cent per month, not to exceed 18 per cent per year. The provisions of this paragraph relating to interest payments shall not apply to a claim that the division is investigating because of fraud."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 18 the following 3 sections:—

"SECTION 18A. Section 1 of chapter 64H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of 'Purchaser' the following 2 definitions:—

'Qualified electrical vehicle', has the same meaning as provided in section 30 of the Internal Revenue Code.

'Qualified hybrid vehicle', an automobile that (i) meets all applicable regulatory requirements, (ii) meets the current vehicle exhaust standard set under the national low-emission vehicle program for gasoline-powered passenger cars; and (iii) can draw propulsion energy from both of the following on-board sources of stored energy: gasoline; and a rechargeable energy storage system.

SECTION 18B. Said chapter 64H of the General Laws, is hereby amended by inserting after section 2, as so appearing, the following section:—

Section 2B. Notwithstanding the provisions of section 2 and section 4, the rate of the excise imposed upon the sale of any qualified electric vehicle or qualified hybrid vehicle, as defined in section 1, shall be assessed at 0 per cent.

The commissioner of revenue and the commissioner of energy resources shall monitor the effects of the excise established herein on motor vehicle sales in the commonwealth and on revenue yields, and annually by December 31 shall file with the joint committee on energy of the General Court and with the house and senate committees on ways and means reports on the status of these effects and on any recommendations which the commissioners deem appropriate for achieving or maintaining the goals of this program.

SECTION 18C. The first sentence of section 4 of said chapter 64H, as so appearing, is hereby amended by striking out the word 'For' in line 1, and inserting in place thereof the following words:— 'Except as provided in section two B, for public safety'; and by inserting after section 47 the following section:—

SECTION 47A. The provisions of section 18B shall take effect on September 1, 2001."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund, Mrs. Sprague and Mr. Joyce moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Chapter 63 of the General Laws is hereby amended by inserting after section 38Q, as appearing in the 2000 Official Edition, the following section:—

Section 38R. (a) A corporation subject to tax under this chapter, and that meets the eligibility requirements under this section, is entitled to a credit in the amount allowed by this section against the tax imposed under this chapter.

(b) A corporation may claim a credit under this section only for a qualifying expenditure relating to the following: (1) the establishment and operation of a day-care center to provide care for the children of employees of the corporation or of the corporation and 1 or more other entitles sharing the costs of establishing and operating the center; or (2) the purchase of child-care services that are actually provided to children of employees of the corporation.

(c) A qualifying expenditure includes an expenditure for: (1) planning the day-care center; (2) purchasing and preparing a site to be used for the day-care center; (3) constructing the day-care center; (4) renovating or remodeling a structure to be used for the day-care center; (5) purchasing equipment necessary in the use of the day-care center and installed for permanent use in or immediately adjacent to the day-care center, including kitchen appliances and other food preparation equipment; (6) expanding the day-care center; (7) maintaining and operating the day-care center, including paying direct administration and staff costs; or (8) purchasing all or part of child-care services that are actually provided to children of employees of the corporation.

(d) With respect to a qualifying expenditure with a useful life of more than 1 year which is disposed of or ceases to be in qualified use before 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 subsection (e) which equals the product of the ratio which the months of qualified use bear to the months of useful life multiplied by the credit provided in subsection (e). If the qualifying expenditure on which credit has been taken is disposed of or ceases to be in qualified use before 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. The amount of credit allowed for actual use shall be determined by multiplying the credit taken by the ratio which the months of qualified use bear to

the months of useful life. For the purposes of this subsection, useful life of property shall be the same as that used by the corporation for depreciation purposes when computing federal income tax liability.

(e) The amount of the credit for the taxable year is equal to: (1) $100,000; or (2) 50 per cent of the corporation's qualifying expenditures, whichever is less.

(f) The credit allowed by this section shall be subject to section 32C.

(g) In the case of a corporation that 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 such minimum excise.

(h) The commissioner of revenue shall promulgate regulations necessary to implement this section, including but not limited to regulations relating to the sharing of the cost of establishing and operating a day-care center among 2 or more corporations.

(i) This section shall apply to the expenditures described in subsection (c) for taxable years beginning on or after January 1, 2001."

The amendment was *rejected.*

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. (A) Section 5 of chapter 59 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subclause (B) of clause forty-first, in lines 787 to 802, inclusive, and inserting in place thereof the following subclause:—

'(B) that such person's income does not exceed that required to qualify under section 5, subsection (a), of chapter 62.';

(B) Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out, in line 771, the words 'five hundred dollars' and inserting in place thereof the following figure:— '$1,000';

(C) Said section 5 of said chapter, as so appearing, is hereby amended by striking out, in line 957, the words 'five hundred dollars' and inserting in place thereof the following figure:— '$1,000'."

The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Chapter 63 of the General Laws is hereby amended by inserting after section 38Q, as appearing in the 2000 Official Edition, the following section:—

Section 38R. (a) A corporation subject to tax under this chapter, and that meets the eligibility requirements under this section is entitled to a credit in the amount allowed by this section against the tax imposed under this chapter.

(b) There is hereby established an Adopt-A-School program. This program shall allow a corporation to claim a credit under this section only for a qualifying expenditure relating to the establishment and operation of an Adopt-A-School program. This program unites corporations with schools needing resources that may be donated by the corporation, including mentoring services, equipment or excess supplies. Corporations may provide company or staff services, including bookkeeping, transportation, building repairs, maintenance and professional instruction on computers or other equipment.

(c) The amount of the credit for the taxable year is equal to 25 per cent of the corporation's qualifying expenditures.

(d) The credit allowed by this section shall be subject to section 32C.

(e) In the case of a corporation that 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 such minimum excise.

(f) The commissioner of revenue shall promulgate such regulations as are necessary to implement this section.

(g) This section shall apply to the expenditures described in subsection (b) for taxable years beginning on or after January 1, 2002."

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Mrs. Sprague moved to amend the bill by inserting after section 6 the following section:—

“SECTION 6A. (A) Section 5 of Chapter 189 of the acts of 1998, is hereby amended by adding the following definition before the definition of ‘Commissioner’:—

‘Best value method’, a method for undertaking construction projects utilizing a competitive procurement process that takes into consideration price and evaluation criteria to determine the most advantageous proposal from a responsible, responsive and eligible offerer, as set forth in section 44E½ of chapter 149.

(B) Said section 5 of said chapter 189, as so appearing, is hereby amended by inserting after the definition of ‘Commissioner’ the following definition:—

‘Construction management at risk’, a construction method wherein there is an entity which is responsible for the construction of the project at a guaranteed maximum price, which shall represent the maximum amount to be paid by the Commissioner for construction of the project including the fee payable to the construction manager at risk.

‘Division’, the division of capital asset management and maintenance.

(C) Said section 5 of said chapter 189, as so appearing, is hereby further amended by inserting after the definition of ‘Design/build’ the following definition:—

(D) Subsection (c) of said section 5 of said chapter 189, as so appearing, is hereby amended by inserting after the words ‘the commissioner may select’ the following words:— a contractor pursuant to the best value method.

(E) Said subsection (c) of said section 5 of said chapter 189, as so appearing, is hereby further amended by inserting after the words ‘design/build’ the following words:— or construction management at risk.

(F) Said subsection (c) of said section 5 of said chapter 189, as so appearing, is hereby amended by inserting after the words ‘subsection (d),’ the following words:— or the commissioner may develop a procedure for the procurement of construction management at risk services.

(G) Subsection (d) of said section 5 of said chapter 189, as so appearing, is hereby amended by deleting the words preceding paragraph (1) and inserting in place thereof the following words:— The commissioner shall develop procedures for site selection or procurement of contractor services utilizing the best value method or design build, or construction manager at risk services consistent with subsection (c) of section 5, in consultation with the office of the inspector general. For the selection of design/build services, said procedures shall include but shall not be limited to the following provisions:.

(H) Subsection (c) of said section 5 of said chapter 189, as so appearing, is hereby amended by inserting after the words ‘procurement of’, in lines 1 and 2, the following words:— best value method.

(I) Subsection (e) of said section 5 of said chapter 189, as so appearing, is hereby further amended by inserting after the words ‘design/build’ the following words:— and construction manager at risk.

(J) Said section 5 of said chapter 189, as so appearing, is hereby amended by adding the following subsections:—

(f)(1) A construction manager for the project shall be selected and awarded a contract for construction management services pursuant to competitive negotiations in accordance with procedures adopted by the commissioner. Such procedures shall, at a minimum, provide for the following: (i) a publicly advertised request for qualifications shall be issued by the commissioner; (ii) the commissioner shall determine based upon the responses to the request for qualifications which respondents are most qualified to perform the contract; (iii) a request for proposal, shall be issued to each respondent determined by the commissioner to be most qualified to perform the contract; (iv) the commissioner shall evaluate the responses to the request for proposal including any guaranteed maximum price and fee proposals and shall rank the offerors based upon that evaluation; (v) the commissioner shall engage in negotiations with the offeror ranked highest by the commissioner; (vi) the contract shall be awarded to the offeror that represents the best value to the commissioner, after consideration of the guaranteed maximum price fee proposal and other facts; (vii) to the extent that a contract cannot be successfully negotiated with the offeror ranked highest by commissioner, the commissioner, shall engage in negotiations with the next highest ranked offerors until such time as a contract can be successfully negotiated.

(2) The commissioner’s contract with the construction manager for the project shall require a guaranteed maximum price, which shall represent the maximum amount to be paid by the commissioner for construction of the project, including the fee payable to the construction manager. The commissioner’s contract with the construction manager shall provide that the construction manager shall have responsibility to ensure compliance with Executive Order 390 of 1996. Following the award of the contract to the construction manager, at such time as the commissioner, and the construction manager shall agree, the construction manager shall submit a proposed guaranteed maximum price. The commissioner shall analyze the proposed guaranteed maximum price and enter into negotiations with the construction manager to agree upon a guaranteed maximum price for any project. In the event that a guaranteed maximum price cannot be agreed upon between the commissioner and the construction manager, the

commissioner shall engage another construction manager in accordance with this section, but, if the commissioner determines that it is in its best interests to do so, it may enter into negotiations for a contract with 1 or more of the firms that previously submitted a response to the request for proposals for a construction manager.

(3) Except as otherwise agreed to between the commissioner and the construction manager, all contracts for the provision of labor, material and equipment in connection with the construction of the project, hereinafter referred to as trade contracts, shall be entered into by and between the construction manager and the trade contractor, but the purchase of tangible personal property and services for the project by the construction manager and by trade contractors shall be exempt from the excise tax imposed by chapter 64H of the General Laws. A publicly advertised request for qualifications shall be issued for each trade contract. The commissioner shall create a subcontractor prequalification team for the project. The team shall be comprised of a representative from the designer and construction manager. The team, in consultation with the commissioner, shall determine based upon the responses to the request for qualifications which respondents are most qualified to perform the contract.

(4) Subcontractors shall be selected as follows: The commissioner shall establish a subcontractor selection process for all trades where the estimated value of work exceeds $50,000. The construction manager shall develop detailed bid packages approximating industry standard practice. The awarding authority will advertise requests for qualifications for each trade and the team will determine the qualified trade contractors. The request for qualifications for each trade will have similar components as included in the request for qualifications for the construction manager. Trade contractors shall submit bids per the bid package requirements. Bids shall be opened publicly and shall be awarded to the lowest eligible and responsible bidder, but, a trade contract may be awarded to other than the lowest responsive bidder with the approval of the commissioner upon written justification by the construction manager describing in detail why such award is in the best interests of the division. Provisions will be made to allow the construction manager who has established a guaranteed maximum price to reject bids which exceed its budget and allow for limited redesign. The provisions of sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to the contract between the commissioner and the construction manager and all trade contracts awarded pursuant to this section.

(5) The contract between the commissioner and the construction manager shall contain the following provisions. Within 15 days after receipt from the construction manager, at the place designated by the commissioner if such a place is so designated, of a periodic estimate requesting payment of the amount due for the preceding month, the commissioner will make a periodic payment to the construction manager for the work performed during the preceding month and for the materials not incorporated in the work but delivered and suitably stored at the site, or at some location agreed upon in writing, to which the construction manager has title or to which a trade contractor has title and has authorized the construction manager to transfer title to the commissioner, less (i) a retention based on its estimate of the fair value of its claims against the contractor and less (ii) a retention not exceeding 5 per cent of the approved amount of the periodic payment. After the receipt of a periodic estimate requesting final payment and within 65 days after (i) the construction manager fully completes the work or substantially completes the work so that the value of the work remaining to be done is, in the estimate of the authority, less than 1 per cent of the adjusted contract price, or (ii) the construction manager substantially completes the work and the commissioner takes possession for occupancy, whichever occurs first, the commissioner shall pay the contractor the entire balance due on the contract less a retention based on its estimate of the fair value of its claims against the contractor and of the cost of completing the incomplete and unsatisfactory items of work.

(6) A certificate of the architect to the effect that the construction manager has fully or substantially completed the work shall be conclusive for the purposes of this section."

The amendment was *rejected*.

Messrs. Havern and Knapik moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Notwithstanding any general or special law to the contrary, the funds appropriated in item 6001-9957 of section 2D of chapter 235 of the acts of 2000 for the Westfield Intermodal Transportation Facility in the city of Westfield shall not be considered as the state match to any federal funds obtained pursuant to the Transportation Equity Act for the 21st Century or any prior or subsequent federal act."

The amendment was adopted.

Messrs. Lees, Rosenberg, Travaglini, Tisei, Ms. Murray, Messrs. Tarr, Tolman and Montigny, Ms. Tucker, Ms. Jacques, Messrs. Knapik, Joyce, Hedlund, O'Leary and Panagiotakos, Mrs. Sprague, Ms. Resor, Ms. Creem, Ms. Chandler and Messrs. Pacheco, Nuciforo and Berry moved to amend the bill, in section 8, by adding the following 23 subsections:—

"(G) Section 1 of chapter 55A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of 'Massachusetts Clean Elections' the following definition:—

'Minimum qualifying amount', the amount of money a participant must raise in allowable contributions before becoming a certified candidate and thus becoming eligible to receive clean election funds.

(H) Section 4 of said chapter 55A, as so appearing, is hereby amended by adding the following subsection:—

(c) To become a certified candidate, a participant must receive the following minimum qualifying amount as follows for each of the following state offices:

Governor $120,000
Lieutenant Governor $60,000
Attorney General $60,000
Treasurer and Receiver General $60,000
State Secretary $40,000
Auditor $40,000
Councillor $6,000
State Senator $9,000
State Representative $3,000

(I) Section 5 of said chapter 55A, as so appearing, is hereby amended by inserting after the word ‘contributions’, in line 22, the following words:— and the required minimum qualifying amount.

(J) Section 1 of said chapter 55A, as so appearing, is hereby amended by inserting after the definition of ‘Clean election funds’ the following definition:—

‘Constituent expenditures’, expenditures, as defined in section 1 of chapter 55, except that constituent expenditures shall be expenditures made by state representatives and state senators which are related to serving in office. For the purposes of this definition, constituent expenditures shall not be made in the period after the last day that legislative candidates may file nomination papers with the state secretary pursuant to chapter 53 and on or before the date of the general election. Constituent expenditures shall not expressly advocate for or against a candidate or ballot question.

(K) Section 6 of said chapter 55A, as so appearing, is hereby amended by striking out, in line 3, the word ‘section 11’ and inserting in place thereof the following:— sections 9A, 10 and 11.

(L) Section 9 of said chapter 55A, as so appearing, is hereby amended by inserting after the word ‘contributions’, in line 2, the following words:— , except as provided in section 9A.

(M) Said chapter 55A is hereby further amended by inserting after section 9, the following section:—

Section 9A. (a) Constituent expenditures shall be exempted from the applicable expenditure limits in section 6 and the applicable limit on allowable contributions in section 9, but a participant’s constituent expenditures shall be limited to the following amounts:

State Senator $15,000
State Representative $5,000

(b) Rent and utility payments for a district office maintained by a state representative or a state senator that are made during the period when other constituent expenditures are allowed shall be exempt from the applicable expenditure limits in section 6, the applicable limits on allowable contributions in section 9 and the applicable limits on constituent expenditures in subsection (a); but the rent shall not exceed the reasonable fair market value paid for rent for other similar office space. For the purposes of this section, utility payments shall include only heat and electricity, and telecommunication service costs directly related to serving constituents.

(c) The amounts listed in this section shall be adjusted in accordance with section 13.

(d) If a participant has accepted allowable contributions which exceed the combined limit set forth in this section and in section 9, the participant shall return such excess funds to the contributors. A participant who exceeds the combined expenditure limits of allowable contributions and constituent expenditures shall be ineligible to become a certified candidate.

(N) Section 11 of said chapter 55A, as so appearing, is hereby amended by inserting, after the figure ‘10.’, in line 79, the following words:— For the purposes of this section, expenses shall not include constituent expenditures. For the purposes of this section, during the primary election campaign period, expenditures shall not include expenditures made for advance payment of general election campaign period communication to voters, including but not limited to, expenditures for reserving television and radio advertising time.

(O) Subsection (a) of section 14 of said chapter 55A, as so appearing, is hereby amended by inserting after clause (7) the following clause:—

(7A) The director shall promulgate regulations and forms governing the submission of reports on constituent expenditures, rent and utility payments separate and distinct from other expenditures.

(P) Said section 17 of said chapter 55A, as so appearing, is hereby further amended by inserting, after the word ‘to,’, in line 31, the following words:— flexibility between primary election and general election spending by candidates for state representative and state senator, the ability of candidates to participate in the voluntary system for the primary election but not the general election, and.

(Q) Section 1 of said chapter 55A, as so appearing, is hereby amended by striking out the definition of ‘Election cycle’ and inserting in place thereof the following definition:—

‘Election cycle’, as applied to a candidate for a particular state office shall be the period beginning on the first day of January following a regular state election for that office and ending on December 31 following the next state election for that office, inclusive.

(R) Section 1 of said chapter 55A, as so appearing, is hereby amended by striking out the definition of ‘Qualifying period’ and inserting in place thereof the following definition:—

‘Qualifying period’, the period during which a candidate may collect qualifying contributions for the purpose of becoming a certified candidate. For a candidate for statewide office, the period shall begin August 1 of the year preceding an election year and end on the last day that such candidate may submit a list of registered voters who have made qualifying contributions pursuant to section 5A to the registrars. For a candidate for other state office, the period shall begin January 1 of an election year and end on the last day that such candidate may submit a list of registered voters who have made qualifying contributions pursuant to section 5A to the registrars.

(S) Section 1 of said chapter 55A, as so appearing, is hereby amended by inserting after the definition of ‘Qualifying period’ the following definition:—

‘Registrars’, as defined in section 1 of chapter 50.

(T) Section 5 of said chapter 55A, as so appearing, is hereby amended by striking out, in lines 41 and 42, the words ‘end of the qualifying period’ and inserting in place thereof the following words:— last day that a candidate may file nomination papers with the state secretary pursuant to chapter 53.

(U) Said chapter 55A is hereby amended by inserting after section 5 the following section:—

Section 5A. On or before the twenty-eighth day preceding the day nomination papers are required to be filed with the secretary of state pursuant to chapter 53, a participant shall submit to the registrars of a city or town a list of registered voters who have made qualifying contributions to the participant pursuant to this chapter and appear to be registered in the city or town. The list shall be on a form provided by the director and shall contain the name of the candidate, the office sought, the district name and number, if any, of the office sought, the date and amount of each contribution and the name as registered or substantially as registered, residential address and ward and precinct, if any, of each voter listed as making a qualifying contribution to the participant. Except as otherwise provided in this chapter, the provisions of law relative to the identification and certification of names on nomination papers of candidates for state office and submission to the registrars thereof shall apply, so far as apt, to the certification provided for by this section. The registrars shall mark each list with the date and time it was submitted and shall certify each list in the order of submission. In each case the registrars shall, within 21 days after the submission of such list, check each name to be certified by them. The registrars shall forthwith certify on the list to the participant the number of contributors so checked that are names of registered voters in the city or town and the district for the state office that the participant seeks nomination or election. Only contributors so checked shall be deemed to be names of registered voters of the district for the purposes of certifying qualified contributions. Names not certified in the first instance shall not thereafter be certified on the same form. The registrars shall certify a number of registered voters that are required to make qualifying contributions pursuant to section 4, increased by one-fifth thereof, if they are submitted in a timely manner for certification.

(V) Section 11 of said chapter 55A, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word ‘include:’, in line 81, the following words:— expenditures made during the primary election campaign period for advance payment of general election campaign period communication to voters, including, but not limited to, expenditures for reserving television and radio advertising time;.

(W) Section 11 of said chapter 55A, as so appearing, is hereby further amended by inserting after subsection (a), the following 2 subsections:—

(a½) During the primary election campaign period, a non-participating candidate for councillor, state senator or state representative shall file with the director excess expense reports as follows:

(1) If the total of a non-participating candidate's expenses made during the election cycle, and before the end of the primary election campaign period, exceeds the primary election expenditure limit provided in clause (1) of subsection (a) of section 6, the non-participating candidate shall file an excess expense report as follows: on or before July 5, August 5 and September 5 complete as of the last day of the preceding month, on or before July 20 and August 20 complete as of the fifteenth day of the month and, as a final report before the primary election, before 1:00 p.m. on the Friday before the primary election complete as of the Thursday before the primary election.

(2) The reporting period of the initial excess expense report filed during the primary election campaign period shall commence on the first day of the election cycle and shall end on the day provided for in clause (1). The reporting period of all subsequent reports filed during the primary election campaign period shall commence on the day following the end of the reporting period of the last excess expense report filed and shall end on the day next provided for in said clause (1).

(3) Notwithstanding clause (1), no excess expense report other than the initial excess expense report filed pursuant to said clause (1) shall be required during any excess expense reporting period if the excess expenses made since the day following the last excess reporting period by a non-participating candidate do not exceed the following amounts:

State Senator $1,000
Councillor $1,000
State Representative $500

(a¾) During the general election campaign period, a non-participating candidate for councillor, state senator or state representative shall file with the director excess expense reports as follows:

(1) If the total of a non-participating candidate's expenses made during the general election campaign period exceeds the general election expenditure limit provided for in clause (1) of subsection (a) of section 6, the non-participating candidate shall file an excess expense report as follows: on or before October 5 complete as of the last day of September, on or before October 20 complete as of October 15 and, as a final excess expense report, before 1:00 p.m. on the Friday before the primary election complete as of the Thursday before the general election.

(2) The reporting period of the initial excess expense report filed during the general election campaign period shall commence on the first day of the general election campaign period and shall end on the day provided for in clause (1). The reporting period of all subsequent reports filed during the primary election campaign period shall commence on the day following the end of the reporting period of the last excess expense report filed and shall end on the day next provided for in said clause (1).

(3) Notwithstanding said clause (1), no excess expense report other than the initial excess expense report filed pursuant to said clause (1) shall be required during any excess expense reporting period if the excess expenses made since the day following the last excess expense reporting period by a non-participating candidate do not exceed the following amounts:

State Senator $1,000
Councillor $1,000
State Representative $500

(X) Section 11 of said chapter 55A, as so appearing, is hereby amended by inserting after the word 'candidate', in line 68, the following words:— for councilor, state senator and state representative.

(Y) Subsection (g) of said section 11 of said chapter 55A, as so appearing, is hereby amended by inserting after clause (2) the following clause:—

(2A) the maximum amount of clean election funds distributed to a certified candidate for the constitutional offices of governor, lieutenant governor, attorney general, auditor, treasurer and state secretary during the general election campaign period pursuant to this chapter, including the matching funds, shall not exceed 3 times the general election expenditure limit set forth in clause (2) of subsection (a) of section 6.

(Z) Said chapter 55A is hereby further amended by inserting after section 6, as appearing in the 2000 Official Edition, the following section:—

Section 6A. A candidate's expenditures from a prior-year election account, which are made to comply with federal and state tax laws and regulations, for bank fees or charges relating to the maintenance of the prior-year election account, or to meet the requirements, including reporting and recordkeeping, of chapter 55 or this chapter, shall not be subject to the expenditure limits in section 6.

(AA) Notwithstanding section 1 of chapter 55A of the General Laws, or any other general or special law to the contrary, for all candidates to whom said chapter 55A applies, the election cycle that ends on December 31, 2002 shall begin on the ninetieth day after the passage of this section.

(BB) Section 11 of said chapter 55A, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 2, the words ‘of a non-participating candidate’s expenses’ and inserting in place thereof the following words:— expenses of a non-participating candidate for a statewide office.

(CC) Said section 11 of said chapter 55A, as so appearing, is hereby further amended by striking out, in line 12, the words ‘of any non-participating candidate’s expenses’ and inserting in place thereof the following words:— expenses of a non-participating candidate for a statewide office.”

Pending the question on adoption of the amendment, Mr. Tolman moved that the amendment offered by Mr. Lees, et al, be amended in subsection (AA), by adding the following sentence:— “Any candidate who seeks to qualify as a Clean Elections candidate and spends in excess of $200,000 after April 1, 2001 from his or her campaign account shall have any such money in excess of $200,000 counted toward the total Clean Elections spending cap for any campaign the candidates run in the 2002 election cycle.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-five minutes past five o’clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 4 — nays 34):

YEAS.

Antonioni, Robert A.	Walsh, Marian
Tolman, Steven A.	Wilkerson, Dianne-4

NAYS.

Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	O'Leary, Robert A.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Resor, Pamela
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, JO Ann
Lees, Brian P.	Tarr, Bruce E.
Lynch, Stephen F.	Tisei, Richard R.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.-34

ANSWERED “PRESENT”.

Clancy, Edward J., Jr. — 1.

The yeas and nays having been completed at a half past five o’clock P.M., the further amendment was *rejected*.

Mr. Tolman moved a further amendment to the amendment offered by Mr. Lees, et al, by inserting after the words “State Representative $500” in section 16 subsection b(3) the following words:— “Any candidate who seeks to qualify as a Clean

Elections candidate and spends in excess of $500,000 after April 1, 2001 from his or her campaign account shall have any such money in excess of $500,000 counted toward the total Clean Elections spending cap for any campaign the candidate runs in the 2002 election cycle."

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-five minutes before six o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 1 - nays 37):

YEAS.

Tolman, Steven A. — 1.

NAYS.

Antonioni, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthis Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, MIchael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Travaglini, Robert E.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne-37

ANSWERED "PRESENT".

Clancy, Edward J., Jr. — 1.

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

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes before six o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 36 — nays 2):

YEAS.

Antonioni, Robert A.
Berry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Hedlund, Robert L.
Jacques, Cheryl A.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Havern, Robert A.
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.

Jajuga, James P.	Pacheco, Marc R.
Joyce, Brian A.	Panagiotakos, Steven C.
Knapik, Michael R.	Resor, Pamela
Lees, Brian P.	Rosenberg, Stanley C.
Lynch, Stephen F.	Shannon, Charles E.
Magnani, David P.	Sprague, Jo Ann
Melconian, Linda J.	Tarr, Bruce E.
Menard, Joan M.	Tisei, Richard R.
Montigny, Mark C.	Tolman, Steven A.
Moore, Richard T.	Travaglini, Robert E.
Morrissey, Michael W.	Tucker, Susan C.
Murray, Therese	Walsh, Marian-36

NAYS.

Glodis, Guy W.	Wilkerson, Dianne-2

ANSWERED "PRESENT".

Clancy, Edward J., Jr. — 1.

The yeas and nays having been completed at a quarter before six o'clock P.M., the pending amendment was adopted.

Mr. Shannon moved to amend the bill in section 8, by inserting after subsection (B) the following subsection:—

"(B½) Chapter 55A of the General Laws is hereby amended by inserting after section 6, as so appearing, the following section:—

Section 6A. Notwithstanding the other provisions of this chapter, a participating candidate who is a state senator may make annual expenditures of not more than $25,000 for district office expenses, not more than $12,500 for contributions to non-profit organizations, and not more than $11,000 for printing and mailing of printed information for constituents. The director shall adjust these amounts under section 13. Expenditures under this section shall not expressly advocate the election or defeat of a candidate, shall not be subject to the expenditure limits in section 6, but shall be subject to chapter 55. Contributions for these expenditures need not be allowable contributions, shall be subject to chapter 55, shall be maintained in a separate account, and shall be reported separately to the director under chapter 55."; and

By inserting after subsection (E) the following subsection:—

"(E½) Notwithstanding section 1 of chapter 55A of the General Laws, for all candidates to whom said chapter 55A applies, the election cycle that ends on the thirtieth day following the state election in 2002 shall begin 60 days after this act has the force of law."

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 8, by inserting after subsection (F) the following subsection:—

"(G) The state secretary shall place an advisory ballot question on the November 2004 statewide election ballot providing the public with an opportunity to reaffirm their support or non-support for the clean elections law. The wording of the ballot question shall be as follows: 'Do you support full public funding of state elections for legislative candidates with your tax dollars at a cost of approximately $40 million per election cycle under the clean elections law?'"

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 8, by inserting after subsection (F) the following subsection:—

"(G) Chapter 55A of the General Laws, is hereby amended by inserting after section 7, appearing in the 2000 Official Edition, the following section:—

Section 7A. (a) The selection committee under section 3 and the director of political finance may, after public hearing, before the issuance of nomination papers, vote to institute a dollar for dollar matching campaign funding program.

(b) A state representative or state senate candidate shall be eligible to receive distributions from the Massachusetts Clean Elections Fund through a dollar for dollar matching fund program approved and established by office of campaign and political finance, but the allowable contribution limit to a candidate shall not exceed $100 per person limit.

(c) The matching fund program shall allow a state representative or state senate candidate to receive contributions in a primary election, but a state representative candidate shall not receive more than $12,500 in contributions and a state senate candidate shall not receive $30,000 in contributions. The candidate shall receive a dollar for dollar match from the clean elections fund not to exceed $12,500 for a state representative candidate and not to exceed $30,000 for a state senate candidate.

(d) The matching fund program shall allow a state representative or state senate candidate to receive contributions in a general election, but a state representative candidate shall not receive more than $7,500 in contributions and a state senate candidate shall not receive more than $20,000 in contributions. Such candidates shall receive a dollar for dollar match from the clean elections fund not to exceed $7,500 for a state representative candidate and not to exceed $20,000 for a state senate candidate.

(e) A state representative or state senate candidate may choose to utilize this optional program for either the primary or general election. A declaration of intent shall be filed with the director for the primary election within 21 days after the day that nomination papers are filed with secretary of state. A declaration of intent shall be filed with the director for the general election within 7 days after the conclusion of the primary election.

(f) The director shall promulgate rules and regulations relative to the execution of this section."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after subsection (F) of section 8 the following subsection:—

"(G) Chapter 55A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 11 the following new section:—

Section 11A. The director shall distribute monies from the clean election fund in accordance to the following order of priority: governor, lieutenant governor, attorney general, treasurer and receiver general, state secretary, auditor, legislative, executive council. Such monies shall be distributed no later than the fifteenth day of May of the year nomination papers for such offices are due. In the case of special elections, funds shall be distributed within 45 days before the primary election. Funds for the general elections shall be distributed within 7 days after the completion of the primary election."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past six o'clock P.M., on motion of Mr. Morrissey, as follows, to wit (yeas 11 — nays 27):

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Berry, Frederick E.	O'Leary Robert A.
Brewer, Stanley M.	Shannon, Charles E.
Havern, Robert A.	Walsh, Marian
Hedlund, Robert L.	Wilkerson, Dianne-11
Moore, Richard T.	

NAYS.

Chandler, Harriette L.	Montigny, Mark C.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	Pacheco, Marc. R.
Hedlund, Robert L.	Panagiotakos, Steven C.

Jacques, Cheryl A.	Resor, Pamela
Jajuga, James P.	Rosenberg, Stanley C.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Lynch, Stephen F.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.-27
Menard, Joan M.	

ANSWERED "PRESENT".

Clancy, Edward J., Jr. — 1.

Mr. Travaglini in the Chair, the yeas and nays having been completed at nineteen minutes past six o'clock P.M., the amendment was *rejected*.

The President in the Chair, Mr. Morrissey moved to amend the bill in section 8, by adding the following two sections:—

"(DD) Section 3 of chapter 80 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(d) a candidate may limit his or her participation to the state primary election and cease to be a participant after the state primary. Such a candidate may choose to continue his or her participation by filing an additional declaration of intent after the primary with the Director.

(FF) Section 16 of said chapter 55A, as so appearing, is hereby amended by inserting after subsection (b) the following subsection:—

(b½) a candidate who filed a declaration of intent limited to the state primary may unilaterally decertify himself or herself after the state primary by filing a declaration of decertification with the director. Such a candidate shall not be subject to any fine or penalty assuming they have otherwise complied with this chapter."

After debate, the amendment was *rejected,* by a vote of 8 to 21.

Mr. Morrissey moved to amend the bill by inserting after subsection (F) of section 8 the following subsections:—

"(G) Subsection (a) of section 6 of chapter 55A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following two paragraphs:—

(1) For each of the following state offices, during an election cycle and before the end of the primary election campaign period, total expenditures and obligated expenditures, not including in-kind contributions, shall not exceed the following amounts:

Governor $2,000,000
Lieutenant Governor $1,000,000
Attorney General $450,000
Treasurer and Receiver General $1,000,000
State Secretary $1,000,000
Auditor $1,000,000
Councillor $24,000
State Senator $54,000
State Representative $18,000

(2) For each of the following state offices, total expenditures and obligated expenditures, not including in-kind contributions, shall not exceed the following amounts during a general election campaign period:

Governor $1,500,000
Lieutenant Governor $400,000
Attorney General $300,000

Treasurer and Receiver General $400,000
State Secretary $400,000
Auditor $400,000
Councillor $16,000
State Senator $36,000
State Representative $12,000

After debate, the amendment was *rejected*, by a vote of 9 to 16.

Mr. Havern moved to amend the bill in section 8, by inserting after subsection (F) the following subsection:—

"(G) A participating candidate must raise from voters in the proper district as follows: (a) for state representatives, 400 contributions of at least $10.00 with all such contributions in the form of a check, and for qualifying candidates, a minimum-qualifying amount of $5,000.00; and (b) for state senator, 650 contributions of at least $10.00 with all of such contributions shall be in the form of a check, and for qualifying candidates, a minimum-qualifying amount of $12,500.00. A list of the checks with photocopies of such checks under clauses (a) and (b) shall be attached to the filing of documents and delivered to the Office of Campaign Finance."

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 8, by inserting after subsection (D) the following subsection:—

"(D½) Chapter 55A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following section:—

Section 19. Any municipal official who expends campaign funds within the election cycle established under section 1, who becomes or seeks to become a candidate for state office under this chapter shall have the total assessment of expenditures made by the candidates or their committees attributed to the limits applied by this chapter. The candidate may apply for a waiver of this section from the director if the candidate can demonstrate good cause for the waiver."

After remarks, the amendment was *rejected*.

Suspension of Senate Rule 38A.

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

Recess.

There being no objection, at nineteen minutes before seven o'clock P.M., the President declared a recess subject to the call of the Chair; and, at seventeen minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The House Bill making appropriations for the fiscal year 2002 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. 4101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Messrs. Lynch and Joyce moved to amend the bill in section 27, by adding the following subsection:—

"(D) Subsection (f) of said section 14G of said chapter 151A, as so appearing, is hereby amended by adding the sentence:— If the board finds that the total amount in said fund is in excess of 2 times the amount needed to properly fund the unemployment health insurance program, including administration of the fund itself, the rate of health insurance inflation or the unemployment health insurance contribution rate shall be reduced in order to properly maintain an appropriate fund balance for the purpose of said health insurance programs."

The amendment was *rejected*.

Ms. Walsh and Messrs. Knapik, Nuciforo and Lees moved to amend the bill by inserting after section 18 the following section:—

“SECTION 18A. (A) Section 6 of chapter 64H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 2 paragraphs:—

(uu) 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.

(vv) Sales of aircraft.

(B) Section 7 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding the following 2 paragraphs:—

(d) Storage, use or other consumption of repair or replacement parts exclusively for use in aircraft or in the significant overhauling or rebuilding of aircraft or aircraft parts or components on a factory basis.

(e) Storage, use or other consumption of aircraft.

(C) The department of revenue and the Massachusetts Aeronautic Commission shall review and analyze all statistical data available for the purpose of determining the economic and revenue impact of the sales and use tax exemptions provided in this section. Such report shall include, but not be limited to, an analysis of any increases to the commonwealth in airplane maintenance and aviation related employment, any increase in hangaring and any increases in revenues associated with any increases in economic activity resulting from section 18A. The department of revenue and the Massachusetts Aeronautic Commission shall report their findings to the joint committee on taxation on or before January 1, 2006.

(D) This section shall take effect on July 1, 2002 but shall not be available for taxable years beginning on or after January 1, 2007.”

The amendment was adopted.

Ms. Fargo, Mr. Magnani, Ms. Resor and Messrs. Tarr, Joyce, Tolman and Hedlund moved to amend the bill by inserting after section 37 the following section:—

“SECTION 37A. Section 413 of Chapter 159 of the Acts of 2000 is hereby amended by inserting after the second sentence the following sentence:— Notwithstanding the preceding sentence, the department may increase eligibility beyond 200 per cent of the federal poverty level, up to and including the higher of: (i) 60 per cent of the state median income, as defined in 42 U.S.C. section 8622 or any successor act, or (ii) any maximum income eligibility authorized by congress for the low-income home energy assistance program.”

The amendment was *rejected*.

Ms. Fargo, Ms. Jacques, Mr. Nuciforo, Ms. Creem, Ms. Resor and Messrs. Tarr, Hedlund, Joyce and Jajuga moved to amend the bill by inserting after section 17 the following section:—

“SECTION 17A. The second paragraph of section 3 of chapter 40A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:— For the purposes of this chapter, the term public service corporation shall not include commercial mobile radio service providers.”

The amendment was *rejected*.

Ms. Fargo moved to amend the bill by inserting after section 12 the following section:—

“SECTION 12A. Section 6 of chapter 25A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘contracts’ in line 18, the following words:— , including contracts for the insurance of vehicles in the alternative fuel vehicle demonstration program.”

The amendment was adopted.

Messrs. Tarr and Tisei moved to amend the bill by adding the following section at the end thereof:—

“SECTION __. Chapter 7 of the General Laws is hereby amended by inserting after section 40F½, the following section:—

Section 40F¾. It is the policy of the commonwealth to encourage the development of housing for its citizens. Consistent with that policy, it is the commonwealth’s intent, when feasible, to expedite making available underutilized property, which is owned by the commonwealth and determined not to be needed for foreseeable state or direct public use pursuant to section 40F for the primary purpose of creating or redeveloping housing on such property.

(a) For purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(1) ‘Affordable,’ housing, affordable to low or to moderate income households where the household pays no more than 30 per cent of household income as rent or no more than 40 per cent of household income for homeownership expenses of principal, interest, insurance and taxes.

(2) ‘Agency,’ the Massachusetts development finance agency.

(3) ‘Agency reuse plan,’ in the case of any potential housing property to be transferred under subsection (b), any redevelopment plan or plans relating to the development of such potential housing under the terms of section 16 of chapter 23G.

(4) ‘Agency transfer request,’ a request provided by the agency to the commissioner in response to the agency’s receipt of notification from the commissioner under paragraph 2 of subsection (a) of section 40F½ that all or part of the surplus property which is the subject of the notification be transferred to the agency for disposition by the agency for housing development. The request shall contain the terms and conditions upon which the agency would accept transfer of the land.

(5) ‘Commissioner,’ the commissioner of the division of capital asset management and maintenance.

(6) ‘Department,’ the department of housing and community development.

(7) ‘Director,’ the director of the department.

(8) ‘Division,’ the division of capital asset management and maintenance.

(9) ‘Division reuse plan,’ with respect to any potential housing property to be transferred pursuant to subsection (c), any plan relating to the development of such potential housing property which the commissioner has approved in writing.

(10) ‘Housing,’ single and multi-family housing.

(11) ‘Housing development,’ the development or rehabilitation of potential housing property with a significant number of units of housing, as determined by the agency, the director and the commissioner, but the development of such housing units may be accompanied by commercial, recreational, industrial, municipal, or other non-residential use of the property is not inconsistent with the development of the units of housing. In determining whether the number of units is significant, the director and the commissioner and also, in the case of an agency transfer request, the agency, shall consider, without limitation, the need for housing and for affordable housing in the surrounding community, the size of the potential housing property and the potential housing property’s physical characteristics. All development on potential housing property undertaken under this section must be consistent with any agency reuse plan or division reuse plan and must take into consideration any other local plan approved by the community in which the property is located.

(12) ‘Low-or-moderate-income,’ with respect to households, low-income is household income which is 50 per cent of area median income or less and moderate-income is household income which is between 50 per cent and 80 per cent of area median income, as determined by the United States Department of Housing and Urban Development.

(13) ‘Potential housing property,’ state-owned land that (i) has been determined by the commissioner, acting pursuant to section 40F to be surplus as to both the current and foreseeable needs of state agencies and to public agencies for direct public use, (ii) is not subject to Article XCVII of the Articles of Amendment of the Constitution, and (iii) is determined by the commissioner and the director to be suitable for use for housing or housing development. In determining whether said land is suitable for use for housing or housing development, the commissioner and director shall consider any existing reuse plan approved by the commissioner and any other existing reuse plans adopted by the community or communities where the land is located or prepared by the elected officials of the municipality in which the land is located.

(b)(1) Notwithstanding the provisions of sections 40E to 40F½ and 40H, but in accordance with the provisions of this section, the commissioner may, if an agency transfer request for a potential housing property has been submitted by the agency to the commissioner in compliance with the provisions of this section, transfer for the purpose of housing development the property to the agency under the terms contained in the agency transfer request, provided that the agency may acquire, take possession, care and control of such potential housing property only after an agency reuse plan for such lands has been approved by the agency’s board of directors; the city council, board of aldermen, town council or board of selectmen of the municipality or municipalities in which the potential housing property is located; the division; and the department which approvals shall not occur until a public hearing is held on the agency reuse plan in accordance with the provisions of section 16 of chapter 23G. The agency reuse plan shall be developed, reviewed, and voted upon by such persons or entities in an expeditious manner. The potential housing property shall be developed in accordance with the approved plan. No agency reuse plan shall be approved unless the agency and the department find that the plan provides for housing development of the potential housing property, and furthermore, that at least 25 per cent of the housing units of such housing development shall be affordable to low or to moderate-income households.

The affordable low to moderate-income housing shall be subject to affordable housing restrictions and shall remain affordable housing for a period of not less than 30 years. The agency shall place covenants and provisions, including affordable housing restrictions, in any document evidencing the sale, lease, conveyance or disposition of potential housing property for affordable housing development pursuant to subsection (b) providing for the restrictions on and maintenance of affordability for not less than 30 years. Without limiting the foregoing, and where feasible, the remaining housing units shall provide housing options for households having a broad range of household incomes.

(2) If the city council, board of aldermen, town council, or board of selectmen of the municipality or municipalities in which the potential housing property is located do not approve any agency reuse plan within a 12 month period of the date of such agency reuse plan's approval by the agency's board of directors, and such period is not extended by the mutual agreement of the agency, department and divisions, then such potential housing property shall not be transferred to the agency under this subsection pursuant to the agency transfer request relating to such agency reuse plan. At and after such time, the commissioner may transfer such potential housing property in accordance with the terms of subsection (c).

(3) The agency may dispose of any potential housing property acquired under subsection (b) in accordance with chapter 23G and this section. Net proceeds received by the agency from the final disposition by the agency to a third party of any potential housing property transferred to the agency under subsection (b) shall, after reimbursement to the agency of land preparation, remediation and other related costs directly incurred by the agency, and payment of other reasonable administrative fees as outlined in the agency transfer request, be deposited into a fund established and maintained by the agency to be known as the MassDevelopment Housing Fund for the purpose of housing development, including, but not limited to, environmental remediation, land preparation and other costs related to land transferred to the agency pursuant to this subsection.

(c)(1) If the agency elects not to submit an agency transfer request for a potential housing property; or a potential housing property is not transferred to the agency because an agency reuse plan was not approved within the time frame set forth in paragraph (2) of subsection (b), then, notwithstanding sections 40E through 40F½, but in accordance with the provisions of this subsection, the commissioner may sell, lease for a term or terms which in the aggregate do not exceed 99 years, transfer or otherwise dispose of such potential housing property for the purpose of housing development subject to the provisions of this section and the requirements contained in any approved division reuse plan and any reuse restrictions required by this subsection.

(2) Any disposition of potential housing property by the division pursuant to this subsection shall be subject to such reuse restrictions, if any, as the commissioner and the department shall deem necessary, but in determining such reuse restrictions, the commissioner and the department shall consult with elected officials of the municipality or municipalities in which the potential housing property is located, and if the commissioner has approved a division reuse plan for the potential housing property, the reuse restrictions determined by the commissioner and the director shall be consistent with such division reuse plan. Without limiting the foregoing, the commissioner and the director, in connection with any disposition of potential housing property by the division under this subsection, shall require housing development of the potential housing property, and furthermore, that at least 25 per cent of the housing units of such housing development shall be affordable to low and moderate-income households. The affordable low or moderate-income housing shall be subject to affordable housing restrictions and shall remain affordable housing for a period of not less than 30 years. The division shall place covenants and provisions, including affordable housing restrictions, in any document evidencing the sale, lease, conveyance or disposition of potential housing property for affordable housing development under this subsection providing for the restrictions on and maintenance of affordability for not less than 30 years. Without limiting the foregoing and where feasible, the remaining housing units shall provide housing options for households having a broad range of household incomes.

(3) With respect to any potential housing property conveyed by the division pursuant to this subsection:

(A) The price for any sale, lease, conveyance or disposition of such potential housing property shall be the fair market value of said property as determined by the commissioner in consultation with the director, taking into consideration its use for housing development purposes under this subsection; the projected costs of such housing development, including site preparation, demolition, environmental remediation and related expenses; and any restrictions imposed by the commissioner and director, including the required development of affordable housing, under this subsection and any other public purposes but, in any event, notwithstanding the foregoing, 'fair market value' of any potential housing property shall be determined by the commissioner in his discretion so as to ensure the proposed housing development's financial feasibility.

(B) The recipients of any transfer of such potential housing property from the commissioner shall be responsible for the costs of any appraisals; surveys, including, but not limited to, the costs in full of preparing a recordable survey and the costs of recording said plan with the appropriate registry of deeds or filing the plan with the appropriate registry district of the land court; and other expenses relating to the transfer of said property deemed necessary by the commissioner for the conveyance of said property.

(C) Twenty-five per cent of the proceeds of the purchase price for any potential housing property transferred pursuant to subsection (c) shall be deposited into the Affordable Housing Trust Fund created by chapter 121D; the remaining proceeds shall be deposited in the General Fund."

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 18, the following section:—

"SECTION 18A. Clause forty-first B of section 5 of chapter 59 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following:—

(D) that a city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, adjust the following factors contained in these provisions by:

1. reducing the requisite age of eligibility to any age 65 years or more.

2. increasing either of both amounts contained in the first sentence, by not more than one hundred per cent.

3. increasing the amounts contained in provision (B) whenever they appear in said clause from $10,000 to not more than $30,000 and from $12,000 to not more than $45,000.

4. increasing the amounts contained in provision (C) whenever they appear in said clause from $20,000 to not more than $75,000, from $23,000 to not more than $100,000 and by further excluding from the determination of whole estate up to three dwelling units, and further, by increasing the amounts of $500 and $4,000 contained in such provision by not more than 100 per cent."

Pending the question on the adoption of the amendment (Tarr), Mrs. Sprague and Messrs. Lees, Tisei, Knapik, Hedlund and Tarr moved to amend the pending amendment (Tarr) by striking out the text and inserting in place thereof the following text:—

"SECTION 18A. Clause forty-first B of section 5 of chapter 59 of the General Laws, as appearing in the 2001 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding this chapter or any general or special law to the contrary, upon acceptance of this paragraph by a city or town, the board of assessors shall annually reduce the property tax on the real property of a person who has reached his seventieth birthday before the fiscal year for which the tax is due, and has lived in the city or town for 30 years or longer, to the amount due on the property in the fiscal year prior to such person reaching age 70; provided, that such person occupies the real estate as his domicile or occupies the same jointly with his spouse."

After remarks, the further amendment was *rejected*.

The pending amendment (Tarr) was then considered; and the pending amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 17, the following section:—

"SECTION 17A. The first paragraph of section 5 of chapter 40 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the third sentence the following sentence:— The selectmen, town council or city council may also in like manner adopt a senior citizen factor to be applied to those over age 65, who may be further qualified for such factor by annual income and the amount contained in the taxpayer's estate, pursuant to a public hearing and vote."

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill by inserting after section 39, the following section:—

"SECTION 39A. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority may not expend funds for the construction of an extension of the Stoughton commuter rail route through the municipalities of Stoughton and Easton in order to provide commuter rail service to New Bedford and Fall River, until a true economic feasibility study has been completed and a full legal review of environmental impacts is completed."

The amendment was *rejected*.

Messrs. Pacheco, Lynch and Hedlund moved to amend the bill in section 2, in item 5011-0300, by adding the following words:— "; provided further, that there shall be a complete and comprehensive study and financial analysis related to the Medication Administration Program (MAP), consistent with the commonwealth's effort towards the prevention of medical errors, including but not limited to: the number of clients and consumers of the department of mental health and the department of mental retardation since the 1993 MAP regulations; the relationship of deaths to medication mismanagement; the number of complaints to the disabled persons protection commission regarding abuse and neglect that may be tied to the absence of professional staff; the costs of hospitalizations, illness, injuries, death and unexpected emergency room or practitioner visits as recorded by DPH and the division of medical assistance; the cost of infrastructure needed to assure quality in MAP, including training, training sessions, certification data bank, recertification, monitoring, teaching, recording, and investigation errors, providing clinical oversight, providing consultation services for providers, surveying the vendors, and surveying the sites; and provided further, that

the study shall be conducted by the office of state auditor, with cooperation of the department of public health, department of mental health and the department of mental retardation and shall be reported to the house and senate committees on ways and means, the house committee on post audit and the joint committee on health care not later than December 31, 2001".

The amendment was adopted.

Ms. Fargo moved to amend the bill by inserting after section 12 the following section:—

"SECTION 12A. (A) Section 39 of chapter 19A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 7, the word 'household' and inserting in place thereof the following word:— individual.

(B) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 71, the word 'household' and inserting in place thereof the following word:— individual.

(C) Subsection (e) of said section 39 of said chapter 19A, as so appearing, is hereby amended by striking out the second sentence.

(D) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in lines 78 and 79, the words 'including, but not limited to, married applicants, whose gross annual household' and inserting in place thereof the following words:— whose gross annual individual.

(E) Said section 39 of said chapter 19A, as so appearing, is hereby amended by striking out, in lines 84 and 85, the words 'including, but not limited to, married applicants whose gross annual household' and inserting in place thereof the following words:— whose gross annual individual.

(F) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in lines 87 and 88, the words 'including, but not limited to, married applicants, whose gross annual household' and inserting in place thereof the following words:— whose gross annual individual.

(G) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 90, the word 'household' and inserting in place thereof the following word:— individual.

(H) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 93, the word 'household' and inserting in place thereof the following word:— individual.

(I) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 95, the word 'household' and inserting in place thereof the following word:— enrollee.

(J) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 99, the word 'household' and inserting in place thereof the following word:— individual.

(K) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 107, the word 'household' and inserting in place thereof the following word:— individual.

(L) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 114, the word 'household' and inserting in place thereof the following word:— individual.

(M) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 123, the word 'household' and inserting in place thereof the following word:— individual.

(N) Said section 39 of said chapter 19A, as so appearing, is hereby further amended by striking out, in line 163, the word 'household' and inserting in place thereof the following word:— individual."

After remarks, the amendment was *rejected*.

Messrs. Knapik and Lees, Mrs. Sprague and Messrs. Tisei, Tarr, Hedlund and Brewer moved to amend the bill by inserting after section 26 the following section:—

"SECTION 26A. (A) Section 16 of chapter 136 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 2 and 14, the words 'Memorial Day'.

(B) Said chapter 136 is hereby further amended by adding the following section:—

Section 17. All stores and shops which sell goods at retail may open no earlier than 12:00 P.M. on Memorial Day."

After remarks, the amendment was adopted.

Messrs. Knapik and Lees, Mrs. Sprague and Messrs. Tisei and Magnani moved to amend the bill by inserting after section 18B (inserted by amendment) the following section:—

"SECTION 18C. The second paragraph of subsection (k) of section 4 of chapter 81A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second sentence and inserting the following sentence:— The amount of any such civil or criminal penalty, with the exception of penalties imposed under section 19, shall not exceed $500 for each offense, unless the law otherwise provides; provided, however, that the fine for an unauthorized use violation of electronic toll collection, as defined by the authority regulations, shall be determined according to the following schedule:

(1) for the first violation, the registered owner shall receive a warning notice from the authority; and

(2) for each subsequent violation, $10.00."

The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43A. Notwithstanding any general or special law to the contrary, in the event of the establishment of permanent year-round freight or ferry service from the port of New Bedford to Martha's Vineyard or Nantucket, the Wood's Hole, Martha's Vineyard and Nantucket Steamship Authority shall officially and ceremoniously christen any ship making its maiden voyage upon said route, the 'S. S. Montigny'."

After debate, the amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. Section 6 of chapter 62 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subsection (k)."; and by inserting after section 36 the following section:—

"SECTION 36A. Chapter 127 of the acts of 1999 is hereby amended by striking out sections 387 and 388 and inserting in place thereof the following section:—

Section 387. Section 81 shall apply to tax years beginning on or after January 1, 2001."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill by inserting after section 46 the following section:—

"SECTION 46A. There shall be a special commission to study the deferred compensation program established under chapter 29 of the General Laws. The commission shall consist of 7 members as follows: the governor shall designate 4 members, who shall be state, municipal, or county employees, 1 of whom shall be a member of the AFL-CIO, 1 of whom shall be a municipal employee, and 1 of whom shall be selected from 3 persons recommended by the Massachusetts Municipal Association; the state treasurer or her designee; the state auditor or his designee; and 1 person with a professional background in financial planning or savings to be selected by the 6 other members of the commission. The commission's report shall include a thorough review and investigation of the deferred compensation program, which shall include, but not be limited to, the following: ramifications of the changes in the federal and state tax codes; the management structure of the deferred compensation system; the impact of fees and charges to deferred compensation program participants; the amount of education and counseling provided to deferred compensation program participants; and processes by which the contracts for mutual funds and administration of the program are procured. The commission shall report its findings and make recommendations to the speaker of the house of representatives, the president of the senate, the house and senate committees on ways and means and the joint committee on public service by December 31, 2001."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 36 the following section:—

"SECTION 36A. Item 7004-6666 of section 2A of chapter 55 of the acts of 1999 is hereby amended by striking out, in lines 16 to 19, inclusive, the words: '; provided further, that prior to the release of any funds from this item for such sewer main, said towns shall provide a 100 per cent match from other sources for such purpose' and inserting in place thereof the following words:— and to the department of highway's route 2 visitors center funds shall be dispersed between the aforesaid entities by an individual application process; provided further, that division of funds shall be based on current department of housing and community development guidelines; and provided further, that before the release of funds, each entity shall be required to provide a 100 per cent match from other sources for such purposes."

The amendment was *rejected*.

Messrs. Tarr, Lees, Knapik and Tisei, Mrs. Sprague and Mr. Hedlund moved to amend the bill by inserting after section 28 the following section:—

"SECTION 28A. Section 9C of chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 20, the figure '200' and inserting in place thereof the following figure:— 250".

The amendment was *rejected*.

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

"SECTION 39A. Notwithstanding any general or special law to the contrary, the state secretary shall process all off-budget revenue and expenses through the Massachusetts Management Account Reporting System and all funds collected shall be held in trust by the treasurer subject to appropriation by the general court. The state auditor and the comptroller shall conduct an audit of all off-budget spending by the state secretary, including ascertaining what statutes give the state secretary authority to create and maintain such off-budget accounts and what reporting requirements are necessary for such spending."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 16 — nays 23):

YEAS.

Berry, Frederick E.	Melconian, Linda J.
Chandler, Harriette L.	Montigny, Mark C.
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Travaglini, Robert E.-16

NAYS.

Antonioni, Robert A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	O'Leary Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne-23
Moore, Richard T.	

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

Ms. Creem moved to amend the bill, in section 2, in item 7010-0012, by striking out the figure "$15,319,156" and inserting in place thereof the following figure:— "$18,319,156"; and in item 1100-1400, by striking out the figure "$3,677,000" and inserting in place thereof the following figure:— "$677,000".

The amendment was adopted.

Mr. Montigny 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 only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision and community restraint services as described in item 0339-1004; provided further, that 3 additional probation officers-in-charge shall be appointed and funded from this item in fiscal year 2002; provided further, that 3 additional court service coordinators shall be appointed and funded from this item in fiscal year 2002; provided further, that 1 additional assistant director of fiscal affairs shall be appointed and funded from this item in fiscal year 2002; and provided further, that 1 additional chief probation officer shall be appointed and funded from this item in fiscal year 2002 .....14,917,720";

In item 0611-5510, by striking out the words

"Local Aid Fund 100.0%"

and inserting in place thereof the following words:—

"Local Aid Fund 65.714%
Tax Reduction Fund 34.286% ";

In item 2410-0900, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1000, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1200, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1300, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1400, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1500, by adding the following words:— "; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged";

In item 2410-1600, by adding the following words:— “; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged”;

In item 2410-1700, by adding the following words:— “; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged”;

In item 2410-1800, by adding the following words:— “; provided further, that all disbursements from the Watershed Management Fund shall be expended in accordance with section 113 of chapter 92 of the General Laws; and provided further, that the commission shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures charged to the Watershed Management Fund in the most recent quarter including the amount and a description of what was charged”;

By inserting, after item 4000-0161 the following item:—

“4000-0162 For the establishment of the Betsy Lehman Center for Patient Safety and Medical Error Reduction, pursuant to section 16E of chapter 6A of the General Laws..... 500,000”;

By striking out item 4100-0063;

In item 4510-0600, by striking out, in lines 6 to 8, inclusive, the words “, the implementation of the Clean Beaches Bill, so-called, pursuant to chapter 248 of the acts of 2000,”;

In said item 4510-0600, by inserting after the word so-called, in line 11, the following words:— “; provided, that the department shall expend not less than $390,000 for the implementation of the Clean Beaches Bill, pursuant to chapter 248 of the acts of 2000”;

In said item 4510-0600, by striking out the figure “$4,504,884” and inserting in place thereof the following figure:— “4,694,884”;

By inserting after item 7003-0500 the following item:—

”7003-0501 For manufacturing assistance services to be managed by the Commonwealth Corporation; provided, that such funds shall be expended to assist manufacturing extension services, alternative deployment pilot projects, total quality management projects, technology access programs, and shop floor management projects; provided further, that such services shall include the operation of the Massachusetts manufacturing extension partnership; provided further, that funds expended from this item shall be used to maximize federal funding; and provided further, that the Massachusetts manufacturing extension partnership shall submit a detailed report of all fiscal year 2001 expenditures, including rents, salaries and any federal, state or private funding used to support NIST activities in states other than Massachusetts, to the house and senate committees on ways and means not later than October 31, 2001 .....875,000”;

In item 7003-0700, by striking out the words “provided further, that not more than $216,000 shall be expended for 3 full-time equivalent rapid response labor specialist at the Massachusetts AFL-CIO;” and inserting in the place thereof the following words:— “provided further, that not less than $216,000 shall be expended for 3 full-time equivalent rapid response labor specialist at the Massachusetts AFL-CIO;”;

In item 7003-1000, by striking out, in line 16, the word “more” and inserting in the place thereof the following word:— “less”;

By striking out item 7007-0350;

In item 7061-9610, by adding the following words:— “and provided further, that funds appropriated herein for after-school programs may be expended through August 31, 2002”; and

In item 7061-9634, by striking out the words “provided, that no funds shall be disbursed from this item to support a mentor relationship established in a prior fiscal year;”;

By inserting after section 46A (inserted by amendment) the following section:—

“SECTION 46B. There shall be a special commission for the purpose of devising a fair and equitable allocation of the burden of uncompensated care and free care among affected participants in the health care delivery system, so that no single participant or group of participants bears a disproportionate burden for the cost of providing such care. The commission shall consist of members as follows: 1 member of the house of representatives, 1 member of the senate, the secretary of administration and finance and 8 persons to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Hospital Association, 1 representative of Blue Cross and Blue Shield of Massachusetts, 1 of whom shall be a representative of the Massachusetts Association of Health Maintenance Organizations, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Massachusetts League of Community Health Centers, 1 of whom shall be a representative of Health Care for All, 1 of whom shall be a representative of the Massachusetts Nurses Association and 1 of whom shall be a representative of Children’s Hospital. The commission shall be jointly chaired by the members from the senate and house of representatives and the secretary of administration and finance and shall adopt such rules and establish such procedures as it considers necessary for the conduct of its business. No action of the commission shall be considered official unless approved by a majority of the whole commission. The commission shall have the following duties and responsibilities: (a) to develop a suitable plan to establish a fair and equitable assessment to pay for uncompensated care and a fair and equitable distribution of any such assessment, including maximizing the amount of federal financial participation to which the commonwealth may be entitled; (b) to develop a plan that includes incentives for the utilization of insurance programs, including programs operated by the division of medical assistance, wherever possible, such as payment methodologies that are not more favorable than those used by such insurance programs, as well as recommendations for more efficient and effective administration of the uncompensated care pool; and (c) to prepare any legislation necessary to effectuate the recommendations of the commission. In pursuing its responsibilities and duties, the commission shall consult with parties affected by the commission’s study, and shall, prior to voting on any final recommendations, consult with the parties affected by the recommendations, including but not limited to, the executive office of health and human services, the division of health care finance and policy, the division of insurance, the division of medical assistance, the Massachusetts Health Care Purchasers Group, the small business advisory board, established pursuant to section 22 of chapter 118G of the General Laws, the Massachusetts Law Reform Institute, the Massachusetts Council of Community Hospitals, the Life Insurance Association of Massachusetts, the AFL-CIO and organizations representing chambers of commerce. The commission shall use as the basis for the development of its plan quantifiable data as it relates to the projected impact of any assessments, provider taxes and federal financial participation; provided, however, that the data shall be included in the commission’s final report. The commission shall file its final report, including any proposed legislation necessary to effectuate the recommendations of the commission, with the clerks of the senate and house of representatives, with the house and senate committees on ways and means and with the governor on or before December 31, 2001.”; and

By inserting after section 39A (inserted by amendment) the following section:—

“SECTION 39B. The water pollution abatement trust shall increase its leveraging ratio to 3-to-1. The increase shall apply to all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement and drinking water projects first appearing on the department’s respective intended use plans for calendar years 2002 to 2006, inclusive. Notwithstanding chapter 29C of the General Laws or any general or special law to the contrary, all permanent loans and other forms of financial assistance made by the trust pursuant to this section shall provide for a subsidy or other assistance in the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to 0 per cent, unless a higher level of subsidy or assistance is authorized by section 6A of said chapter 29C. If, in the opinion of the state treasurer, such increased leveraging is not feasible, the leveraging and subsidy provisions of this section shall not apply; provided, however, that the state treasurer shall notify the house and senate committees on ways and means of any such determination prior to financing projects on terms and conditions different from those provided for in this section.”

The amendment was adopted.

Messrs. Tolman, Jajuga, Lynch and Joyce moved to amend the bill in section 2, in item 8315-1020, by striking out the words “The department of public safety is hereby authorized to expend for the salary and employee-related costs of not more than 15 elevator inspectors an amount not to exceed $900,000 from fees charged for elevator inspections pursuant to sections 62 and 62A of chapter 143 of the General Laws, in addition to funds available for this purpose in item 8315-1000” and inserting in place thereof the following words:— The department of public safety may expend for the salary and employee-related costs of not more than 13 elevator inspectors an amount not to exceed $650,000; provided, that the department may expend an amount not to exceed $250,000 for the salary and employee-related costs of not more than 1 additional engineering inspector and for the retention of current building and engineering inspectors whom shall be compensated at a rate comparable to a job grade 28 classification; provided further, that such additional engineering inspector position shall be in addition to any such positions added during fiscal year 1995; provided further, that said elevator and engineering inspector positions and current building and engineering inspector compensation adjustments shall be paid from fees charged for elevator inspections pursuant to sections 62 and 62A of chapter 143 of the General Laws, in addition to funds available for this purpose in item 8315-1000”.

The amendment was adopted.

Messrs. Nuciforo and Brewer moved to amend the bill by inserting after section 31B (inserted by amendment) the following section:—

"SECTION 31C. (A) Clause (e) of the fourth paragraph of section 32 of chapter 637 of the acts of 1983 is hereby amended by striking out the words 'funds for the project.' and inserting in place thereof the following words:— 'funds for the project; and the amount of state and federal highway funds expended or to be expended in the town. The commissioner shall approve or disapprove an application within 45 days of its receipt.'

(B) Said section 32 of said chapter 637 is hereby further amended by striking out the last paragraph, as most recently amended by section 2 of chapter 195 of the acts of 1998, and inserting in place thereof the following paragraph:—

'Upon the approval of such application, the commissioner shall notify the town as to the total amount of state aid for such project and the provisions for repayment. No grant shall be approved after June 30, 2003. An application received by the commissioner prior to June 30, 1997 shall be deemed eligible for consideration and shall not require resubmission by the town. The commissioner shall report annually to house ways and means committee and senate ways and means committee the status of all small town road assistance applicants by June 30.' "

The amendment was adopted.

Messrs. Tarr and Tisei moved to amend the bill in item 7061-0008 by striking out, at the end thereof, the figure "$3,168,635,209" and inserting in place thereof the figure "$3,168,441,402"; and by adding at the end thereof, the following new section:—

"SECTION__. Section 1. Section 2 of Chapter 70 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the first paragraph the following:—

'Adjusted local contribution', the preliminary local contribution minus the excess debt service amount, provided that (A) the excess debt service amount does not cause a district to fall below foundation, and (B) no vocational district's net school spending is more than one hundred and fifty percent of the foundation budget.

Section 2. Said section 2 of said Chapter 70 is hereby further amended by striking the second paragraph and inserting the following four paragraphs:—

'Adjustment aid', in fiscal year two thousand and two, 0.24 multiplied by the difference between (A) the adjustment factor multiplied by the foundation budget, and (B) the sum of base aid and minimum aid; provided that for fiscal year 2002, adjustment aid does not result in an increase greater than 20% of total chapter 70 aid over the prior year's total chapter 70 aid. In fiscal year two thousand and three and beyond, the difference between (A) the adjustment factor multiplied by the foundation budget, and (B) the sum of base aid and minimum aid, multiplied by an amount to be determined subject to appropriation.

'Adjustment factor', for municipalities with a relative adjusted property valuation per pupil less than 0.75, the smaller of (A) 0.9, and (B) one minus the product of 0.933 and the relative adjusted property valuation per pupil. For municipalities with a relative adjusted property valuation per pupil greater than or equal to 0.75, 0.1 plus 0.15 divided by the relative adjusted property valuation per pupil.

'Adjusted property valuation', a municipality's non-residential equalized property valuation plus the product of its residential equalized property valuation and its relative per capita income.

'Adjusted property valuation per pupil', adjusted property valuation divided by foundation enrollment.

Section 3. Said section 2 of said Chapter 70 is hereby further amended by striking the third paragraph and inserting in its place the following:

'Assumed tuitioned-out special education enrollment', one percent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment plus nine point five percent of foundation pre-school enrollment.

Section 4. Said section 2 of said Chapter 70 is hereby further amended by striking the third paragraph and inserting in its place the following:

'Assumed in-school special education enrollment', three point seven five percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment. In fiscal year two thousand and four and thereafter, 'assumed in-school special education enrollment' shall be four percent of total foundation enrollment of a district not counting vocational or pre-school enrollment, plus four and one-half percent of vocational enrollment.

Section 5. Said section 2 of Chapter 70 is hereby further amended by striking out the fourth paragraph and inserting in its place the following:—

‘Base aid’, in fiscal year two thousand and two, base aid shall be the total of base aid, minimum aid, foundation aid, equity aid, overburden aid, and choice aid all from fiscal year two thousand and one. Beginning in fiscal year two thousand and three, ‘base aid’ shall be the sum of base aid, minimum aid, adjustment aid, and foundation aid, all from the previous fiscal year.

Section 6. Said section 2 of said Chapter 70 is hereby further amended by inserting in the sixth paragraph, line 40, ‘technology allotment’ after the phrase ‘extraordinary maintenance allotment’.

Section 7. Said section 2 of said Chapter 70 is hereby further amended by striking paragraphs 14 and 15, encompassing lines 104 to 112, inclusive.

Section 8. Said section 2 of said Chapter 70 is hereby further amended by striking the nineteenth paragraph, encompassing lines 134 to 136, inclusive, and inserting in its place the following:—

‘Foundation aid’, for each district, the positive difference, if any, between the foundation budget and the sum of the preliminary local contribution, base aid, minimum aid, and adjustment aid. For regional and vocational districts, foundation aid shall be allocated among member municipalities.

Section 9. Said section 2 of said Chapter 70 is hereby further amended by striking the twenty-ninth paragraph, encompassing lines 241 to 247, inclusive.

Section 10. Said section 2 of Chapter 70 is hereby further amended after the thirty-first paragraph and inserting the following:

‘Foundation inflation index’, in fiscal year two thousand and two, the foundation inflation index shall equal 1.2325352. In any fiscal year after two thousand and two, the foundation inflation index shall equal the prior year’s foundation inflation index multiplied by the maximum of (a) one plus the percentage increase in the implicit price deflator for state and local government purchases between the first quarter of the prior fiscal year and the first quarter of the year two years prior, and (b) 1.045.

Section 11. Said section 2 of Chapter 70 is hereby further amended by striking the fortieth paragraph, encompassing lines 349 to 357, inclusive, and inserting in its place the following:

‘General revenue sharing aid’, the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed pursuant to Section seventeen of chapter fifty-eight, (2) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of Section thirty-five of chapter ten, and (3) additional assistance, so-called, as distributed pursuant to Section eighteen E of chapter fifty-eight.

Section 12. Said section 2 of Chapter 70 is hereby further amended by striking paragraphs 41 to 43, encompassing lines 358 to 394, inclusive.

Section 13. Said section 2 of Chapter 70 is hereby amended by striking the forty-fifth paragraph, encompassing lines 405-409, inclusive, and inserting in its place the following:—

‘Minimum aid’, in fiscal year two thousand and two, minimum aid shall equal fifty dollars multiplied by foundation enrollment plus the product of the adjustment factor and the change in the foundation budget; provided, that any regional school district which received supplemental aid in excess of the statewide average for such aid in fiscal year 2001 shall have the amount of such supplemental aid added to its minimum aid for fiscal year 2002. In fiscal year two thousand and three and beyond, minimum aid shall equal the product of the adjustment factor and the change in the foundation budget.

Section 14. Said section 2 of Chapter 70 is hereby amended by striking the forty-sixth paragraph, encompassing lines 410-420, inclusive.

Section 15. Said section 2 of Chapter 70 is hereby amended by striking the forty-seventh paragraph of Chapter 70 and inserting in its place the following:

‘Municipal revenue growth factor’, the change in local general revenues calculated by subtracting one from the quotient calculated by dividing the sum of (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to one hundred two and one-half per cent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last three available years as certified by the department of revenue or as otherwise estimated by the division of local services of the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by two and one-half per cent; provided, however, that if the highest percentage during such three years exceeds the average of the other two years’ percentages by more than two percentage points, then the lowest three of the last four years shall be used for such calculation; (2) the amount of general revenue sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by said division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of (1) the actual levy limit for the

prior fiscal year; (2) the amount of general revenue sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by such division of municipal services to be associated with the provision of specific municipal services budgeted by the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that for the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June thirtieth, nineteen hundred and ninety-three; provided, further, that in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to one hundred two and one-half percent plus the average of the percentage increases in the levy limit due to new growth as specified above; provided, further, that such factor shall not be greater than the minimum of six point seven-five percent or one point five times the statewide growth rate in local general revenues; and, provided, further, that in making any of the calculations required by this definition, said division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate preliminary local contribution, and any other factor that directly or indirectly uses the municipal growth factor.

Section 16. Said section 2 of Chapter 70 is hereby amended by striking the forty-ninth paragraph, encompassing lines 483 to 484, inclusive.

Section 17. Said section 2 of Chapter 70 is hereby amended by striking the fiftieth paragraph, encompassing lines 485 to 504, inclusive, and inserting in its place the following:

'Preliminary local contribution", in fiscal year two thousand and two, the prior year's net minimum contribution, plus the prior year's excess debt if said amount was used to reduce the required local contribution in the prior fiscal year, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.2 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution. In fiscal year two thousand and three, the prior year's preliminary local contribution, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.1 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution. In fiscal year two thousand and four, the prior year's preliminary local contribution, multiplied by one plus the municipal revenue growth factor; provided that the preliminary local contribution cannot be greater than the maximum of (A) 2.0 times the state average implicit tax rate multiplied by the municipality's adjusted equalized property value, and (B) the prior year's local contribution.

Section 18. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-first paragraph the following new paragraphs:—

'Relative adjusted property valuation per pupil', the adjusted property valuation per pupil divided by the state average adjusted property valuation per pupil.

'Relative per capita income', a municipality's per capita income divided by statewide per capita income, both as reported by the department of revenue, averaged over the three most recent years for which data is available.

Section 19. Said section 2 of said Chapter 70 is hereby further amended by striking the paragraphs 53 to 55, encompassing lines 511 to 522, inclusive.

Section 20. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-third paragraph the following new paragraph:

'State average implicit tax rate', in fiscal year two thousand and two, the total of fiscal year two thousand and one net minimum contribution divided by total adjusted property valuation. Beginning in fiscal year two thousand and three, the statewide total of the prior year's preliminary local contribution divided by the statewide total adjusted property valuation.

Section 21. Said section 2 of said Chapter 70 is hereby further amended by inserting after the fifty-fifth paragraph the following new paragraphs:

'Technology allotment', the amounts allotted within a district's foundation budget for technology expenditures in any fiscal year. For the purposes of this definition, technology investments shall include purchases of computer hardware, infrastructure improvements for networks, software, software licenses and connectivity charges but shall not include professional development costs or salaries of personnel. Beginning in fiscal year two thousand and three, the technology allotment for the base year foundation budget shall be the sum of: twenty-five dollars multiplied by the sum of the foundation elementary enrollment, the foundation bilingual enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, and the foundation vocational enrollment.

'Total chapter 70 aid', the sum of base aid, minimum aid, foundation aid, and adjustment aid.

Section 22. Section 3 of said Chapter 70 of the General Laws is hereby amended by striking the third paragraph and inserting the following:—

Following fiscal year nineteen hundred and ninety-four, the foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in Section two. The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the foundation inflation index defined in Section two. Said factors to be inflated shall be the monetary values for the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program allotment, extraordinary maintenance allotment, book and equipment allotment, and technology allotment, as said terms are used in section two.

Section 23. Section 3A of said Chapter 70 of the General Laws is hereby amended in lines 5-6 by striking the words 'required minimum' and inserting in place thereof, the following:— adjusted.

Section 24. Section 5 of said Chapter 70 of the General Laws is hereby repealed.

Section 25. Section 6 of said Chapter 70 of the General Laws is hereby amended in line 6 by striking the words 'required minimum' and inserting in place thereof the word:— adjusted.

Section 26. Said section 6 of said Chapter 70 is hereby further amended in line 8 by striking the words 'but not including equity aid'.

Section 27. Section 7 of said Chapter 70 of the General Laws is hereby repealed.

Section 28. Section 9 of said Chapter 70 of the General Laws is hereby amended by inserting after the words 'extended programming' in the first paragraph the following words:— technology allotment.

Section 29. Said Chapter 70 of the General Laws is hereby further amended by striking section 10 in its entirety and inserting in its place the following:—

Section 10. Subject to appropriation, the amount of state aid to be paid to each municipality in each fiscal year under this chapter shall be the total chapter 70 aid to which the municipality may be entitled under the provisions of this chapter. The amount of aid paid to each district shall be identified separately for each municipality that is a member of the district.

Section 30. Section 12 of said Chapter 70 of the General Laws is hereby amended by striking paragraphs (b) and (c) and inserting the following:

(b) The education improvement amount shall be an amount of additional state school aid needed to fulfill the requirements of the definitions and calculations set forth in Sections two, sixteen, seventeen and eighteen of this chapter.

Section 31. Said section 2 of Chapter 70, as appearing in the 1998 Official Edition, is hereby further amended by inserting in the twenty-third paragraph, 'technology allotment' after the phrase 'extraordinary maintenance allotment'.

Section 32. Sections 3 and 31 of this act shall take effect on July 1, 2002, for that fiscal year and the fiscal years thereafter. All other sections of this act shall become effective July 1, 2001" and by striking out section 3 in its entirety and inserting in place thereof the following new section:—

Section 3. 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, for the fiscal year ending June 30, 2002, the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of clause (c) of the second paragraph of Section 35 of chapter 10 of the General Laws, shall be $790,000,000 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the Local Aid Fund; provided further, that the total amount of lottery distribution in fiscal year 2001 shall be considered 'general revenue sharing aid received for the prior fiscal year' for purposes of calculating the municipal revenue growth factor pursuant to the provisions of chapter 70 of the General Laws.

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, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 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 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. Notwithstanding the provisions of Section 2 of chapter 70 of the general laws, as so amended, or the provisions of any other general or special law to the contrary, for fiscal year 2002 the total chapter 70 aid amount distributed to each city, town, regional school district,

independent agricultural school, or county maintaining an agricultural school shall be not less than the amount of such aid provided in fiscal year 2001, increased by one-time supplemental aid of 75 dollars multiplied by foundation enrollment. This supplemental aid shall not be considered any part of total chapter 70 aid in the fiscal year 2003 calculation of base aid as defined in section 2 of chapter 70 of the general laws, as amended by this act.

Notwithstanding the provisions of said section 2 of said chapter 70, in the calculation of the foundation budget, for fiscal year 2002 wage adjustment factor calculations that result in an amount less than one shall be increased by 50 percent of the difference between such amount and one. 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.

Notwithstanding the definition of 'Net school spending' in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2002, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control.

Notwithstanding any general or special law to the contrary, the Southern Worcester County Regional Vocational School District shall be considered to have met the net school-spending requirement for fiscal year 2000 mandated in sections 6 and 11 of chapter 70 of the general laws.

Notwithstanding any general or special law to the contrary, any Chapter 70 school aid amount allocated to any school district for fiscal year 2002 in excess of the amount that appeared in section 3 of House Bill 1 shall be made available to the district's school committee for expenditure without further local appropriation upon the request of the school committee and the vote of the local appropriation authority as defined in section 21C of Chapter 59 of the General Laws, following a recommendation of the local appropriation, finance, or advisory committee, if any.

Notwithstanding the provisions of any general or special law to the contrary, the sum appropriated in item 7061-0022 of section 2 shall be for disbursement to certain cities and towns as provided in said item and in this section.

The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Abington 6,901,163 - - 2,098,227

Acton 2,703,615 - 37,368 1,426,505

Acushnet 5,123,626 - 30,043 1,611,083

Adams - - 44,096 2,048,959

Agawam 12,089,093 - - 3,741,797

Alford - - - 15,382

Amesbury 10,035,827 - - 2,105,744

Amherst 5,870,692 92,254 280,503 8,214,377

Andover 6,258,018 - - 1,883,305

Aquinnah - - - 2,253

Arlington 6,003,473 - 5,652,310 4,570,485

Ashburnham - - - 712,824

Ashby - - - 417,659

Ashfield 120,206 - - 171,470

Ashland 2,856,170 - 366,937 1,088,811

Athol - - 5,507 2,300,847

Attleboro 25,084,766 - - 5,825,633

Auburn 4,872,144 - - 1,750,626

Avon 734,057 - 504,148 413,733

Ayer 4,466,750 49,964 55,642 779,155

Barnstable 8,142,321 189,880 - 2,157,537

Barre 14,346 - - 809,697

Becket 91,001 - 10,797 78,555

Bedford 2,488,146 - 609,391 837,296

Belchertown 8,354,288 - - 1,572,684

Bellingham 8,115,368 - - 1,928,621

Belmont 3,566,619 - 1,041,278: 1,812,279

Berkley 4,275,079 - - 572,766

Berlin 622,299 - - 226,559

Bernardston - - - 267,120

Beverly 7,634,028 - 3,086,077 4,160,444

Billerica 15,479,511 - 2,956,313 4,323,143

Blackstone 147,065 - - 1,349,878

Blandford - - - 120,646

Bolton - - - 188,649

Boston 205,643,520 6,086,219 206,638,214 64,376,280

Bourne 3,700,735 - 443,645 1,242,239

Boxborough 1,405,120 - - 247,289

Boxford 1,732,048 - 45,818 480,146

Boylston 482,638 - - 361,462

Braintree 6,071,963 - 4,250,822 3,329,346

Brewster 1,047,849 - - 405,584

Bridgewater 139,108 - - 3,343,030

Brimfield 1,103,806 - - 370,458

Brockton 102,359,408 1,206,040 5,424,063 18,704,606

Brookfield 1,638,293 - - 502,324

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Brookline 6,152,561 - 4,401,448 4,030,440

Buckland 7,971 - - 276,910

Burlington 4,574,422 - 1,744,603 1,625,305

Cambridge 8,573,894 424,779 22,595,349 8,128,229

Canton 3,258,943 - 1,104,851 1,506,222

Carlisle 733,484 - 18,534 223,815

Carver 9,182,737 - - 1,503,265

Charlemont 87,835 - - 165,590

Chariton - - - 1,302,620

Chatham 560,157 - - 176,731

Chelmsford 8,524,099 - 3,190,395 3,297,956

Chelsea 39,868,727 627,107 4,274,507 5,677,474

Cheshire 257,918 - - 546,516

Chester - - - 167,102

Chesterfield 141,978 - - 126,277

Chicopee 36,496,590 436,033 1,504,526 10,190,268

Chilmark - - - 4,024

Clarksburg 1,347,576 - 16,502 363,876

Clinton 9,470,826 68,636 220,865 2,288,050

Cohasset 1,434,091 - 209,013 435,175

Colrain - - - 234,953

Concord 1,938,698 - 483,163 974,921

Conway 698,832 - - 167,386

Cummington 45,530 - - 73,476

Dalton 283,774 - - 1,011,964

Danvers 4,229,852 - 1,408,080 2,057,091

Dartmouth 7,628,544 - - 2,648,195

Dedham 3,883,393 - 1,950,847 2,264,010

Deerfield 768,744 - - 503,356

Dennis - - - 564,083

Devens 217,800 - - -

Dighton - - - 718,856

Douglas 5,996,270 - - 705,688

Dover 420,964 - - 213,816

Dracut 13,283,227 - - 3,694,031

Dudley - - - 1,561,788

Dunstable - - 37,846 199,511

Duxbury 3,386,125 - - 983,654

East Bridgewater 8,858,997 - - 1,544,145

East Brookfield 45,038 - - 285,287

East Longmeadow 4,276,313 - - 1,388,260

Eastham 312,330 - - 154,653

Easthampton 7,497,383 51,925 137,004 2,749,863

Easton 7,044,681 - - 2,250,543

Edgartown 405,798 - 35,873 49,047

Egremont - - - 66,549

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Erving 306,667 10,487 16,548 65,321

Essex - - 42,569 243,352

Everett 17,147,131 284,095 5,139,628 3,645,833

Fairhaven 7,209,249 - 492,569 2,094,822

Fall River 82,976,964 1,050,691 2,882,862 23,114,435

Falmouth 5,429,350 - - 1,457,634

Fitchburg 36,035,522 543,379 270,312 8,645,857

Florida 521,100 - - 53,255

Foxborough 6,612,668 - - 1,623,387

Framingham 9,909,754 334,827 5,911,189 6,607,399

Franklin 19,332,688 - - 2,560,236

Freetown 1,163,791 - - 1,010,689

Gardner 15,915,759 99,587 151,944 4,175,018

Georgetown 3,199,931 - 66,691 712,216

Gill - - - 221,221

Gloucester 6,742,413 116,639 2,419,911 2,705,967

Goshen 89,344 - - 71,292

Gosnold 7,025 - 2,469 561

Grafton 5,109,492 - - 1,629,445

Granby 3,218,826 - - 863,843

Granville 823,009 - - 143,387

Great Barrington - - - 812,464

Greenfield 9,840,711 125,592 - 3,169,915

Groton - - - 757,318

Groveland - - - 683,200

Hadley 755,697 - 174,084 334,802

Halifax 2,326,844 - - 955,331

Hamilton - - 53,967 635,909

Hampden - - - 613,358

Hancock 120,611 - 22,195 39,067

Hanover 4,130,414 - 1,669,092 1,121,349

Hanson - - - 1,308,548

Hardwick - - 4,062 401,901

Harvard 1,431,926 - 69,324 1,966,939

Harwich 1,756,270 - - 450,810

Hatfield 679,884 - - 319,894

Haverhill 34,236,033 291,428 3,149,881 8,167,869

Hawley 20,255 - 16,264 29,241

Heath - - - 65,593

Hingham 3,957,672 - 420,485 1,448,333

Hinsdale 96,953 - - 214,351

Holbrook 4,562,494 - 5,987 1,636,152

Holden 138,529 - - 1,737,157

Holland 835,373 - - 183,518

Holliston 7,046,508 - 518,826 1,298,929

Holyoke 59,566,673 735,988 763,384 9,742,015

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Hopedale 4,959,067 - - 678,670

Hopkinton 3,954,001 - 151,365 668,125

Hubbardston - - - 352,518

Hudson 6,471,015 - - 2,176,648

Hull 4,535,666 33,679 1,747,307 1,153,410

Huntington - - - 318,253

Ipswich 2,394,816 - 975,780 1,067,669

Kingston 2,948,307 - - 966,527

Lakeville 1,958,125 - - 800,013

Lancaster - - - 923,297

Lanesborough 659,411 - - 370,390

Lawrence 104,250,079 1,447,505 239,970 20,328,642

Lee 1,904,297 24,811 - 685,113

Leicester 8,444,132 - - 1,809,360

Lenox 1,342,091 - 90,787 565,865

Leominster 29,426,505 229,015 14,714 5,719,443

Leverett 283,606 - - 183,900

Lexington 6,127,796 - - 1,661,106

Leyden - - - 74,108

Lincoln 585,855 - 367,459 494,747

Littleton 1,635,310 - 207,535 598,267

Longmeadow 4,237,673 - - 1,409,154

Lowell 101,973,684 1,314,580 7,978,998 20,947,303

Ludlow 10,000,999 - - 2,864,747

Lunenburg 3,808,854 - - 1,124,550

Lynn 95,018,229 1,263,081 11,926,220 15,391,946

Lynnfield 2,077,757 - 455,892 805,287

Malden 24,015,004 303,449 7,030,168 8,903,343

Manchester - - - 255,705

Mansfield 9,184,502 - 912,368 1,546,916

Marblehead 2,967,479 - 49,583 1,224,900

Marion 411,475 - - 237,430

Marlborough 6,667,193 - 3,433,241 3,326,244

Marshfield 11,796,184 - 255,142 2,188,232

Mashpee 4,630,012 - - 284,687

Mattapoisett 594,956 - - 443,657

Maynard 2,639,274 - 738,519 1,198,614

Medfield 3,159,049 - 937,000 906,507

Medford 12,599,066 135,994 8,094,393 7,638,572

Medway 6,181,740 - 235,317 1,073,937

Melrose 6,273,310 - 3,402,865 3,323,977

Mendon - - - 398,691

Merrimac - - - 778,876

Methuen 25,484,960 292,622 205,147 5,508,219

Middleborough 14,285,855 - - 2,572,937

Middlefield - - - 44,005

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Middleton 1,030,418 - 159,272 366,081

Milford 12,482,281 - - 3,270,536

Millbury 5,592,300 - - 1,851,790

Millis 2,273,150 - 403,862 847,160

Millville 51,204 - - 357,567

Milton 3,937,351 - 1,566,851 2,486,073

Monroe 34,300 - 17,526 7,566

Monson 5,495,502 - - 1,285,573

Montague - - - 1,253,513

Monterey - - 15,777 37,085

Montgomery - - - 85,831

Mount Washington 11,633 - 41,886 3,364

Nahant 463,054 - 157,791 316,867

Nantucket 993,435 - - 79,634

Natick 5,092,996 - 2,444,348 2,467,388

Needham 4,515,016 - 259,216 1,692,609

New Ashford 48,420 - 9,203 9,629

New Bedford 91,123,649 1,284,397 901,313 24,187,263

New Braintree - - - 115,722

New Marlborough - - - 57,627

New Salem - - - 94,273

Newbury - - - 474,274

Newburyport 3,492,276 - 1,736,621 1,622,445

Newton 11,673,841 - 1,732,789 5,276,608

Norfolk 3,013,086 - - 1,008,355

North Adams 13,328,733 139,149 233,872 4,506,729

North Andover 4,864,764 - 151,695 1,953,537

North Attleborough 15,276,094 - - 3,030,521

North Brookfield 4,002,415 - - 845,587

North Reading 3,113,935 - 1,189,787 1,099,274

Northampton 7,504,628 90,294 727,239 4,124,795

Northborough 3,050,882 - 76,900 1,097,299

Northbridge 11,180,817 84,069 3,865 2,369,442

Northfield - - - 310,045

Norton 10,078,676 - - 2,142,552

Norwell 2,303,984 - 680,878 697,424

Norwood 4,311,409 - 3,354,660 2,721,756

Oak Bluffs 626,594 - - 75,409

Oakham 59,437 - - 175,558

Orange 5,375,262 81,426 2,661 1,662,997

Orleans 274,940 - - 191,196

Otis - - - 30,444

Oxford 8,420,824 - - 2,207,749

Palmer 9,784,564 64,373 - 1,916,724

Paxton 34,270 - - 475,056

Peabody 15,127,285 - 3,951,625 5,098,322

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Pelham 147,330 - - 154,592

Pembroke 4,883,733 - - 1,748,942

Pepperell - - - 1,320,698

Peru 39,698 - - 106,428

Petersham 218,901 - - 112,491

Phillipston - - 5,519 165,719

Pittsfield 28,809,124 300,721 1,107,722 7,996,033

Plainfield 53,077 - - 44,586

Plainville 2,033,819 - - 783,802

Plymouth 20,865,095 - - 3,931,132

Plympton 584,863 - - 249,003

Princeton - - - 309,814

Provincetown 309,126 - 27,912 148,535

Quincy 14,928,904 308,906 14,555,556 10,789,873

Randolph 11,855,893 153,899 2,297,597 3,960,111

Raynham 375 - - 1,150,994

Reading 6,027,102 - 1,931,472 2,196,262

Rehoboth - - - 951,273

Revere 23,569,544 396,045 6,712,698 6,356,837

Richmond 387,178 - - 118,337

Rochester 1,113,729 - - 430,282

Rockland 10,095,383 - 496,221 2,513,204

Rockport 1,430,497 - - 470,972

Rowe 53,056 - - 4,437

Rowley - - 143,746 468,796

Royalston - - - 148,694

Russell - - - 229,744

Rutland 11,119 - - 788,908

Salem 12,568,269 250,331 4,151,021 4,284,711

Salisbury - - - 641,630

Sandisfield 7,986 - - 30,583

Sandwich 5,001,246 - 111,247 979,176

Saugus 4,431,054 - 2,245,040 2,388,623

Savoy 366,302 - 17,367 101,893

Scituate 3,783,858 - 1,101,119 1,468,942

Seekonk 3,747,752 - - 1,262,079

Sharon 5,344,594 - 78,642 1,429,223

Sheffield - - 15,023 226,825

Shelburne - - - 267,163

Sherborn 406,346 - 26,364 213,892

Shirley 3,804,005 - 233,500 1,191,705

Shrewsbury 7,590,859 - 376,077 2,522,690

Shutesbury 539,725 - - 152,370

Somerset 3,297,094 - - 1,482,310

Somerville 24,425,222 528,628 20,410,649 12,757,415

South Hadley 6,622,425 - 25,437 2,614,075

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

Southampton 2,085,114 - - 587,825

Southborough 2,165,135 - - 438,760

Southbridge 13,625,382 134,885 - 3,609,143

Southwick - - - 1,118,016

Spencer 229,259 - - 2,137,430

Springfield 201,869,554 2,564,445 2,302,181 34,660,221

Sterling - - - 712,152

Stockbridge - - - 111,399

Stoneham 3,412,181 - 2,553,177 2,287,185

Stoughton 10,158,884 - 129,781 3,459,768

Stow - - 8,776 439,789

Sturbridge 1,355,293 - - 778,924

Sudbury 2,837,016 - 807,321 928,198

Sunderland 792,318 - - 481,357

Sutton 4,385,244 - - 790,654

Swampscott 2,597,691 - 443,359 1,065,702

Swansea 5,216,445 - - 1,967,345

Taunton 34,675,346 244,960 - 9,057,327

Templeton - - - 1,256,943

Tewksbury 11,273,348 - - 3,032,625

Tisbury 367,544 - - 109,109

Tolland - - 12,413 5,940

Topsfield 706,523 - 318,725 441,263

Townsend - - - 1,205,444

Truro 261,971 - - 31,381

Tyngsborough 6,317,346 - - 950,736

Tyringham 36,592 - - 13,617

Upton - - - 512,950

Uxbridge 8,028,976 - - 1,479,808

Wakefield 4,957,096 - 1,809,635 2,469,557

Wales 656,773 - - 229,278

Walpole 5,350,833 - 1,112,115 1,985,400

Waltham 7,221,101 189,880 6,869,270 5,688,491

Ware 7,133,991 73,666 19,199 1,710,791

Wareham 11,806,891 155,007 - 2,178,585

Warren - - - 732,635

Warwick - - 36,354 84,269

Washington 14,867 - 29,889 70,299

Watertown 3,026,587 - 5,571,114 3,193,585

Wayland 2,863,221 - 352,813 729,573

Webster 7,163,696 94,556 78,026 2,484,645

Wellesley 3,700,744 - 121,858 1,386,296

Wellfleet 147,990 - - 65,609

Wendell - - 32,131 131,155

Wenham - - 175,913 341,609

West Boylston 2,663,786 - 85,259 711,468

7061-0022 0611-5500

7061-0008 Reduce Additional Lottery

Municipality Chapter 70 Class Size Assistance Distribution

West Bridgewater 1,963,970 - 59,411 659,148

West Brookfield - - - 468,370

West Newbury - - - 299,821

West Springfield 13,223,951 168,991 - 3,405, 642

West Stockbridge - - - 109,108

West Tisbury - - 229,569 36,795

Westborough 3,495,090 - 182,536 1,026,188

Westfield 27,038,415 216,226 - 6,066,958

Westford 10,325,011 - 1,126,887 1,430,279

Westhampton 351,052 - - 142,033

Westminster - - - 644,366

Weston 1,709,187 - - 413,171

Westport 3,611,063 - - 1,340,880

Westwood 2,657,744 - 45,632 757,529

Weymouth 19,542,486 - 3,050,391 7,666,181

Whately 161,424 - - 127,127

Whitman - - - 2,302,256

Wilbraham - - - 1,285,811

Williamsburg 459,252 - - 323,252

Williamstown 1,101,138 - - 994,868

Wilmington 4,314,695 - 1,578,564 1,490,597

Winchendon 10,153,739 60,877 31,919 1,634,851

Winchester 3,692,027 - 433,387 1,340,776

Windsor 41,640 - 35,260 64,992

Winthrop 4,969,833 - 2,878,558 2,682,211

Woburn 5,853,993 - 4,513,710 3,357,127

Worcester 148,820,513 1,980,055 14,860,192 32,224,133

Worthington - - - 113,446

Wrentham 3,190,460 - - 1,009,435

Yarmouth - - - 1,288,221

Total Aid To

Regional Schools 533,421,629 563,928

Total 3,211,011,883 28,000,000 476,315,282 790,000,000

7061-0022

7061-0008 Reduce

Regional School Chapter 70 Class Size

Acton Boxborough 3,543,341 -

Adams Cheshire 9,820,526 67,784

Amherst Pelham 9,419,187 -

Ashburnham Westminster 8,748,431 -

Assabet Valley 3,061,363 -

Athol Royalston 15,673,950 99,587

7061-0022

7061-0008 Reduce

Regional School Chapter 70 Class Size

Berkshire Hills 3,296,065 29,842

Berlin Boylston 950,607 -

Blackstone Millville 10,239,694 -

Blackstone Valley 5,662,026 -

Blue Hills 3,978,249 -

Bridgewater Raynham 19,367,235 -

Bristol County 1,604,548 -

Bristol Plymouth 5,596,847 -

Cape Cod 2,222,532 -

Central Berkshire 8,571,656 -

Chesterfield Goshen 649,685 -

Concord Carlisle 1,765,444 -

Dennis Yarmouth 7,424,134 132,584

Dighton Rehoboth 10,772,482 -

Dover Sherborn 1,423,318 -

Dudley Charlton 18,270,889 -

Essex County 3,677,657 -

Farmington River 451,030 -

Franklin County 2,528,611 -

Freetown Lakeville 5,670,219 -

Frontier 2,496,580 -

Gateway 7,014,535 -

Gill Montague 6,441,408 59,684

Greater Fall River 11,025,476 -

Greater Lawrence 14,330,570 -

Greater Lowell 15,353,901 -

Greater New Bedford 18,529,368 -

Groton Dunstable 9,093,386 -

Hamilton Wenham 3,474,402 -

Hampden Wilbraham 9,624,453 -

Hampshire 2,445,668 -

Hawlemont 830,422 13,215

King Philip 5,062,139 -

Lincoln Sudbury 2,140,051 -

Manchester Essex 1,673,102 -

Martha's Vineyard 2,236,897 -

Masconomet 4,349,058 -

Mendon Upton 6,599,227 -

Minuteman 2,478,965 -

Mohawk Trail 7,872,951 42,632

Montachusett 7,220,991 -

Mount Greylock 2,053,205 -

Narragansett 7,672,617 -

Nashoba 6,435,868 -

Nashoba Valley 2,520,362 -

Nauset 3,903,031 -

7061-0022

7061-0008 Reduce

Regional School Chapter 70 Class Size

New Salem Wendell 746,547 10,487

Norfolk County 750,707 -

North Middlesex 20,590,993 -

North Shore 1,765,619 -

Northampton Smith 916,402 -

Northboro Southboro 1,891,355 -

Northeast Metropolitan 6,837,714 -

Northern Berkshire 3,127,120 -

Old Colony 2,308,144 -

O1d Rochester 1,925,410 -

Pathfinder 2,444,202 -

Pentucket 11,803,765 -

Pioneer 3,997,515 23,276

Quabbin 14,361,326 -

Quaboag 7,690,781 -

Ralph C. Mahar 3,849,171 -

Shawsheen Valley 3,907,905 -

Silver Lake 10,860,524 -

South Middlesex 2,678,847 -

South Shore 2,228,560 -

Southeastern 9,071,443 -

Southern Berkshire 2,125,273 25,579

Southern Worcester 5,156,415 -

Southwick Tolland 7,248,894 -

Spencer East Brookfield 11,354,334 59,258

Tantasqua 6,544,988 -

Tri County 3,662,306 -

Triton 9,009,855 -

Upisland 962,954 -

Upper Cape Cod 2,338,788 -

Wachusett 18,280,981 -

Whitman Hanson 19,841,632 -

Whittier 5,872,800 -

Regional Total 533,421,629 563,928

After remarks, the amendment was *rejected.*

Messrs. Magnani and Lynch, Ms. Tucker and Mr. Travaglini moved to amend the bill in section 2, in item 1599-0042, by adding the following words:— "; provided, that the office of child care services jointly with the department of education, the advisory committee to the office of child care services, the state advisory council in early care and education to the department of education, the Early Intervention Interagency Coordinating Council, the advisory council to the state Head Start coordinator, the state board of higher education, and other relevant parties identified by the named participants, shall jointly prepare a proposal for the establishment of a career ladder program consisting of a comprehensive professional career path linking education, training and experience towards the achievement of early care and education or school age child care certifications, associate's, bachelor's or postgraduate degrees, that is directly connected to compensation guidelines; provided further, that the proposal shall include an evaluation of the costs to the commonwealth and child care providers of implementing the career ladder program; provided further, that the proposal shall include an evaluation and assessment of potential incentives, including the feasibility and desirability of implementing the potential incentives, for child care providers to seek and receive national accreditation appropriate to individual programs within 5 years; and provided further, that the report shall be submitted to the house and senate committees on ways and means within 90 days of the passage of this act".

The amendment was adopted.

There being no objection, the Senate, on motion of Mr. Havern, considered that no action had been taken on the amendment, previously moved by Mr. Havern, 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 $5,764 shall be expended for 1 assistant clerk magistrate currently assigned to the court who shall be designated in charge of 6-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established by the chief justice of administration and management but not subject to clause (xxiii) of section 9 of chapter 211B of the General Laws .....2,670,239",

which had been previously *rejected* by the Senate.

The Senate then adopted the amendment.

There being no objection, the Senate, on motion of Mr. Shannon, considered that no action had been taken on the amendment, previously moved by Mr. Shannon in section 2, in item 6010-0001 by adding the following words:— "; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, the commissioner of highways shall reduce by $100,000 the administrative costs within the district 4 office, situated in the town of Arlington, in the AA personnel subsidiary account; provided further, that the district 4 office shall file monthly reports with the commissioner's office and biannual reports to the senate ways and means committee detailing the work performance and accomplishments of the district 4 office, with the first such report due by December 31, 2001"; and by striking out the figure "$51,504,037" and inserting in place thereof the following figure:— "$51,404,037", which had been previously *rejected* by the Senate.

Mr. Shannon then offered the following redrafted amendment in section 2, in item 6010-0001, by adding the following words:— "; provided further, that the district office of the department shall file bi-monthly reports with the commissioner's office and quarterly reports to the house and senate committees on ways and means detailing the scope of work performed, including but not limited to, a daily work log, complaints received and resolutions of the complaints, and overall weekly accomplishments of the district four office; and provided further, that the first such report shall be due by July 15, 2001 to the office of the commissioner and by September 30, 2001 to the house and senate committees on ways and means and continuing for a period of 24 months".

The redrafted amendment was adopted.

There being no objection, the Senate, on motion of Ms. Creem, considered that no action had been taken on the amendment, previously moved by Ms. Creem in section 2, in item 6000-0100, by adding the following words:— "; provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall increase parking spaces at the Waban station in the city of Newton; provided further, that the increase in parking spaces shall correspond to the Authority's 1990 Waban station parking upgrade proposal, developed in cooperation with the planning department of the city of Newton; and provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall install a change and token vending machine at the Waban station in the city of Newton, not later than 60 days after the passage of this act", which had been previously *rejected* by the Senate.

The Senate then adopted the amendment.

Mr. Tarr moved to amend the bill in section 2, in item 7511-0100, by adding the following words:— "; provided further, that not less than $490,000 be provided for operational costs associated with post-secondary programs of the college located at the Essex

agricultural and technical institute"; and by striking out the figure "21,158,717" and inserting in place thereof the following figure:— "21,648,717".

The amendment was *rejected*.

Messrs. Tarr and Lynch moved to amend the bill in section 2, in item 7511-0100, by adding the following words:— "; and provided further, that not less than $1,922,000 be expended to reimburse the Essex Agricultural and Technical Institute for costs associated with capital improvements necessitated for compliance with the Americans with Disabilities Act as well as building and fire code regulations."; and by striking out the figure "$21,158,717" and inserting in place thereof the following figure:— "$23,080,717".

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, in item 7511-0100, by inserting after the word "College", in line 3, the following words:— "; provided further, that $490,000 shall be expended for classroom lease space at the Essex Independent Agricultural and Technical Institute, as mandated by section 22 of chapter 74A of the General Laws"; and by striking out the figure "$21,158,717" and inserting in place thereof the following figure:— "$21,648,717".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by inserting after section 17B (inserted by amendment) the following two sections:—

"SECTION 17C. Subsection (a) of section 15 of chapter 32B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word 'its', in line 4, the following words:— active or retired.

SECTION 17D. Said subsection (a) of said section 15 of said chapter 32B, as so appearing, is hereby further amended by inserting after the word 'its', in line 9, the following words:— active or retired."

The amendment was adopted.

Ms. Creem and Messrs. Lynch and Joyce moved to amend the bill in section 2, in item 9110-1636, by inserting after the words "elder-at-risk program;" the following words:— "provided, that $500,000 shall be expended for guardianship services,".

The amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 46B (inserted by amendment) the following section:—

"SECTION 46C. There shall be a special commission to investigate and study the calculation of superannuation retirement allowances for members classified as Group 1 under chapter 32 of the General Laws. The investigation and study shall include, but not be limited to, an analysis of alternative calculations of said allowances, including comparison of member eligibility, vesting, portability, the contribution rate of members, other benefits, and the effects on accrued liabilities and costs attributable to such alternative calculations. The commission shall consist of 9 members as follows: the house and senate chairmen of the joint committee on public service, who shall serve as co-chairs of the commission; the house and senate chairmen of the committees on ways and means, or their designees; a representative of the Massachusetts Municipal Association; a representative of the Massachusetts Association of Contributory Retirement Systems; the chairmen of the State Teachers' Retirement Board and the State Retirement Board, or their designees; and, the chairman of the Public Employee Retirement Administration Commission, or his designee. The commission shall report to the general court the results of its study, together with its recommendations and draft legislation necessary to carry the recommendations into effect, by filing the same with the clerk of the house of representatives on or before December 31, 2001."

The amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 46C (inserted by amendment) the following section:—

"SECTION 46D. There shall be a special commission to study the need for a governor's residence, to study the cost of establishing and maintaining a governor's residence, and to identify possible locations for a governor's residence. The commission shall consist of the following members: the acting governor or her designee, the president of the senate or his designee, the speaker of the house or his designee, and the commissioner of capital asset management and maintenance. The commission shall report the results of its study and recommendations to the secretary of administration and finance, the clerk of the senate and the clerk of the house of representatives not later than September 15, 2001."

The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were taken up for consideration.

Papers from the House.

Engrossed Bills — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of Chilmark to erect a radio tower on certain conservation land (see House, No. 3963) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at five minutes past nine o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Barry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne-39
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at nine minutes past nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor on Thursday, June 14, for her approbation.

An engrossed Bill authorizing the town of Ashby to grant certain easements (see House, No. 4015) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past nine o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Barry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Jajuga, James P.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Lynch, Stephen F.
Magnani, David P.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
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 eleven minutes past nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor on Thursday, June 14, for her approbation.

An engrossed Bill authorizing the town of Barnstable to convey certain conservation land (see House, No. 3954, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twelve minutes past nine o'clock P.M., as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A.
Barry, Frederick E.
Brewer, Stephen M.
Chandler, Harriette L.
Clancy, Edward J., Jr.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Havern, Robert A.
Hedlund, Robert L.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Shannon, Charles E.

Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne-39
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at fourteen minutes past nine o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the President and laid before the Acting Governor on Thursday, June 14, for her approbation.

Supplemental Appropriation Bill.

The Senate Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 1885),— was read a third time.

Ms. Melconian in the Chair, after remarks, Mr. Jajuga moved to amend the bill in section 2E, in item 7004-0089, by adding the following:— ; and provided further, that not less than $430,000 shall be expended for the restoration and renovation of the James J. Landry Stadium in the town of Amesbury"; and by striking out the figure "$7,895,000" and inserting in place thereof the following figure:— "$8,325,000".

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill by inserting after section 2E the following section:—

"SECTION 2F. Section 103 of chapter 205 of the acts of 1996 is hereby amended by striking out the words 'two thousand and one' and inserting in place thereof the following figure:— 2006."

The amendment was adopted.

Mr. Jajuga moved to amend the bill by inserting after section 2E the following 2 sections:—

"SECTION 2F. Item 8700-7997 in section 2 of chapter 289 of the acts of 1998 is hereby amended by adding the following words:— ; provided, that the funding shall be available directly to the city of Newburyport for the purposes of developing a senior citizen center on the Newburyport armory site.

SECTION 2G. Said item 8700-7997 in said section 2 of said chapter 289 by striking out the figure '$600,000' and inserting in place thereof the following figure:— $1,800,000"; and by inserting after section 6 the following section:—

"SECTION 6A. (a) The commissioner of capital asset management and maintenance, in consultation with the adjutant general of the military division, may execute and deliver on behalf of the commonwealth, subject to such terms and conditions as may be determined by the commissioner in consultation with the division, 1 or more instruments to lease certain land located at the Massachusetts National Guard armory in the city of Newburyport to the city of Newburyport for a term or terms not to exceed 30 years for the construction of a senior citizen center. The lease price to be paid by the city of Newburyport for the parcel shall be the full and fair market value of the land for use as a senior citizen center based upon 1 or more professional appraisals commissioned by the division. The inspector general shall review and approve the appraisal, and the review and appraisal shall include an examination of the methodology utilized for the appraisal. The commissioner shall, 30 days before the execution of any lease or leases authorized by this section, submit the lease, or amendments thereto and a report thereon to the inspector general. The inspector general shall prepare a report of his review and approval of the appraisal, lease or amendments and file the report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days before execution. The lease price paid by the

city of Newburyport for any lease or leases, or any amendments thereof authorized by this section shall be deposited in the general fund of the commonwealth.

(b) The city of Newburyport shall be responsible for all costs associated with any appraisal, survey, or other expense incurred by the commonwealth relating to the lease or leases authorized by this section, and for any costs, liabilities, or expenses of any kind for the development, improvement, maintenance, or operation of the parcel as may be determined by the commissioner.

(c) After the signing of any lease authorized by this section by the city, the city may construct on the parcel a senior citizen center. The construction of the center, and any other construction by the city on the parcel, shall be subject to the provisions of chapters 30 and 149 of the General Laws.

(d) The city of Newburyport shall carry such comprehensive liability insurance, in an amount deemed adequate by the commissioner of the division of capital asset management and maintenance, in consultation with the military division, to protect the commonwealth and the city against personal injuries or property damage occurring on the leased land, within the senior citizen center, or within any other structures built or used by the city on the land during the term of any lease or leases authorized under this section.

(e) If the city of Newburyport has not constructed the senior citizen center on the parcel described in this section within 3 years after the effective date of this section, or in the event the parcel of land ceases to be used at any time for the purposes contained in this section, the parcel together with any improvements thereon shall revert to the commonwealth under the care and control of the military division. Any further disposition of the parcel shall be subject to the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws and must have the prior approval of the general court."

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $45,000 shall be provided as a one-time matching grant for the design of Kelleher dam in the town of Kingston;".

The amendment was *rejected*.

Ms. Walsh moved to amend the bill by inserting after section 1 the following section:—

"SECTION 2.

1310-1000 For the appellate tax board, for the costs associated with industrial accidents, health insurance and unemployment insurance costs .....12,000".

The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2E, in item 0526-0104, by adding the following words:— "; and provided further, that $600,000 shall be expended for the repair and restoration of the Old Meeting House in the town of Ware".

The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2E, in item 0526-0104, by adding the following words:— "; and provided further, that $100,000 shall be expended for the repair and restoration of the Pine Street School/Northfield History Museum in the town of Northfield".

The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $100,000 shall be expended for a study aimed at solving the Woolly Adelgid threat through the use of the natural predator ladybird insect".

The amendment was *rejected*.

Mr. Brewer moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding section 3D of chapter 23A of the General Laws, the towns of Brookfield, East Brookfield and North Brookfield shall comprise as an economic target area, and the economic assistance coordinating council shall exercise its powers and take all actions necessary or appropriate with respect to the economic target area in accordance with said chapter 23A."

The amendment was *rejected*.

Ms. Tucker and Mr. Tisei moved to amend the bill by inserting after section 1 the following section:—

“SECTION 2.

1599-XXXX For a reserve for the special commission established pursuant to section 481 of the chapter 159 of the acts of 2000 for the evaluation of regulatory and licensure requirements in the contracting of state-funded human and social services programs; provided, that said funding shall be made available for the contracting of an independent auditor who shall assist said commission in quantifying the fiscal impact of the current regulatory and licensure system, prior appropriation continued .....100,000”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2E, in item 0526-0104, by adding the following words:— “; and provided further, that not less than $43,000 shall be expended for renovations and restoration of the Engine 8 fire station in the city of Lawrence”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill by inserting after section 1 the following section:—

“SECTION 2.

4130-3500 For the child care services in the Lawrence division of the trial court .....50,000”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— “; and provided further, that not less than $200,000 shall be expended for the repair of 2 culverts located on Hayward street and Westford road in the town of Concord to enable emergency response vehicles to respond to emergency calls”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2E, by inserting after item 4590-9999 the following item:—

“6006-0045 For joint projects with the Massachusetts Port Authority .....1,000,000”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill by inserting after section 1 the following section:—

“SECTION 2.

4190-0100 For the maintenance and operation of the Soldiers’ Home in Holyoke; provided, that not more than $6,279,172 shall be expended for the purpose of installing an air conditioning unit within the Soldiers’ Home in Holyoke .....$6,279,172”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill by inserting after section 2F (inserted by amendment) the following section:—

“SECTION 2G. Section 2A of chapter 236 of the acts of 2000 is hereby amended by striking out item 8800-2000 and inserting in place thereof the following item:—

8800-2000 For a reserve payment to the cities and towns and the department of environmental management which sustained severe damage during tropical storm Floyd; provided, that all expenditures made from this item shall be certified and disbursed by the Massachusetts Emergency Management Agency; and provided further, that any balance remaining after said disbursements are made to said cities and towns shall be made available to the department of environmental management for the repair and upgrading of the Lake Bray dam in the city of Holyoke .....2,230,000”.

The amendment was adopted.

Mr. Knapik moved to amend the bill by inserting after section 2E the following section:—

“SECTION 2F. Item 7506-7960 of section 2 of chapter 267 of the acts of 1995 is hereby amended by adding the following words:— provided, that Holyoke Community College may borrow $5,000,000 through the Massachusetts Health and Educational

Facilities Authority for the planning, design and construction of a new technology building, including the cost of furnishings and equipment, in addition to the amounts authorized in this item."

The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 1 the following:—

"SECTION 2.

4000-0112 For the Billerica Boys and Girls Club .....60,000".

The amendment was *rejected*.

Messrs. Havern and Glodis moved to amend the bill by inserting after section 2E the following section:—

"SECTION 2F. Clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the introductory paragraph and subclause (a) and inserting in place thereof the following introductory paragraph and subclause (a):—

(2) Not less than 90 per cent of the balance then remaining shall be used exclusively —

(a) For expenditure, under the direction of said department, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to the ways and bridges, bikeways and for the engineering expenses associated with such projects, together with any money which any town or county may appropriate for such purposes. The ways, bridges, bikeways and sidewalks shall remain town and county ways, bridges, bikeways and sidewalks. The remaining 10 per cent of the balance may be used in a manner and for the purposes described above or may be used for expenditures, under the direction of said department, for other projects eligible for funding as a transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, public use off-street parking facilities related to mass transportation, expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and for necessary or beneficial improvements to unpaved town and county ways, together with any money which a town or county may appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. No revenue credited to the Highway Fund shall be transferred from said fund to any other fund for any other purpose; provided, however, that such revenue shall be transferred in order to cover fringe benefit costs pursuant to section 5D or subsection (f) of section 6B of chapter 29. The department shall withhold or withdraw the unexpended balance of any funds assigned by it under this subclause (a) if a town fails to comply with the official standards for traffic control established by the department or with any provision of a traffic control agreement negotiated between the department and a town, as required by the United States Secretary of Commerce under 23 U.S.C. 109. In this subclause, the word 'town' shall include city."

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $400,000 shall be made available to address drainage and flooding and to enhance recreational opportunity at Ell pond in the city of Melrose and the surrounding communities"; and by striking out the figure $3,670,000" and inserting in the place thereof the following:— "$4,070,000".

The amendment was *rejected*.

Mr. Tisei and Ms. Tucker moved to amend the bill by inserting after section 2E the following 2 sections:—

"SECTION 2F. Section 481 of chapter 159 of the acts of 2000 is hereby amended by inserting after the word 'community', in line 13, the following words:— to be appointed by the governor.

SECTION 2G. Said section 481 of said chapter 159 is hereby further amended by inserting after the word 'individuals', in said line 13, the following words:— to be appointed by the governor."

The amendment was *rejected.*

Mr. Tarr moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $150,000 shall be made available for the purposes of expanding and improving the trail system serving Chebacco Woods in the towns of Manchester-by-the Sea and Hamilton".

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— "; and provided further, that not less than $150,000 shall be expended for road drainage improvements and flood control on Newbury road in the town of Rowley".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2E, in item 7004-0089, by adding the following words:— "; and provided further, that not less than $250,000 shall be expended for a Vietnamese American community center at the Vietnamese American Initiative for Development, Inc., in the Dorchester section of the city of Boston".

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2E, in item 2440-1500, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for the installation and maintenance of a memorial at Fitzgerald circle at City Point beach in the South Boston section of the city of Boston, in honor and memory of all of the South Boston veterans who died serving our country in World War II".

The amendment was *rejected*.

Messrs. Jajuga and Tisei moved to amend the bill in section 2A, by inserting after item 4510-9110, the following item:—

"9000-0011 For a workplace violence pilot initiative in the town of Wakefield .....150,000".

The amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2A, in item 4100-0068, by inserting after the word "centers", in line 2, the following words:— ", including centers providing dental services".

The amendment was *rejected*.

Mr. Pacheco moved to amend the bill by inserting after section 2G (inserted by amendment) the following 3 sections:—

"SECTION 2H. Section 12 of chapter 195 of the acts of 1998 is hereby amended by striking out the third paragraph and inserting in place thereof the following 5 paragraphs:—

The division of capital asset management and maintenance may convey the site to the Massachusetts Development Finance Agency for development in accordance with the reuse plan adopted by the Lakeville Hospital Reuse Committee.

The price paid for conveyance of such property shall be the fair market value of property as determined by an independent appraisal, taking into consideration its use for development pursuant to the preceding paragraph and the projected cost of such development, including site preparation, demolition, environmental remediation and related expenses. The inspector general shall review the appraisal and the review shall include a review of the methodology utilized for the appraisal. The inspector general shall prepare a report of his review and file it with the commissioner for submission to the house and senate committees on ways and means and the house and senate chairmen of the joint committee on state administration.

The commissioner shall, 30 days before the execution of any agreement or amendment to any agreement authorized by this section, submit the agreement or any amendment and a report thereon to the inspector general for his review and comment. The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment.

Notwithstanding any general or special law to the contrary, materials related to any buildings, structures or infrastructures at the site may be reused or processed or remain within the boundaries of the site.

Any proceeds from the purchase price shall be deposited in the General Fund; provided, however, that should the costs associated with the site preparation including environmental remediation and building demolition, exceed the fair market value of the property as deemed for development pursuant to section 1, the commissioner shall transfer the necessary funds to complete the site preparation from item 1102-7948 of chapter 237 of the acts of 2000, so as to ensure the proposed development's financial feasibility.

SECTION 2I. Said section 12 of said chapter 195 is hereby further amended by striking out the fourth paragraph.

SECTION 2J. Item 1102-7948 of section 2 of chapter 237 of the acts of 2000 is hereby amended by adding the following words:— provided, that the necessary funds shall be expended from this item for site remediation of the former Lakeville Hospital property, including but not limited to, environmental remediation and building demolition, in accordance with development as proposed in the Lakeville Hospital Reuse Plan."

The amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting after Section 6 the following section:—

“SECTION 6A. (a) Notwithstanding any general or special law to the contrary, there is hereby transferred to the commonwealth all right, title and interest in certain buildings and land occupied by the judiciary and owned by the county of Bristol in the city of Taunton. The buildings and land are identified as the Taunton superior court and the Taunton district court.

Upon such transfer, such buildings and land shall be subject to the provisions of chapter 7 of the General Laws and the jurisdiction of the commissioner of capital asset management and maintenance, except as otherwise provided in this chapter; provided, however, that the buildings and land of the county courthouses so transferred shall be controlled by said commissioner on behalf of the commonwealth and shall be operated and maintained by the office of the chief justice for administration and management of the trial court subject to the general superintendence of the supreme judicial court. Damages and consideration for such transfer shall be limited to an assumption by the commonwealth of the operation and maintenance of the buildings and land. All questions relating to the identification of the buildings and land shall be determined by the commissioner with the advice of the chief administrative justice of the trial court.

(b) Not later than 45 days before a transfer pursuant to subsection (a), the county shall provide the commissioner with a statement listing and identifying in detail all property to be transferred and shall provide the chief administrative justice of the trial court with a financial statement itemizing expenses, liabilities and income relating to the operation of such buildings and land during the 12 months before the transfer. The financial statement shall indicate the items paid or received and the items which shall remain payable or receivable as of the end of the 12 month period. The financial statement shall be provided in preliminary form not later than 45 days before the date of the transfer and, in final form, upon the date of the transfer.

(c) Expenses, liabilities and income relating to the operation prior to acquisition by the commonwealth of buildings and land transferred pursuant to this section shall be borne and receivable by the respective county whether or not billed, incurred or received by it before the acquisition. Expenses, liabilities and income relating to the operation of the buildings and land which are incurred after the acquisition shall be borne and receivable by the commonwealth. All duly existing contracts and obligations of the respective county relating to the operation of the buildings and land which are in effect immediately prior to the acquisition shall be transferred to the chief administrative justice of the trial court to be performed in accordance with law. All questions regarding the identification of the expenses, liabilities, income, contracts, obligations and monies shall be determined by the supreme judicial court.”

The amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2E, in item 7004-0089, by adding the following words:— “; and provided further, that $2,500,000 shall be expended for the repair and restoration of the Amherst cinema”.

The amendment was adopted.

Mr. Shannon moved to amend the bill in section 2E, in item 2440-1500, by adding the following words:— “; and provided further, that $500,000 shall be expended for the design and construction of the Mystic Lake dam restoration project in the town of Winchester and the city of Medford”, and by striking out the figure “$3,080,000” and inserting in place thereof the following figure:— “$3,580,000”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 2J (inserted by amendment) the following section:—

“SECTION 2K. Item 7004-6666 of section 2A of chapter 55 of the acts of 1999 is hereby amended by striking out the following in item 7004-6666:— ‘; provided further, that prior to the release of any funds from this item for such sewer main, said towns shall’ and inserting in place thereof the following words:— ‘and to the department of highway’s route 2 visitors center; provided further, that funds shall be dispersed between the aforesaid entities by an individual application process; provided further, that division of funds shall be based on current department of housing and community development guidelines; provided further, that before the release of funds, each entity shall be required to.”

The amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2E, by inserting after item 7004-0089 the following item:—

“7110-0100 For Fitchburg State College; provided, that $200,000 shall be expended for the operating costs of the athletic facility on campus .....200,000”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2E by inserting after item 4590-9999 the following item:—

"6010-0001 For the replacement of the Vinton Pond road bridge in the town of Townsend .....100,000".

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2E, in item 7004-0089, by inserting after the words "town of Sudbury" the following words:— "; provided further, that not more than $225,000 shall be expended as a one-time grant for the town of Southborough for use towards the cost and design and implementation of renovating or reconstructing the Fayville senior center/Southborough council on aging".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill in section 2E, by inserting after item 6037-0013 the following item:—

"6010-0001 For the town of Mansfield for a signalization project at the intersection of West street and Forbes .....60,000".

The amendment was *rejected*.

Mrs. Sprague moved to amend the bill in section 2E, by inserting before item 6037-0013 the following item:—

"6010-0001 For the town of West Bridgewater for engineering and design projects for state highway routes 28 and 106 in West Bridgewater center .....150,000".

The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding any general or special law to the contrary, the department of highways shall improve and install sidewalks from Littleton common to Shaker lane along the eastbound side of state route 2A and from Littleton common to the Fortin mall along the westbound side of state route 2A in the town of Littletown."

The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding any general or special law to the contrary, MassHighway shall expend $200,000 for the design and construction for turn lanes on state route 2A at state route 110 into the new Littleton high school in Littleton."

The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 2E the following section:—

"SECTION 2F. Section 19E of chapter 78 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

For the establishment and development of grants to public libraries for the improvement of library service. The board shall promulgate rules and regulations providing for the administration of the grants."

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2E, by inserting after item 6037-0013 the following item:—

"7000-9505 For the establishment of 4 library grant programs for public libraries .....2,300,000".

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $150,000 shall be expended for a matching grants program for dams in the town of Oxford".

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2E, in item 2100-0007, by adding the following words:— "; and provided further, that $175,000 shall be expended for the repair of Larned Pond dam in the town of Dudley".

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2E, by inserting after item 8910-0004 the following item:—

"9110-1900 For the planning and development of the new Milford Senior Center .....250,000".

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2E, by inserting after item 7004-0089 the following item:—

"7052-0007 For the completed emergency roof repairs to the Stall Brook school in the town of Bellingham there shall be expended $413,006; provided further, that there shall be expended $457,924 for the completed emergency roof repairs to the Macy school in the town of Bellingham .....870,930".

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2E, in item 2440-1500, by inserting after the word "circle", in line 26, the words:— "; provided further, that not less than $1,318,182 shall be expended to renovate the Charles River riverwalk in the municipalities of Waltham and Watertown", and by striking out the figure "$3,080,000" and inserting in place thereof the following figure:— "$4,398,182".

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2E, in item 2440-1500, by inserting after the word "Boston", in line 11, the following words:— "; provided further, that $350,000 shall be provided for the Bernie King pavilion at Nantasket beach"; and by striking out the figure "$3,080,000" and inserting in place thereof the following figure:— "$3,430,000".

The amendment was *rejected*.

Messrs. Hedlund, Morrissey and Creedon moved to amend the bill in section 2E, by inserting after item 8100-0004, the following item:—

"8100-0104 For reimbursement of the Tri-Town Corporation for costs incurred in outfitting barracks for the Massachusetts criminal justice training council and Massachusetts police corps .....250,000".

Pending the question on the adoption of the amendment, Messrs. Morrissey, Hedlund and Creedon moved to amend the amendment by substituting the following text:— "in said section 2E, by inserting after item 7004-0089 the following item:—

7007-0104 To provide nonfederal match funding to the Tri-Town Development Corporation to secure a Federal Economic Development Administration grant for Stage 1 building and development on the site of the Former Naval Air Station in South Weymouth .....305,000".

The further amendment was *rejected.*

The pending amendment (Hedlund, et al) was then considered; and it was *rejected*.

Mr. Creedon moved to amend the bill in section 2E, in item 7004-0089, by adding the following words:— "; and provided further, that $275,000 shall be expended for demolition of abandoned buildings which are a threat to public safety or to eliminate blight in the city of Brockton"; by striking out the figure "$7,895,000" and inserting in place thereof the following figure:— "$8,170,000."

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2E, in item 4590-9999, by striking out, in lines 12 to 14, inclusive, the words "be on a matching basis with said department, shall describe the means by which the applicant proposes to finance costs not funded in this item and shall".

The amendment was adopted.

Ms. Creem moved to amend the bill in section 2E, by inserting before item 6037-0013 the following item:—

"6005-0015 For the NEXUS transportation system in the city of Newton .....300,000".

The amendment was *rejected*.

Ms. Creem moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall increase parking spaces at the Waban station in the city of Newton. The increase in parking spaces shall correspond to the authority's 1990 Waban Station Parking Upgrade proposal, developed in cooperation with the planning department of the city of Newton. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall install a change/ token vending machine, at the Waban station, in the city of Newton, not later than 60 days after the enactment of this act."

The amendment was *rejected*.

Ms. Creem and Mr. Joyce moved to amend the bill in section 2E, in item 2100-0008, by adding the following words:— "provided, that $150,000 shall be expended for bikepath connections in the town of Brookline and the city of Boston between the Jamaicaway south of state highway route 9 and along the Riverway to the north of said state highway route 9".

The amendment was *rejected*.

Ms. Creem and Mr. Tolman moved to amend the bill in section 2E, in item 2440-1500, by adding the following words:— "; and provided further, that not less than $10,000 shall be provided to the Charles River Watershed Association to monitor water quality in the Charles River".

The amendment was *rejected*.

Messrs. Clancy and Tisei moved to amend the bill by inserting after section 6A (inserted by amendment) the following section:—

"SECTION 6B. Notwithstanding any general or special law to the contrary, the metropolitan district commission shall undertake the design and construction of a new facility within the Breakheart Reservation, by entering into an agreement with the Northeast metropolitan regional vocational district and utilizing students in the construction trades classes of the Northeast school under the direction of their teachers and under the supervision of the appropriate staff of the engineering division of the commission."

The amendment was adopted.

Mr. Clancy moved to amend the bill by inserting after section 6 the following section:—

"SECTION 6A. Notwithstanding any general or special law to the contrary, the rate of reimbursement will be adjusted reflecting 'actual costs' for school projects in the city of Lynn under chapter 645 of the acts of 1948 and chapter 70B of the General Laws in fiscal years 2001, 2002 and thereafter."

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— "; and provided further, that not less than $250,000 shall be expended for the construction of sidewalks of Hayden rowe in the town of Hopkinton".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— "; and provided further, that not less than $38,000 shall be expended for the construction of sidewalks on Pleasant street in the town of Ashland".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill by inserting after section 2E the following section:—

"SECTION 2F. Chapter 267 of the acts of 1995 is hereby amended, in section 2, by inserting after item 1102-0964 the following item:—

1102-XXXX For renovations to the Massachusetts Bay Community College Framingham facility at the former Farley School; provided, that renovations shall be undertaken by the town of Framingham; provided further, that the town and Massachusetts Bay Community College shall enter into a lease agreement for the renovated facility for a period of at least 10 years at a rate below the fair market value, which reflects the commonwealth's investment .....8,000,000".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— "; and provided further, that not less than $38,500 shall be expended for the repair of a section of state highway route 126 in the town of Medway".

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2E, in item 6037-0013, by adding the following words:— "; and provided further, that not less than $67,000 shall be expended for the construction of sidewalks and curbing on state highway route 126 to the intersection of state highway route 16 in the town of Holliston".

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2A, by inserting after item 4510-9110 the following item:—

"5920-2025 For a day rate increase for the day and work program that services both adults and Turning 22 clients at Triangle, Inc. in the city of Malden .....110,000".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by striking out section 7; and by inserting after section 1 the following section:—

"SECTION 2.

Department of Transitional Assistance.

"4401-1000 To provide for transportation training, resources and services for homeless individuals, persons residing in public housing and persons accessing services at faith-based organizations through the Friends of the Shattuck shelter .....275,000".

The amendment was *rejected*.

Mr. Joyce moved to amend the bill by striking out section 7; and by inserting after section 1 the following section:

"SECTION 2.

Department of Education.

"7061-9611 For the Galvin middle school community problem-solving team in the town of Canton for their expenses to the national championship in Georgia .....13,000".

The amendment was *rejected*.

The bill was then passed to be engrossed, in concurrence, with the amendments adopted by the Senate. [See Senate, No. 1887, printed as amended.]

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The President in the Chair, the House Bill making appropriations for the fiscal year 2002 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. 4101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

After remarks, the question on passing it to be engrossed, in concurrence, was determined by a call of the yeas and nays, at twenty-three minutes past ten o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 — nays 0):

YEAS.

Antonioni, Robert A. Montigny, Mark C.

Barry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O'Leary Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne-39
Menard, Joan M.	

NAYS — 0.

The yeas and nays having been completed at twenty-six minutes past ten o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments previously adopted by the Senate. [For text of Senate amendments, see Senate, No. 1901, printed as amended.]

Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Ms. Wilkerson,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Lees, at twenty-seven minutes past ten o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.