UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Tuesday, June 11, 2002.

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

Distinguished Guests.

There being no objection, during the consideration of the Orders of the Day, the President introduced students from the Worcester Vocational High School. They were the guests of Senator Chandler.

Communication.

A communication from Senator Steven A. Tolman in compliance with Massachusetts General Laws, Chapter 268A (received June 10, 2002),— **was placed on file.**

Report of a Committee.

Ms. Resor, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill validating the action taken at the 2000 annual town meeting of the town of Amherst (printed in House, No. 4890).

Matter Taken Out of the Orders of the Day.

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

The Senate Bill further regulating the registration of pharmacists (Senate, No. 2268),— was considered, the main question being on passing it to be engrossed.

The pending further amendment, previously moved by Mr. Lees, striking out all after the enacting clause and inserting the text of Senate, No. 2352 was *withdrawn*, on motion of Mr. Lees.

The pending amendment, previously moved by Ms. Jacques, Ms. Walsh and Mr. Moore, substituting a new draft with the same title (Senate, No. 2336),— was withdrawn, on motion of Ms. Jacques.

Ms. Jacques, Messrs. Lees, Moore and Creedon, Ms. Walsh and Ms. Chandler, then offered a further amendment, substituting a new draft with the same title (Senate, No. 2364).
This amendment was adopted.
The bill (Senate, No. 2364) was then passed to be engrossed.
Sent to the House for concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Ms. Chandler) "honoring John F. 'Jack' and Shelley Blais for their support of the University of Massachusetts Medical School"; and

Resolutions (filed by Ms. Creem) "congratulating Carl E. Axelrod, recipient of the Honorable David A. Rose Civil Rights Award."

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Acting Governor for her approbation, to wit:

Designating a visitor information center in the city of Springfield as the William C. Sullivan Visitor Information Center (see Senate, No. 2267); and

Authorizing the town of Winchester to establish a retiree healthcare liability trust fund (see House Bill, printed as Senate, No. 2191).

The Senate Bill relative to obscene material (Senate, No. 2111),— came from the House passed to be engrossed, in concurrence, *with an amendment* adding at the end thereof the following section:—

"SECTION 2. Said section 31 of said chapter 272, as so appearing, is hereby further amended by striking out the definition of 'Visual material' and inserting in place thereof the following definition:—

'Visual material', any motion picture film, picture, photograph, videotape, book, magazine, pamphlet, or depiction by computer that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent."
The rules were suspended, on motion of Ms. Melconian, and the House amendment was considered forthwith and adopted, in concurrence.

A Bill authorizing the apointment of Luann M. Tomaso as a police officer in the town of Milford (House, No. 4921,— on petition) [Local approval received],— was read.
There being no objection, the rules were suspended, on motion of Mr. Travaglini, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended),— was read a second time, the main question being on ordering it to a third reading.

The Senate adopted the amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2300.
The bill, as amended, was then ordered to a third reading and read a third time.

Pending the main question on passing the bill to be engrossed, Messrs. Creedon, Morrissey and Baddour moved to amend the bill in section 2, in item 0320-0001, by striking out the figure "$912,413" and inserting in place thereof the following figure:— "$952,518".
The amendment was *rejected*.

Messrs. Creedon, Morrissey and Baddour moved to amend the bill in section 2, in item 0320-0003, by striking out the figure "$4,844,744" and inserting in place thereof the following figure:— "$4,954,571".
The amendment was *rejected*.

Messrs. Creedon, Morrissey and Baddour moved to amend the bill in section 2, by inserting after item 0320-0010 the following item:

“0320-0016 For the payment of appellate court technology expenses 422,770”.
The amendment was *rejected*.

Ms. Walsh, Messrs. Creedon, Antonioni and Nuciforo, Ms. Creem and Ms. Wilkerson moved to amend the bill in section 2, in item 0321-1520, by striking out the figure “$4,910,154” and inserting in place thereof the following figure:— “$4,382,420”; and by striking out the figure “$6,713,280” and inserting in place thereof the following figure:— “7,241,014”.
After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 0321-1502, by adding the following words:— “provided further, that the committee shall submit a report to the clerks of the house of representatives and senate, the speaker and minority leader of the house of representatives, the president and minority leader of the senate and the house and senate committees on ways and means not later than January 31, 2003 that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered, by type case and geographic location; (f) the average cost for services rendered by said committee by type of case; (g) the average number of hours spent per attorney or staff per type of case; (h) the feasibility of the implementation of a flat rate compensation system based on the type of case”.
After remarks, the amendment was adopted.

Messrs. Lees and Tisei moved to amend the bill in section 2, in item 0321-1600, by striking out the figure “$4,276,799” and inserting in place thereof the following figure:— “$3,998,538”.
The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 0321-1600, by inserting after the word “location”, in line 16, the following words:— “(d) the costs for services rendered by said corporation to indigent or otherwise disadvantaged residents, by type of case and geographic location; (e) the amount paid, if any, to the corporation by commonwealth residents for services rendered, by type case and geographic location; (f) the average cost for services rendered by said corporation by type of case; (g) the average number of hours spent per attorney or staff by type of case; (h) the feasibility of the implementation of a flat rate compensation system based on the type of case;”.
The amendment was *rejected*.

Ms. Murray, Messrs. Creedon and McGee, Ms. Creem, Mr. Antonioni, Ms. Tucker and Messrs. Tolman and Shannon moved to amend the bill in section 2, in item 0321-2000, by striking out the figure “$480,740” and inserting in place thereof the following

figure:— “$502,686”.
The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 0321-2205, by striking out the figure “$1,437,823” and inserting in place thereof the following figure:— “$1,716,176”.
The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, by inserting after item 0321-2205 the following item:
“ 0321-2206 For the social law library to operate the electronic law database project 294,000.”
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-0110, by striking out the figure “$39,867,892” and inserting in place thereof the following figure:— “$42,044,121”.
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0330-0300, by striking out the figure “$123,854,180” and inserting in place thereof the following figure:— ”$148,557,466”.
The amendment was *rejected*.

Mr. Creedon, Ms. Creem and Ms. Melconian moved to amend the bill in section 2, in item 0330-0300, by adding the following words:— “; and provided further, that $232,756 shall be expended for the operation and expenses of the Massachusetts sentencing commission pursuant to chapter 211E of the General Laws”.
After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 0330-0300, by adding the following words:— “; provided further, that the chief justice for administration and management shall conduct a study and report on the following: the annual caseload for criminal and civil cases in the trial court; salary and number of justices of the trial court, clerks, assistant clerks, probation officers, salary or wage earned and number of other staff members not specifically aforementioned; and total annual expenditures for each of the several departments of the trial court according to district or county; and provided further, that this report shall be filed with the clerks of the senate and house of representatives no later than February 1, 2003”.
The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 0330-0300, by inserting after the word “interpreters” the following words:— “law libraries,”.
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 0330-2200 the following item:
“0330-2201 For a reserve to maintain minimum safe staffing levels of security personnel

in the department of the trial court 1,500,000."
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 0331-9000, by striking out the words "Chapter 231 of the General Laws, and", and inserting in place thereof the following words:— "Chapter 231 of the General Laws; provided, that not less than $209,983 shall be expended for".
After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 0331-9000, by striking out the figure "$27,653,548" and inserting in place thereof the following figure:— "$27,975,281".
The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, after the title "District Court Department," appearing after item 0331-9000, by inserting the following item: "0332-4500 For the appointment of one additional assistant clerk-magistrate at the second district court of eastern Middlesex at Waltham 62,800".
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0332-9000, by striking out the figure "$114,040,929" and inserting in place thereof the following figure:— "$118,493,956".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 0332-9000, by adding the following words:— "; provided further, that not less than $4,821,879 be expended for the Dorchester district court".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 0332-9000, by inserting after the words "executive board" the following words:— "; provided further, that not less than $1,250,000 shall be expended for the South Boston district court".
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0334-0001, by striking out the figure "$2,514,953" and inserting in place thereof the following figure:— "$2,896,457".|
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0336-9000, by striking out the figure "$4,526,521" and inserting in place thereof the following figure:— "$4,663,117".
The amendment was *rejected*.

Mr. Creedon and Ms. Murray moved to amend the bill in section 2, in item 0337-9000, by striking out the figure "$28,995,050" and inserting in place thereof the following figure:— "$30,282,560".
The amendment was *rejected*.

Messrs. Creedon and Glodis moved to amend the bill in section 2, in item 0339-1001, by striking out the figure "$35,031,119" and inserting in place thereof the following figure:— "$42,167,072".
The amendment was *rejected*.

Mr. McGee moved to amend the bill in section 2, in item 0339-1001, by adding the following words:— "and provided further, that $225,000 shall be expended for the purpose of providing a community services for women program in the district court of Southern Essex".
After remarks, the amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 0339-1006 the following item:
"0339-1007 For a reserve to maintain minimum safe staffing levels of probation officers in the departments of the trial court and community correction centers 5,000,000."
The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 0340-0500, by striking out the figure "$5,922,834" and inserting in place thereof the following figure:— "$6,519,039".
The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 0340-0600, by striking out the figure "$4,164,286" and inserting in place thereof the following figure:— "$4,337,798".
The amendment was *rejected*.

Mr. O'Leary and Ms. Murray moved to amend the bill in section 2, in item 0340-1000, by striking out the figure "$2,639,443" and inserting in place thereof the following figure:— "$2,898,803".
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, by striking out items 0411-1000 and 0411-1010 and inserting in place thereof the following item:
"0411-1000 For the offices of the governor, the lieutenant governor, the governor's council, and the governor's commission on mental retardation; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be sufficient 5,312,247."
After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 0511-0000, by striking out the figure "$6,698,069" and inserting in place thereof the following figure:— "$6,685,869"; and in item 0540-1600, by striking out the figure "$292,798" and inserting in place thereof the following figure:— "$304,998".
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by inserting after item 0511-0001 the following item:
"0511-0108 The state secretary acting on behalf of the commonwealth may sell, transfer or license the Massachusetts Division of Corporations' software and related documents pertaining to its web based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as in his sole discretion reasonably compensates the commonwealth for its interests. From the proceeds of such sales or license or use agreements. The secretary may retain and expend revenues not to exceed 10 per cent of the proceeds or $800,000 whichever is greater for technical activities of the corporations division the remainder to be deposited in the General Fund. The secretary may also provide web hosting, and on-going support and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications. The department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department 800,000."
After remarks, the amendment was adopted.

Mr. Morrissey moved to amend the bill in section 2, in item 0511-0200, by striking out the figure "$530,450" and inserting in place thereof the following figure:— "$551,424".
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 0511-0250, by striking out the figure "$416,804" and inserting in place thereof the following figure:— "$481,250".
The amendment was *rejected*.

Ms. Resor and Ms. Fargo moved to amend the bill in section 2, in item 0526-0100 by inserting after the words "Massachusetts historical commission" the following words:— "; provided, that not less than $29,150 shall be expended for the restoration and repair of Heritage Park and Hosmer House in the town of Sudbury".
The amendment was *rejected*.

Mr. Morrissey and Ms. Murray moved to amend the bill in section 2, in item 0526-0100, by striking out the figure "$792,856" and inserting in place thereof the following figure:— "$1,237,030".
After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by inserting after item 0528-0100 the following new item:
"0540-0000 For the purchase and installation of computer hardware and software technology for the registries of deeds 1,251,329".
The amendment was *rejected.*

Messrs. Lees and Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 0640-0000, by striking out the words "provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games;".
After debate, the amendment was *rejected*.

Messrs. Tolman, O'Leary and McGee, Ms. Fargo, Ms. Murray, Messrs. Hart, Morrissey and Tarr, Ms. Creem, Ms. Menard and Messrs. Tisei and Creedon moved to amend the bill in section 2, in item 0810-0612, by inserting after the word "investigations", in line 1, the following words:— ", including 30 investigator positions"; and by striking out the figure "$1,750,000" and inserting in place thereof the following figure: "$2,350,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past eleven o'clock A.M., on motion of Mr. Tolman, as follows, to wit (yeas 12 — nays 25):

YEAS.

Creedon, Robert S., Jr.	McGee, Thomas M.
Glodis, Guy W.	Morrissey, Michael W.
Hart, John A., Jr.	Pacheco, Marc R.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A. — 12.

NAYS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 25.
Montigny, Mark C.	

PAIRED.

YEAS.	NAYS.
Therese Murray (present),	Frederick E. Berry — 2.

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

Mr. Lees and Mrs. Sprague moved to amend the bill in section 2, by striking out item 0900-0100; and by striking out item 0920-0300 and inserting in place thereof the following item:—
"0920-0300 For the operation of the combined office of state ethics and campaign and

political finance to be known as the Office of Campaigns and Ethics 2,253,510."
After remarks, the amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, by inserting after item 1100-1104 the following item:—
"1100-1140 For the operation of the central business office 996,400.";
and in section 2B by striking out item 1100-1141.
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 1102-3301, by striking out the figure "$7,956,779" and inserting in place thereof the following figure:— "$8,056,779".
The amendment was *rejected*.

Mr. Tolman, Ms. Fargo and Ms. Murray moved to amend the bill in section 2, in item 1107-2400, by striking out the figure "$604,825" and inserting in place thereof the following figure:— "$750,000".

Ms. Melconian in the Chair, after remarks, the amendment was *rejected*.

Ms. Creem and Ms. Fargo moved to amend the bill in section 2, by striking out item 1107-2400 and inserting in place thereof the following item:
"1107-2400 For the office on disability; provided, that not less than $50,000 of the amount appropriated in this item shall be expended for arts program for people with disabilities including, but not limited to, festivals, training and education through the arts 729,825".
After remarks, the amendment was *rejected*.

Messrs. Tisei and Morrissey, Ms. Murray and Mr. Tolman moved to amend the bill in section 2, in item 1107-2501, by striking out the figure "$1,631,153" and inserting in place thereof the following figure:— "$1,822,845".
The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 1107-2501, by striking out the figure "$1,631,153" and inserting in place thereof the following figure:— "$1,722,845".
The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, by striking out item 1108-1011 and inserting in place thereof the following item:
"1108-1011 For the operation of the civil service commission 512,000".
The amendment was *rejected*.

Mr. Berry, Ms. Murray and Ms. Tucker moved to amend the bill in section 2, by striking out item 1108-5100 and inserting in place thereof the following item:
"1108-5100 For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the group

insurance commission may establish a health plan for private human service providers, who deliver human and social services under contract with departments within the executive office of health and human services and executive office of elder affairs, or providers who deliver services by rate; provided further, that (1) said commission maintains a separate health care risk pool for said employees, (2) health care costs to the plan shall be paid by eligible health and human service providers and their employees, (3) the Massachusetts council of human service providers or its contractor administers eligibility and collection of premiums, and (4) participation by each eligible human service provider and employee shall be on a voluntary basis; provided further, that said health plan shall commence on January 1, 2003 and shall expire on December 31, 2005; provided further, that the group insurance commission may enter into an agreement with the Massachusetts council of human service providers or its contractor for services to effectuate the provisions of this section; provided further, that the commonwealth shall not be liable for any costs incurred by said plan; provided further, that on or before March 1 of each year, the Massachusetts council of human service providers shall submit to the secretary of administration and finance and house and senate committees on ways and means a report to include, but not be limited to the following: (1) the number of covered lives enrolled in said plan, (2) the number of employees enrolled in said plan who previously had no health coverage, (3) the cost to administer said plan, (4) the total health care expenditures of said plan, (5) the premium increases of said plan; and (6) the recommendations necessary for the continued viability of said plan; and provided further, that nothing in this item shall prohibit the group insurance commission from making modifications to said plan 1,984,318."
The amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2, in item 1201-0100, by inserting after the word "Pittsfield," the following word:— "Hyannis,".
After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 1231-1000, by adding the following words:— "; provided, that not less than $500,000 shall be expended for the Massachusetts Water Resources Authority to conduct a procurement to determine the feasibility and cost savings of a private-sector entity's operating and maintaining facilities owned or operated by the authority; and provided further, that bidding organizations shall pay a fee to the Commonwealth Sewer Rate Relief Fund, which shall not exceed the cost of the procurement process".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before twelve o'clock noon, on motion of Ms. Pacheco, as follows, to wit (yeas 5 — nays 32):

YEAS.

Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. — 5.
Sprague, Jo Ann	

NAYS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 32.

ABSENT OR NOT VOTING.

Berry, Frederick E.	Glodis, Guy W. — 2.

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

Ms. Tucker and Mr. Shannon moved to amend the bill in section 2, in item 1410-0251, by striking out the figure "$2,173,692" and inserting in place thereof the following figure:— "$2,550,000".
The amendment was *rejected.*

Mr. Panagiotakos and Ms. Menard moved to amend the bill in section 2, in item 1599-0036, by adding the following words:— ", provided, that not less than $400,000 be made available for a meeting and convention marketing program to be administered by the regional tourist councils".
After debate, the amendment was adopted.

Mr. Moore, Ms. Fargo and Ms. Tucker moved to amend the bill in section 2, in item 1599-0041, by striking out the figure, "$50,000" and inserting in place thereof the following figure:— "$75,000".
The amendment was *rejected*.

Messrs. Tarr and Hedlund moved to amend the bill in section 2, in item 1599-0093, by adding the following words:— "; and provided further, that not more than $1,000,000 may be provided for loan and financial assistance to eligible borrowers to finance the costs of water conservation projects, or portions thereof, including a project of a type or category which the department of environmental protection has determined shall promote water conservation and increased efficiency of water usage, including but not limited to the implementation of programs for the replacement of plumbing fixtures not meeting the 1998 federal water efficiency standards as established by the Federal Energy Act of 1992,

which have been approved by the department, in such manner and under such terms and conditions as shall be determined by the board of trustees of the trust".
The amendment was *rejected*.

Recess.

At twenty-two minutes before one o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Ms. Melconian) declared a recess; and, at two minutes before two 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 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Messrs. Tisei, Lees, Knapik and Hedlund moved to amend the bill in section 2, in item 1599-6901, by striking out the figure "$6,000,000" and inserting in place thereof the following figure:— "$16,000,000"; and in item 4590-0300 by striking out the figure "$50,370,293" and inserting in place thereof the following figure:— "$40,370,293."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 12 — nays 24):

YEAS.

Glodis, Guy W.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Joyce, Brian A.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R.
Magnani, David P.	Tucker, Susan C. — 12.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Tolman, Steven A.
Jacques, Cheryl A.	Travaglini, Robert E.

McGee, Thomas M. Walsh, Marian
Melconian, Linda J. Wilkerson, Dianne — 24.

PAIRED.

YEAS. **NAYS.**
Therese Murray (present), Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Charles E. — 1.

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

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill authorizing additional borrowing for the Massachusetts Bay Transportation Authority and the Central Artery/Ted Williams Tunnel Project (see House, No. 5123), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 10 to 0.**
The bill was signed by the President and sent to the House for enactment.

Recess.

There being no objection, at ten minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at nine minutes before five 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 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

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

"SECTION 18A. Chapter 36 of the General Laws is hereby amended by adding the following section:—

Section 41. Notwithstanding any general or special law to the contrary and in order to promote sound and prudent fiscal management, the state secretary may transfer appropriated funds between the registry of deeds items under the jurisdiction of the state secretary upon notification to the comptroller and the house and senate committees on ways and means."
After debate, the amendment was *rejected.*

Mr. Brewer, Ms. Resor and Mr. Travaglini moved to amend the bill in section 2, by inserting after item 2000-9004 the following item:

"2000-9900 For the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws 414,801."
The amendment was *rejected.*

Mr. Berry moved to amend the bill in section 2, in item 2010-0100, by striking out the words "to exceed" before the figure $1,375,000 and inserting in place thereof the following words:— "less than"; and by striking out the words "April 1, 2001" and inserting in place thereof the following words:— "April 1, 2002".
After remarks, the amendment was adopted.

Mr. Brewer and Ms. Resor moved to amend the bill in section 2, in item 2020-0100, by striking out the figure "$1,617,696" and inserting in place thereof the figure:— "$1,672,886".
After remarks, the amendment was adopted.

Messrs. Morrissey and Joyce moved to amend the bill in section 2, in item 2100-2030, by inserting after the words "Blackstone River and Canal Commission;" the following words:— "; provided further, that not less than $75,000 shall be expended for the town of Braintree for a conservation and education program".
The amendment was *rejected.*

Mr. Tarr moved to amend the bill in section 2, in item 2200-0100, in line 45, by inserting after the words "Clean Water Act", the following words:— "; provided further, that technical assistance shall be provided by the department to municipalities, water districts and water authorities for comprehensive system wide water audits, water use accounting and reporting and intensive leak detection and repair programs".
After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill in section 2, in item 2200-0100, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for grants to the town of Mendon for testing wells and blood, and for remediation of illegal dumping; provided, however, that the commonwealth shall make every effort to seek reimbursement from those parties found responsible for such pollution".
After remarks, the amendment was adopted.

Messrs. Brewer, Nuciforo, Knapik and Moore moved to amend the bill in section 2, in item 2310-0200, by striking out the figure "$6,759,636" and inserting in place thereof the

following figure:— “$7,239,786”.
After remarks, the amendment was adopted.

Ms. Resor, Mr. Brewer, Ms. Fargo, Mr. Hedlund and Ms. Creem moved to amend the bill in section 2, in item 2310-0310, by striking out the figure “$691,483” and inserting in place thereof the following figure:— “$739,330”; and by inserting after section 26, the following section:—

“SECTION 26A. (A) Chapter 90 of the General Laws is hereby amended by inserting after section 2E, as appearing in the 2000 Official Edition, the following section:—

Section 2F. (a) The registrar shall furnish, upon application, to the owners of private passenger motor vehicles distinctive registration plates bearing a Massachusetts endangered species or other symbol associated with the natural heritage of the commonwealth.

(b) There shall be a one-time $40 fee for the plate in addition to the established registration fee for passenger motor vehicles and an annual renewal fee of $25.

(c) The portion of the fee remaining after the deduction of costs directly attributable to issuing the plate shall be transferred to the Natural Heritage and Endangered Species Fund, created pursuant to section 35D of chapter 10.

(B) Any resident of the commonwealth may submit a plate design to be chosen as a design for a natural heritage and endangered species license plate. The decision choosing a design will be made by a committee consisting of the registrar of motor vehicles or his designee, 2 members from the house of representatives, 1 of whom shall be appointed by the speaker and 1 of whom shall be appointed by the minority leader of the house; 2 members from the senate, 1 of whom shall be appointed by the president and 1 of whom shall be appointed by the minority leader of the senate; the secretary of the executive office of environmental affairs or his designee, and a chair, who shall be appointed by the governor. Designs must be submitted to the commonwealth within 60 days of the effective date of this act and the design must be chosen within 120 days of said deadline.”
After remarks, the amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 2440-0010, by striking out the words “funds shall be expended for the maintenance and operation of the James Michael Curley” and inserting in place thereof the following words:— “not less than $293,116 shall be expended for the maintenance and operation of the James Michael Curley”.
After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, by inserting after item 2440-4420, the following item:
“2443-2000 For the operation of the Commonwealth Zoological Corporation; provided, that funds appropriated herein shall be expended for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding

available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2003 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; provided further, that the corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton; and provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein 3,500,000";
and in item 0640-0300, by striking out the figure "$16,170,608" and inserting in place thereof the following figure:— "$12,670,608".
Mr. Rosenberg in the Chair, after debate, the amendment was *rejected.*

Mr. Brewer moved to amend the bill in section 2, in item 2511-0100, by inserting after the word "fairs;", in line 7, the following words:— "provided further, that not less than $135,000 be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board;"; and by striking out the figure "$4,494,165" and inserting in place thereof the following figure:— "$4,884,209".
After remarks, the amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 4000-0100, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for the operation of the Colonel Daniel Marr Boys and Girls Club's Paul McLaughlin teen center".
The amendment was *rejected.*

Mr. Tisei moved to amend the bill in section 2, in item 4000-0300, by striking out the words "provided further, that no funds from items 4000-0430, 4000-0500, 4000-0600, 4000-0860, 4000-0870 or 4000-0880 shall be expended for the purpose of a dispensing fee to retail pharmacies; provided further, that the fees shall be paid for out of the Health Care Quality Improvement Trust Fund, established under section 16 of this act" and inserting in place thereof the following words:— "provided further, that expenditures for the purpose of a dispensing fee to retail pharmacies shall be paid for out of the Health Care Quality Improvement Trust Fund, established in section 2DDD of chapter 29 of the General Laws; provided further, that no funds from items 4000-0430, 4000-0500, 4000-0600, 4000-0860, 4000-0870 or 4000-0880 shall be expended for the purpose of such dispensing fees, except that funds may be expended from any such item if amounts from the Health Care Quality Improvement Trust Fund are insufficient to pay for such fees".
After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill in section 2, in item 4000-0300, by adding the following words:— "; provided further, that notwithstanding any general or special law to the contrary, the division shall not implement new regulations governing adult day health programs before the promulgation of a rate to support the cost of providing services under the regulations; provided further, that any new regulations shall include

care given by dementia-specific programs within the most skilled level of care established by such regulations; provided further, that the division shall not, whether or not new regulations are adopted, decrease the per diem reimbursement paid as of May 30, 2002 to providers of adult day care; provided further, that the division shall report to the house and senate committees on ways and means not later than October 1, 2002 the methods by which it determines costs for adult day health programs and ways in which such methods can be expanded to reflect the cost of all adult day health programs".
After remarks, the amendment was adopted.

Messrs. Moore and Tarr moved to amend the bill in section 2, in item 4100-0060, by inserting after the citation "114 CMR 31.02;" the following words:— "provided further, that the commissioner shall hold a public hearing in order to hear testimony from members of the public on the changes to the estimated acquisition cost; provided further, that the commissioner shall consider whether the estimated acquisition cost is adequate to provide payment for pharmacy services that is consistent with efficiency, economy, and quality of care; provided further, that the commissioner shall also consider whether the estimated acquisition cost is sufficient to enlist enough pharmacy providers so that pharmacy services are available to program recipients statewide and in each county at least to the same extent, as those services are available to the general population of the commonwealth; provided further, that the commissioner shall also review the estimated wholesale acquisition cost to determine if the wholesale acquisition cost compromises the access to pharmacy services for covered patients; provided further, that not later than 120 days following the public hearing, the division shall publish the results of its findings and the division may establish, as the result of the findings, and pursuant to chapter 118E of the General Laws, a new estimated acquisition cost that is in the best interests of the program recipients;".
After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 4110-4000, by striking out the figure "$1,896,424" and inserting in place thereof the following figure:— "$2,184,424"; and in item 4590-0300, by striking out the figure "$50,370,293" and inserting in the place thereof the following figure:— "$40,082,293".
The amendment was *rejected.*

Mr. Tucker and Ms. Fargo moved to amend the bill in section 2, in item 4130-3050, in line 18, by striking out the words "that income-eligible child care programs shall be funded from this item" and inserting in place thereof the following words:— "that income-eligible child care programs shall be funded from this item; provided further, that $3,300,000 shall be expended for not fewer than 500 new child care slots for children in the foster care program at the department of social services".
After remarks, the amendment was adopted.

Mr. Travaglini in the Chair, Ms. Tucker, Ms. Resor, Ms. Menard, Ms. Creem, Messrs. O'Leary, Magnani and McGee, Ms. Wilkerson and Messrs. Hart, Travaglini and Shannon moved to amend the bill in section 2, in item 4400-1000, by striking out, in line 52, the words "up to a total of 10 hours per week of".
After remarks, the amendment was adopted.

Ms. Tucker, Ms. Resor, Ms. Menard, Ms. Creem, Messrs. O'Leary, McGee, Ms. Wilkerson and Messrs. Hart and Shannon moved to amend the bill in section 2, in item 4401-1000, in line 38, by striking out the word "may" and inserting in place thereof the following word:— "shall".
After remarks, the amendment was adopted.

Messrs. Berry, Joyce and Travaglini moved to amend the bill in section 2, in item 4403-2120, by adding the following words:— "; provided further, that an amount of not less than $9,655,276 be allocated to fund existing scattered site family emergency shelter programs."
The amendment was *rejected.*

Ms. Jacques moved to amend the bill in section 2, in item 4510-0100, by striking out the words "that funds may be expended for the Massachusetts Violence Prevention Task Force" and inserting in place thereof the following words:— "that not less than $175,000 shall be expended for the Massachusetts Violence Prevention Task Force".
After debate, the amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, in item 4510-0600, by inserting after the words "South Boston section of the city of Boston, including the costs of performing medical and laboratory tests and examinations" the following words:— "; provided further, that not more than $50,000 shall be expended for the director of the bureau of environmental health assessment of the department of public health to conduct an environmental risk assessment of the health impacts of the Cambridge Plating Company in the town of Belmont; provided further, that the assessment may include, but shall not be limited to, examining incidences of cancers in Belmont and the surrounding communities".
After debate, the amendment was adopted.

Mr. Hart moved to amend the bill in section 2, in item 4512-0200, by striking out, in line 15, the figure "$120,000" and inserting in place thereof the following figure:— "$319,500".
After debate, the President in the Chair, the amendment was adopted.

Mr. Hart moved to amend the bill in section 2, in item 4512-0200, by striking out, in line 22, the figure "$412,000" and inserting in place thereof the following figure:— "$462,000".
The amendment was adopted.

Ms. Menard, Messrs. Baddour, Tarr and Berry, Ms. Resor, Messrs. Pacheco, McGee and Travaglini and Ms. Fargo moved to amend the bill in section 2, in item 4512-0200, by inserting after the words "Framingham Coalition for the Prevention of Alcohol and Drug Abuse" the following words:— "; provided further, that not less than $603,000 shall be expended for the Link House, Inc. for purposes of establishing halfway services for women in recovery from substance abuse in the town of Salisbury."
After remarks, the amendment was adopted.

Ms. Fargo moved to amend the bill in section 2, in item 4513-1000, by striking out the figure "$49,999" and inserting in place thereof the following figure:— "$99,000".
After remarks, the amendment was adopted.

Messrs. Joyce and Creedon moved to amend the bill in section 2, in item 2200-0100, by inserting after the words "incentives to encourage water conservation" the following words:— "; provided further, that $210,000 shall be expended to provide for and test the public water supply in the town of Avon".
The amendment was adopted.

Ms. Menard, Ms. Creem, Mr. Moore, Ms. Chandler and Ms. Jacques moved to amend the bill in section 2, in item 4513-1000, in line 16, by striking out the figure "$2,371,000" and inserting in place thereof the following figure:— "$2,424,350"; and in line 19, by striking out the figure "$130,000" and inserting in place thereof the following figure:— "$100,000".
After remarks, the amendment was adopted.

There being no objection, the following amendments were considered as one and *rejected,* **to wit:**

Mr. Tarr moved to amend the bill in section 2, in item 0511-0200, by adding the following words:— "; provided further, that not less than $25,000 shall be expended for the archives project by the Essex National Heritage Area; and provided further, that the expenditure shall be contingent upon a matching amount equal to not less than $1 in grant funds for every $1 in state funds".
The amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, by striking out item 1599-7092; and, by striking out item 8910-0000 and inserting in place thereof the following item:

"8910-0000 For a reserve to fund county correctional programs; provided that, not withstanding any general or special laws to the contrary, the sheriffs, in conjuncture with the county government finance review board, shall develop a plan with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting Reporting System; provided further, that the county government finance review board shall, by January 1, 2003 have developed a plan for the spending of all funds for fiscal year 2003, and have developed a sound fiscal spending plan for fiscal year 2004; provided further, that said board shall build the spending plans with the direct input of the 7 sheriffs still functioning under the county government system; provided further, that by January 15, 2003 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding including, but not limited to, collective bargaining increases, legal fees, debt services, 1-time costs, energy costs, equipment leases, medical costs and workers' compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2003; provided further, that the board shall also provide a projection of all

county funds to be collected for fiscal year 2003 and 2004; provided further, that $180,000 shall be expended for Project Coach; provided further, that not less than $7,633,849 shall be made available to Barnstable county; provided further, that not less than $25,626,735 shall be made available to Bristol county; provided further, that not less than $1,312,656 shall be made available to Dukes county; provided further, that not less than $59,714 shall be made available to Nantucket county; provided further, that not less than $15,450,251 shall be made available to Norfolk county; provided further, that not less than $28,692,209 shall be made available to Plymouth county and expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than $75,600,175 shall be made available to Suffolk county; provided further, that the funds appropriated in this item shall be distributed among the counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that funds made available to Plymouth county may be expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to said clauses 3 and 4 of said Memorandum of Agreement signed May 14, 1992; provided further, that the balance of funds appropriated in this item shall be distributed among the counties by the county government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriffs department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time: or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include

vehicle make and model, year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2003 unless such purchase is made pursuant to a multicounty or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding this item, sheriffs may purchase marked prisoner transportation vans upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that such revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than December 30, 2002 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not later than June 30, 2003; provided further, that the daily count sheet for county facilities compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and workcrew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2002, each county sheriff shall submit a final spending plan for fiscal year 2003 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2002, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2002; provided further, that on or before September 15, 2002, the county government finance review board shall have approved final fiscal year 2003 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2002; provided further, that such budgets shall include distribution schedules for the final 2 quarters of fiscal year 2003 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount

appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2003, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2002 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2003, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding this item, the maintenance of effort obligations for Suffolk county shall be 5 per cent of the total fiscal year 2003 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2003 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid-cherry sheet distribution authorized from account 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2002, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2003, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county which borrowed under section 6 of chapter 193 of the acts of 1989 on or before July 31, 1989 or which borrowed in fiscal year 1989 under section 36A of chapter 35 of the General Laws, may refund such debt for a term not to exceed 7 years from the date of the original loan with payments on such refunding loan to be made in accordance with said chapter 35 and section 12 of said chapter 64D, as may be applicable; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws; and provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2002 173,637,850.

Local Aid Fund 100.0% ."

The amendment was *rejected.*

Mr. Travaglini moved to amend the bill in section 2, by inserting after item 1599-7092 the following item:

"1599-9952 For the purpose of contracting independent technical advisors to assist communities in evaluating and contributing to the Central Artery/Ted Williams Tunnel Project, including the Charles river crossing; provided, that the executive office for administration and finance may issue a request for proposals for such technical advisor, said contract to be drafted in conjunction with designated representatives from the impacted neighborhoods; provided, further that $l00,000 shall be expended from this item for a technical advisor to the North End/Waterfront area of the city of Boston and $40,000 shall be expended for a technical advisor for the East Boston section of the city of Boston; provided further, that the technical advisors shall have access to data relative to design and mitigation; and provided further, that the advisors shall be accountable to and work directly with residents, designated community representatives and organizations of the aforementioned communities in assessing impacts and recommending alternative design modifications to the Central Artery/Ted Williams Tunnel 140,000".
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by inserting after item 1599-3838 the following item:
"1599-3840 For a reserve to provide energy rate relief for non-profit cultural institutions within the commonwealth; provided further, that notwithstanding section 62 of chapter 10 of the General Laws or any other general or special law to the contrary, the secretary of administration and finance shall condition the expenditure of such reserve upon assurances that such funds shall be used solely for the purposes of offsetting costs related to updating or expanding energy related functions in such institutions 5,000,000

Ratepayer Parity Trust Fund
100.00%. "

The amendment was *rejected*.

Mr. Tolman, Ms. Fargo and Mr. Tarr moved to amend the bill in section 2, in item 1750-0200, by striking out the figure "$684,166" and inserting in place thereof the following figure:— $770,950".
The amendment was *rejected*.

Ms. Creem and Messrs. Tarr and Magnani moved to amend the bill in section 2, in item 2000-0100, by striking out, in lines 28 and 29, the words "not more than $1,250,000 shall be expended for the Watershed initiative" and inserting in place thereof the following words:— not less than $1,250,000 shall be expended for the Watershed initiative".
The amendment was *rejected*.

Mr. Baddour moved to amend the bill in section 2, in item 2010-0100, by inserting after the words "expended on municipal recycling incentives;" the following:— "provided

further that, as of July 1, 2002, there shall be a moratorium prohibiting the further sale, lease, or other placement of any vending machines in the commonwealth, not already in place as of said date, which accept and redeem empty beverage containers pursuant to section 323 of chapter 94 of the General Laws, until such time as such vending machines properly identify and redeem only beverage containers labeled with a refund value and reject all other beverage containers; provided further, that in no event shall this item be interpreted to mandate any additional labeling on such containers;".
The amendment was *rejected*.

Messrs. Hedlund, Tarr and Knapik moved to amend the bill in section 2, by striking out item 2100-0005 and inserting in place thereof the following item:

"2100-0005 For the department of environmental management pursuant to section 10A 1/2 of chapter 91 of the General Laws; provided that not less than $60,000 shall be expended for the Martha's Vineyard Commission; and provided further, that not less than $165,000 shall be expended for the dredging of the Back river in the town of Weymouth; and provided further, that the department may issue grants to public and non-public entities from this item 3,065,000

Harbors and Inland Waters
Maintenance Fund 100.0% ."

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 2200-0100, by inserting after the word "law", in line 29, the following words:—"; provided further, that not less than $350,000 shall be expended for the costs associated with the capping of the three-town landfill located in the town of Heath".
The amendment was *rejected*.

Mr. Baddour moved to amend the bill in section 2, in item 2210-0110, by inserting after the words "master plan" the following words:— "; provided further, that not less than $250,000 shall be expended for the design and engineering associated with access and egress to Methuen's transfer station and recycling facility".
The amendment was *rejected*.

Messrs. O'Leary and Brewer, Ms. Creem and Messrs. McGee and Nuciforo moved to amend the bill in section 2, in item 2250-2001, by striking out the figure "$1,424,834" and inserting in place thereof the following figure:— $2,108,356".
The amendment was *rejected*.

Ms. Fargo, Ms. Resor and Mr. Morrissey moved to amend the bill in section 2, in item 2260-8881, by striking out the figure "$334,308" and inserting in place thereof the following figure:— "$351,198".
The amendment was *rejected*.

Messrs. Brewer, Shannon, Moore and Antonioni moved to amend the bill in section 2, in item 2350-0100, by striking out the following:

“9,813,795

Environmental Law
Enforcement Fund 50.66%

General Fund 34,20%

Highway Fund 15.14% ”.

and inserting in place thereof the following:—

“10,741,000

Environmental Law
Enforcement Fund 46.29%

General Fund 26.05%

Highway Fund 13.83%

Clean Environment Fund
13.83% .”

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 2410-1000, in line 5, by inserting after the word “parkways”, in line 5, the following words:— “; provided further, that not less than $282,310 shall be expended to provide motorcycle patrols along the southwest corridor in the city of Boston”.
The amendment was *rejected*.

Messrs. Travaglini and Hedlund moved to amend the bill in section 2, by striking out item 2410-1000 and inserting in place thereof the following item:

“2410-1000 For the administration of the metropolitan district commission; provided, that said commission shall enter into an interagency agreement with the department of state police to provide police coverage on commission properties and parkways; provided further, that said department shall reimburse the commission for costs incurred by the commission including, but not limited to, vehicle maintenance and repairs, the operation of department buildings and other related costs; provided further, that notwithstanding section 3B of chapter 7 of the General Laws, the commission shall establish or renegotiate fees, licenses, permits, rents and leases and adjust or develop other revenue sources to fund the maintenance, operation and administration of the commission; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding any fee adjustments not later than February 14, 2003; provided further, that notwithstanding any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or

maintenance of vehicles to the operational services division; and provided further, that no funds shall be expended from this item for personnel overtime costs 1,245,488

Local Aid Fund 75.00%

Highway Fund 25.00% .";

by striking out item 2440-0010 and inserting in place thereof the following item:

"2440-0010 For the administration, operation and maintenance of the metropolitan district commission parks and recreation division, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission, for the flood control activities of said commission and for the purchase of all necessary supplies and related equipment; provided, that no funding shall be made available from this item for true seasonal employees; and provided further, that no expenditures shall be made from this item other than for those purposes set forth in this item 26,051,490

Highway Fund 60.00%

Local Aid Fund 40.00%. ";

by striking out item 2440-0045 and inserting in place thereof the following item:

"2440-0045 For payment to the city of Boston for maintenance and operations of the James Michael Curley recreation center; and provided further, that no expenditures shall be made other for the purposes set forth in this item 272,774

Local Aid Fund 100.0%.";

by inserting after item 2440-1000 the following:

"2440-1202 For the civilian crossing guards located at metropolitan district commission intersections where state police personnel previously performed
such duties 211,246

2440-2000 For the expenses of snow and ice control at metropolitan district commission parkways, parks facilities, and properties, including the costs of
personnel 579,696

Highway Fund 100.0%.";

by inserting after item 2440-4421 the following 2 items:

"2440-5000 For the summer and fall seasonal hires of the commission; provided, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item shall be positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than April 1 and ending not later than

November 30; provided, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this account shall not be filled by an incumbent for more than 8 months within a 12-month period 2,612,868

Highway Fund 60.00%

Local Aid Fund 40.00%

2440-0600 For the winter and spring seasonal hires of the commission; provided, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this item shall be positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning not earlier than September 1 and ending not later than April 30; provided, that notwithstanding said section 1 of said chapter 31, seasonal positions funded by this account shall not be filled by an incumbent for more than 8 months within a 12-month period 523,403

Highway Fund 60.00%

Local Aid Fund 40.00%.";

and by striking out item 2444-9001 and inserting in place thereof the following 3 items:

"2444-9001 For the maintenance, rehabilitation, construction, reconstruction, and improvement of boulevards, parkways, bridges, and related appurtenances under the care, custody, and control of the metropolitan district commission 877,432

Highway Fund 100.0%.

2444-9005 For the operation and maintenance of street lighting on metropolitan district commission parkways 2,400,000

Highway Fund 100.0%.

2460-1000 For the construction division; provided, that notwithstanding any general or special law to the contrary, all offices and positions of the division shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the

General Laws 2,678,884

Highway Fund 80.00%

Local Aid Fund 20.00%.".

The amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— "; provided further, that not less than $25,000 be expended for the maintenance and operation of the Harry McDonough Sailing Program".
The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 2440-0010, by inserting after the word "duties", in line 11, the following words:— "; provided further, that the commission shall expend $105,000 for maintenance of the southwest corridor park in the city of Boston and shall enter into contracts for personnel and other resources necessary for such maintenance, including the costs of three horticulturists".
The amendment was *rejected.*

Mr. Tolman moved to amend the bill in section 2, in item 2440-0010, by inserting after the word "Milton" the following words:— "; provided further, that $420,000 shall be expended to install a traffic signal at the intersection of Grove street and Greenough boulevard in the city known as the town of Watertown"; and by striking out the figure "$26,453,510" and inserting in place thereof the following figure:— "$26,873,510".
The amendment was *rejected*.

Ms. Creem, Mr. Tarr and Ms. Fargo moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for the costs associated with the management of aquatic non-native plants in the Charles river lakes district, including treatment and monitoring".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 2440-0010, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for improvements to the land and facilities of the Charles river esplanade in the city of Boston".
The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 2511-0100, by inserting after the word "program", in line 16, the following words:— "and provided further, that $20,000 be expended to maintain a part-time bee inspector"; and by striking out the figure "$4,494,165" and inserting in place thereof the following figure:— $4,514,165".
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, by inserting after item 4000-0100 the following item:

"4000-0112 For matching grants to municipalities, boys' and girls' clubs, YMCA and YWCA organizations, Girls' Inc., and non-profit community centers for a program to prevent high rates of juvenile delinquency, teen pregnancy and high school dropout rates for youths-at-risk, so-called; provided, that the program shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the departments of human services and education, the county sheriffs' offices, public safety departments, boys' and girls' clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but not be limited to, those teenagers and preteenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their households, truancy, homelessness, children-in-need-of services status, or involvement with the departments

of social services or youth services; provided further, that funds from this item may be expended to provide after school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each program, the number of children to be served by each program, the goals of each program, expected outcomes for fiscal year 2003 and actual outcomes for fiscal year 2003; provided further, that $60,000 shall be expended for the Billerica Boys and Girls Club; provided further, that $25,000 shall be expended for the Brockton Boys and Girls Club; provided further, that $100,000 shall be expended for the Taunton Boys and Girls Club; provided further, that not less than $90,000 shall be expended for the Russian Teens-at-Risk Program in the cities of Boston and Lynn and the town of Brookline; provided further, that $40,000 shall be expended for the Boys and Girls Club of Greater Westfield; provided further, that $40,000 shall be expended for the YMCA of Greater Westfield; provided further, that $40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the town of Saugus and the public partnership program between the Saugus YMCA and YWCA and the town of Saugus; provided further, that $50,000 shall be expended for the Russian Teens-at-Risk program operated by the Jewish Family and Children's Service in the city of Boston; and provided further, that not less than $555,000 shall be expended for after-school programs operated by public and non-public entities including, but not limited to members of the Massachusetts Alliance of Boys and Girls Clubs 1,000,000."
The amendment was *rejected.*

Ms. Tucker moved to amend the bill in section 2, by inserting after item 4000-0100 the following item:

"4000-0122 For the common ground program at the YWCA of Greater Lawrence 74,940."
The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, by inserting after item 4000-0100 the following item:

"4000-0112 For matching grants to the Somerville YMCA and the Somerville-Medford Boys and Girls Club; provided, that $50,000 shall be expended for the Somerville YMCA; and provided further, that $50,000 shall be expended for the Somerville-Medford Boys and Girls Club 100,000."
The amendment was *rejected*.

Mr. Baddour, Ms. Tucker, and Mr. Berry move to amend the bill in section 2, in item 4000-0500, by adding the following words:— "; and provided further, that the department shall reimburse acute care hospitals in the department of mental health's designated northeast area for short-term inpatient psychiatric services at the same rate per diem rate as is paid to the hospital located in the department of mental health's currently designated metro suburban area.
The amendment was *rejected*.

Messrs. Creedon, Tarr and Travaglini moved to amend the bill in section 2, in line item 4100-0060, by inserting after the citation to "114 CMR 31.02" the following words:— ", except that for the purposes of this item only, the term 'eligible pharmacy providers' shall not include those pharmacies that serve publicly aided long-term care patients in facilities licensed by the department of public health pursuant to section 71 of chapter 111 of the General Laws".
The amendment was *rejected.*

Messrs. Hedlund and Creedon moved to amend the bill in section 2, in item 4100-0600, by striking out the words "; provided further, that notwithstanding the provisions of any general or special law, rule or regulation, the division, for the purpose of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients, shall define the estimated acquisition cost for a single source brand name drug, so-called, and for a multiple source generic drug, so-called, as the wholesale acquisition cost plus two per cent for both legend and non-legend drugs".
The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 4110-1020, by striking out the figure "$330,739" and inserting in place thereof the following figure:— "$360,939".
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 4110-3010, by striking out the figure "$2,592,421" and inserting in place thereof the following figure:— "$2,635,560"; and by adding the following 2 lines:—

"General Fund 85.00%

Job Opportunity Business
Services Fund 15.00% ."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 4120-2000, by adding the following words:— ", provided further, that the maximum obligation for contracted community based services shall not be less than $6,900,000".
The amendment was *rejected*.

Mr. Tolman, Ms. Fargo and Ms. Murray moved to amend the bill in section 2, in item 4120-2000, by striking out the figure "$7,672,262" and inserting in place thereof the

following figure:— “$8,231,583”.
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 4120-3000, by striking out the figure “$8,419,539” and inserting in place thereof the following figure:— “$9,014,660”; and by adding the following 2 lines:—

“General Fund 85.00%

Job Opportunity Business Services Fund 15.00% .”

The amendment was *rejected*.

Ms. Tucker and Ms. Murray moved to amend the bill in section 2, in item 4120-3000, by striking out the figure “$8,419,539” and inserting in place thereof the following figure:— “$9,014,660”.
The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 4120-4000, by inserting after the words “Living Independently for Equality, Inc. of Brockton;” the following words: — “; provided further, that $275,000 in annualized funding shall be expended for Turning 22 clients who began receiving services in fiscal year 2002”; and by striking out the figure “$7,839,698” and inserting in place thereof the following figure:— $8,089,698”.
The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 4120-4000, by striking out the figure “$7,839,689” and inserting in place thereof the following figure:— “$8,115,212”.
The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 4120-4000, by adding the following words:— “and provided further, that it is the intent of the senate that the commission shall be enabled to provide uninterrupted service to individuals who were entered into so-called 'Turning 22' services in fiscal year 2002, subject to appropriation”.
The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, by striking out item 4120-5000 and inserting in place thereof the following item:

“4120-5000 For home making services; provided that not less than $696,000 be included to cover the annualization of homecare provider rates 5,485,746.”
The amendment was *rejected.*

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 4125-0100, by striking out the figure “$5,177,437” and inserting in place thereof the following figure:— “$5,251,038”.
The amendment was *rejected*.

Ms. Murray and Ms. Tucker moved to amend the bill in section 2, in item 4130-3050, by striking out the figure "$289,903,524" and inserting in place thereof the following figure:— "$296,424,555".
The amendment was *rejected*.

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

"4130-3500 For the provision of trial court child care services; provided that $127,553 shall be expended for child care services in the Roxbury trial court; provided further, that $152,925 shall be expended for child care services in the Springfield trial court; provided further, that $97,674 shall be expended for child care service in the West Roxbury trial court; provided further, that $225,938 shall be expended for child care services in the Middlesex trial court; provided further, that $175,000 shall be expended for child care services in the Dorchester trial courts; provided further, that $175,000 shall be expended for child care services in the Lawrence trial court; provided further, that $250,000 shall be expended for child care services in the Suffolk county court complex; provided further, that $175,000 shall be expended for child care services in the Fall River trial court; provided further, that $200,000 shall be expended for child care services in the Chelsea trial court; provided further, that $300,000 shall be expended for child care services in the Brockton trial court 1,909,090."
The amendment was *rejected.*

Ms. Murray moved to amend the bill in section 2, in item 4200-0300, by striking out the figure "$76,484,340" and inserting in place thereof the following figure:— "$80,720,879".
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 4401-1000, by striking out the figure "$33,270,040" and inserting in place thereof the following figure:— "$35,000,000; by striking out the figure "55.50%" and inserting in place thereof the following figure "47.7%"; by striking out the figure "45.5%" and inserting the following figure:— 42.3%; and by adding the following line:—

"Job Opportunity Business
Services Fund 10.0% ."

The amendment was *rejected.*

Mr. O'Leary moved to amend the bill in section 2, in item 4403-2120 by inserting after the words "additional costs to the family shelter program;" the following words:— "provided further, that Hyannis Safe Harbor Shelter shall be a contracted shelter;".
The amendment was *rejected.*

Mr. Lees moved to amend the bill in section 2, in item 4404-1000, by striking out the figure "$13,331,830" and inserting in place thereof the following figure:— "$9,442,948".
The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 4406-3000, by striking out the words "$592,325 for the Boston Health Care for the Homeless program" and inserting in place thereof the following words:— "$742,325 for the Boston Health Care for the Homeless program"; and by striking out the figure "$37,091,927" and inserting in place thereof the following figure:— "$37,241,927."
The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 4510-0100, by striking out the figure "$19,495,270" and inserting in place thereof the following figure:— "$20,371,541."
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4510-0110, by striking out the figure "$5,643,883" and inserting in place thereof the following figure:— "$9,348,035".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4510-0150, by striking out, in line 8, the figure "$225,000" and inserting in place thereof the following figure:— "$275,000".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4510-0150, by striking out the figure "$3,289,491" and inserting in place thereof the following figure:— "$6,306,262".
The amendment was *rejected.*

Mr. Tarr moved to amend the bill in section 2, in item 4513-1022, by adding the following words:— "; provided further, that not less than $40,000 be provided for the operations of the Domestic Violence Response Team, provided to the Ipswich district court by the police departments of Wenham, Ipswich, Topsfield and Hamilton".
The amendment was *rejected*.

Messrs. Moore and McGee, Ms. Fargo, Ms. Wilkerson and Ms. Chandler moved to amend the bill in section 2, by inserting after item 4513-1112 the following item:

"4513-1113 For a program to raise public awareness and provide health care provider education on colorectal cancer, including dissemination of materials on preventing and screening the disease and cancer registry reporting; provided, that no expenditures shall be made from this item for the cost of personnel 87,500."
The amendment was *rejected.*

Messrs. Moore and Knapik and Ms. Fargo moved to amend the bill in section 2, in item 4516-1000, by striking out the figure "$10,247,936" and inserting in place thereof the following figure:— "$11,477,360".
The amendment was *rejected*.

Messrs. Moore, McGee and Knapik, Ms. Creem and Ms. Fargo moved to amend the bill in section 2, in item 4530-9000, by striking out the figure "$3,453,786" and inserting in

place thereof the following figure:— "$3,628,855".
The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 4590-0915, by striking out the figure "$109,890,178" and inserting in place thereof the following figure:— "$115,516,277".
The amendment was *rejected*.

Ms Tucker and Ms. Fargo moved to amend the bill in section 2, in item 4800-0038, by striking out the figure "$457,359,531" and inserting in place thereof the following figure:— "$463,859,531".
The amendment was *rejected.*

Messrs. Hart and Joyce moved to amend the bill in section 2, in item 4800-0038, by striking out the words "provided further, that the department shall expend $160,000 for Latinas y Ninos and Casa Esperanza, to implement a family stabilization and reunification program" and inserting in place thereof the following words:— "provided further, that not less than $348,850 shall be expended for Casa Esperanza and Latinas y Ninos to implement a family stabilization and reunification program".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4800-0038, by striking out, in line 48, the figure "$250,000" and inserting in place thereof the following figure:— "$272,000".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4800-1400, by striking out the word "of", in line 2, and inserting in place thereof the following word — "from".
The amendment was *rejected*.

Ms. Tucker and Ms. Murray moved to amend the bill in section 2, in item 4800-1500, by striking out the figure "$383,638" and inserting in place thereof the following figure:— "$603,056".
The amendment was *rejected*.

Mr. Baddour, Ms. Tucker and Mr. Berry moved to amend the bill in section 2, in item 5047-0001, by adding the following words:— "; and provided further, that the department shall reimburse acute care hospitals providing acute inpatient psychiatric service, whether directly or through a managed care intermediary, at per diem rates which are at least equal to the rates paid for the services under the department of medical assistance payment schedules".
The amendment was *rejected*.

Messrs. Berry and Moore moved to amend the bill in section 2, in item 5055-0000, by adding the following words:— "; provided further, that not less than $857,889 shall be expended for the purposes of providing mental health services to inmates in jails and houses of correction".
The amendment was *rejected*.

Ms. Fargo and Mr. Morrissey moved to amend the bill in section 2, in item 5920-2000, by striking out the figure "$536,656,477" and inserting in place thereof the following figure:— "$544,156,477".
The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 6006-0003, by striking out the figure "$592,505" and inserting in place thereof the following figure:— $621,824".
The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— "; and provided further, that $500,000 shall be expended for a barrier wall to separate a highway from a residential neighborhood along interstate highway route 93 next to Brookside parkway in the city of Medford".
The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— "; and provided further, that $450,000 shall be expended for a barrier wall to separate a highway from a residential neighborhood along interstate highway route 93 next to Rhode Island avenue in the city of Somerville".
The amendment was *rejected*.

Messrs. Havern and Knapik moved to amend the bill in section 2, in item 6010-0001, by striking out the figure "$24,049,112" and inserting in place thereof the following figure:— "$27,517,881".
The amendment was *rejected.*

Mr. Shannon moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— ; and provided further, that $100,000 in matching funds shall be expended for the design of the Somerville community bike path in the city of Somerville".
The amendment was *rejected*.

Messrs. Moore, Brewer, Hedlund and Knapik, Ms. Creem and Ms. Fargo moved to amend the bill in section 2, in item 7000-9101, by striking out the figure "1,036,322" and inserting in place thereof the following figure:— "1,180,527".
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7000-9401, by adding the following words:— "; and provided further, that notwithstanding said section 19C of said chapter 78 or any other general or special law to the contrary, the Springfield Public Library shall be designated a library of last recourse under said section 19C of said chapter 78 and, as a library of last recourse for reference and research services in western Massachusetts, shall be entitled to receive funds based on the number of residents in the counties of Hampden, Hampshire, Berkshire and Franklin".
The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 7000-9406, by striking out the figure "$1,628,550" and inserting in place thereof the following figure:—

“$2,130,000”.
The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 7000-9506, by striking out the figure “$3,729,188” and inserting in place thereof the following figure:— “$3,838,471”.
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 7002-0101, by striking out the figure “$319,589” and inserting in place thereof the following figure:— “$512,000”.
The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 7002-0600 by striking out the figure “$934,448” and inserting in place thereof the following figure:— “$1,072,111”.
The amendment was *rejected.*

Ms. Chandler moved to amend the bill in section 2, in item 7002-0700, by striking out the figure “$435,358” and inserting in place thereof the following figure:— “$519,713”.
The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 7002-0800 by striking out the figure “$629,329” and inserting in place thereof the following figure:— “$717,387”.
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 7002-0800, by striking out the figure “$629,329” and inserting in place thereof the following figure:— “$717,389”.
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7003-0400, by striking out the figure “$350,836” and inserting in place thereof the following figure:— “$750,000”; and by inserting after that figure the following words:—

“Job Opportunity Business
Services Fund 100.0% .”

The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 7003-0601, by striking out the figure “$1,000,000” and inserting in place thereof the following figure:— “$3,050,000”; and by inserting after item 7003-0803 the following item:

“7003-0901 For a summer jobs youth at risk program; provided, that the commonwealth corporation shall submit a report to the house and senate committees on ways and means on or before October 1, 2002 that shall include a list of all contractors and subcontractors administering the program, the amount allocated for fiscal year 2003 per contract, the year-to-date amount expended for fiscal year 2003 per contract, the number of youth served per contract, the hourly per youth wage per contract, the amount of matching funds leveraged per contract, and the source of matching funds; provided further, that

administrative costs shall not exceed 10 per cent of amounts awarded from this item; and provided further, that no funds appropriated herein shall be expended or disbursed prior to the receipt of equal matching funds from private sources to any entity or municipality eligible for or requesting funds from this item, prior appropriation continued 825,000." The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7003-0700, by adding the following words:— "; provided further, that not less than $3,000,000 shall be expended for the operation of career development programs, including, but not limited to the Building Essential Skills through Training (BEST) Initiative; and by striking out the figure "$818,000" and inserting in place thereof the following figure:—

"3,818,000

General Fund 21.42%

Workforce Training Fund
78.58%.".

The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7003-0700, by inserting below the figure "$818,000" the following words:—

General Fund 50.00%

Job Opportunity Business
Services Fund 50.00%. "

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7003-0700, by adding the following words:— "; provided further, that $100,000 shall be expended for the Twin Cities Community Development Corporation's Central Massachusetts entrepreneurial business start-up training program"; and by striking out the figure "$818,000" and inserting in place thereof the following figure:— "$918,000".
The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 7003-0701, by adding the following words:— "; and provided further, that not less than $75,000 shall be provided as a grant to a nonprofit transportation provider to continue the Southbridge to Worcester express bus transporting low-income residents to employment or education opportunities".
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7003-0803, by striking out the figure "$3,562,500" and inserting in place thereof the following figure:— "$3,750,000"; and by adding the following words:—

General Fund 50.00%

Job Opportunity Business
Services Fund 50.00% .”

The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 7003-1000, by adding the following words:— “; and provided further, that not more than $75,000 shall be expended for the JVS Neighborhood Business Builders as the supplemental match to conduct an entrepreneurial training program for income eligible residents”.
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 7003-1000, by adding the following words:— “ ; and provided further, that $92,000 shall be expended for a workforce development coordinator at a union chosen by the department”.
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7003-1000 by striking out the figure “$70,000” and inserting in place thereof the following figure:— “$95,000”; and by striking out the figure “$1,395,000” and inserting in place thereof the following figure:— “$1,795,000”.
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7003-1000, by inserting after the words “for the youth councils;” the following words:— “provided further, that not less than $75,000 shall be expended for the western Massachusetts enterprise fund microenterprise program as the supplemental match to conduct an entrepreneurial training program to income eligible residents;”; by adding the following words:— “; provided further, that not less than $150,000 shall be provided to the Massachusetts regional employment board association, known also as the Massachusetts Workforce Board Association, to support the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems;”; by striking out the words “shall receive not more than $70,000” and inserting in place thereof the following words:— “shall receive not less than $95,000”; by striking out the figure “$1,395,000” and inserting in place thereof the following figure:— “$2,020,000”; and by inserting after that figure the following words:—

General Fund 50.00%

Job Opportunity Business
Services Fund 50.00% .”

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 4403-2119, by striking out the figure “$7,220,543” and inserting in place thereof the following figure:— “$6,220,543”; and by inserting after item 7004-0099 the following item:

“7004-2010 For a residential program for pregnant teens and their children; provided, that not less than $400,000 shall be expended for Brigid’s Crossing in the city of Lowell 1,000,000.”
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 7004-2027, 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., Viet aid, in the Dorchester section of the city of Boston,”.
The amendment was *rejected.*

Ms. Fargo, Mr. Hart and Ms. Tucker moved to amend the bill in section 2, in item 7004-2027, by striking out the figure “$1,907,730” and inserting in place thereof the following figure:— “$2,600,000”.
The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 7006-0020, by striking out the figure “$9,084,237” and inserting in place thereof the following figure “$10,084,237”.
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7006-0080, by striking out the figure “$592,756” and inserting in place thereof the following figure: — “$618,443”.
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, by inserting after item 7006-0110 the following item:

“7006-1000 For the operation of the division of energy resources 750,000.”
The amendment was *rejected.*

Mr. Nuciforo moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Merrimack Valley economic development council” the following words:— “; provided further, that $100,000 shall be expended for the Community-Based Employment Services”; and by striking out the figure “$1,485,000” and inserting in place thereof the following figure:— “$1,585,000”.
The amendment was *rejected.*

Mr. Knapik moved to amend the bill in section 2, in item 7007-0400, by inserting after the word “Worcester”, in line 28, the following words:— “; provided further, that not less than $60,000 shall be expended for the Reunion Center in Easthampton”.
The amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Center for Women and Enterprise;” the following words:— “; and provided further, that not less than $525,000 shall be expended for minority economic and community development public and non-profit grants to community-based organizations for implementation within minority communities;”; and by striking out the figure

“$1,485,000” and inserting in place thereof the following figure:— “$2,000,000”.
The amendment was *rejected.*

Messrs. Tisei and McGee moved to amend the bill in section 2, in item 7007-0400, by striking out the figure “$1,485,000” and inserting in place thereof the following figure:— “$1,515,000”; and by inserting after the word “Worcester”, in line 34, the following:— “; provided further, that $30,000 shall be expended for the Lynnfield Senior Center”.
The amendment was *rejected.*

Mr. O’Leary moved to amend the bill in section 2, in item 7007-0400, by inserting after the word “commonwealth;”, in line 45, the following words:— “provided further, that not less than $50,000 shall be expended for the Cape Cod Technology Council, Inc.;”.
The amendment was *rejected.*

Mr. Lees moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not less than $100,000 shall be expended as a grant to the Springfield Area Council For Excellence for outreach to Pioneer Valley businesses”; and by striking out the figure “$1,485,000” and inserting in place thereof the following figure:— “$1,585,000”.
The amendment was *rejected.*

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further, that the office of travel and tourism shall assume all operation and administrative functions of the Tourist Information Center in the city of Springfield”.
The amendment was *rejected.*

Mr. Nuciforo moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further, that not less than $200,000 shall be expended as grants for the Bay State Games”.
The amendment was *rejected.*

Mr. McGee moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “provided further, that $50,000 shall be expended for the Community Minority Cultural Center in the city of Lynn”.
The amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “and provided further, that a matching grant of not less than $250,000 shall be expended for repairs, including water damage, to the Strand Theater in the city of Boston,”.
The amendment was *rejected.*

Mr. McGee moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further, that $25,000 shall be expended for the restoration of Saugus town hall”.
The amendment was *rejected.*

Ms. Resor, Ms. Murray and Ms. Menard moved to amend the bill in section 2, in item 7007-1200, by striking out the figure "$847,000" and inserting in place thereof the following figure:— "$847,892".
The amendment was *rejected.*

Ms. Wilkerson moved to amend the bill in section 2, in item 7007-1500, by striking out the words "provided further, that said office shall, using all existing available resources, provide certification services within each of the one-stop regional assistance centers of the Massachusetts office of business development" and inserting in place thereof the following words:— "provided further, that the office shall have, in addition to the existing staff, an EDP II analyst to oversee and maintain the electronic application; provided further, that the office shall have, in addition to the existing staff, a general counsel to handle all legal matters pertaining to the office, including but not limited to, the electronic application process".
The amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 7010-0005, by adding the following words:— "; provided further, that the commissioner of education, in consultation with the chairman of the board of education, shall establish a blue ribbon commission to study education funding in the commonwealth, and specifically to advise the general court with respect to the equitable application of the current education funding formula or any proposed changes thereto; provided further, that the commission may be called upon by the commissioner or any member of the general court to review any proposed change to education funding that would impact or relates to any element of public education in the commonwealth, including, but not limited to, the Massachusetts comprehensive assessment system, special education, vocational technical education, and changes in school enrollment levels; provided further, that the commissioner shall be chaired by the commissioner and the chairman of the board of education, and shall consist of 9 members appointed by the chairmen, including 1 school superintendent, 1 school principal, and 1 school teacher each from different communities with a population of less than 50,000; 1 school superintendent, 1 school principal, and 1 school teacher each from different communities with a population of greater than 50,000; and 3 members of the public with no governmental or advocacy group affiliation who are parents or guardians to a public school student or are members of a parent teacher association;".
The amendment was *rejected.*

Mr. Nuciforo moved to amend the bill in section 2, in item 7030-1004, by striking out the figure "$2,500,000" and inserting in place thereof the following figure:— "$2,995,000".
The amendment was *rejected.*

Messrs. Creedon, McGee, Tolman and Nuciforo, Ms. Creem, Mr. Baddour, Ms. Resor and Messrs. Shannon and Hart moved to amend the bill in section 2, in item 7035-0002, by striking out the figure "$28,107,237" and inserting in place thereof the following figure:— "$29,586,565".
The amendment was *rejected.*

Mr. Travaglini moved to amend the bill in section 2, in item 7035-0003, by striking out the figure "$100,000" and inserting in place thereof the following figure:— "$139,590". The amendment was *rejected.*

Mr. O'Leary moved to amend the bill in section 2, in item 7061-0008, by inserting after the word "program;", in line 12, the following words:— "provided further, that for those communities that are at or below the bottom thirty-third percentile for median household income and are currently allocated funding in section 3 at an amount equal to or less than 25 per cent of that community's required net school spending, additional funds shall be allocated to bring the Chapter 70 contribution in those qualifying communities to a minimum of 25 per cent of their required net school spending; provided further, that said criteria shall be applied in each subsequent fiscal year, and additional Chapter 70 aid shall be allocated as appropriate;".
The amendment was *rejected.*

Messrs. Tolman, McGee and Tarr moved to amend the bill in section 2, by striking out item 7061-0012, and inserting in place thereof the following item:

"7061-0012 For the reimbursement of extraordinary special education costs pursuant to section 5A of chapter 71B of the General Laws; provided, that notwithstanding said section 5A or any other general or special law or rule or regulation to the contrary, the reimbursement rate for students who have no parent or guardian living in the commonwealth, shall be 100 per cent of all approved instructional costs that exceed 4 times the state average per pupil foundation budget; provided further, that not more than $8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $8,750,000, not less than $7,500,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department; provided further, that the amount expended for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided in this item may reimburse private schools for prior fiscal year's tuition; and provided further, that not more than $500,000 shall be expended by the department of education to administer this account 127,000,000

Local Aid Fund 100.0% ."

The amendment was *rejected.*

Mr. Antonioni moved to amend the bill in section 2, in item 7061-0012, by adding the following words:— "; provided further, that the department shall continue a program of onsite visits at least once every 3 years to monitor school district special education programs and approved private day and residential schools focused on compliance with chapter 71B of the General Laws and state education reform requirements and objectives; provided further, that funds shall be expended for technical assistance to school districts

by not less than 5 regionally assigned department personnel; provided further, that at least 1 each shall be assigned to west, central, northeast, southeast and the metropolitan Boston areas; and provided further, that such technical assistance may include, but shall not be limited to, statewide and regional training on effective pre-referral strategies, inclusive teaching strategies, dissemination of best practices, for training in data collection and for monitoring and evaluating the implementation of curriculum accommodation plans pursuant to section 38Q1/2 of chapter 71 of the General Laws".
The amendment was *rejected.*

Mr. Shannon moved to amend the bill in section 2, in item 7061-9404, by adding the following words:— "; and provided further, that $750,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs' after-school tutorial program known as Project Learn".
The amendment was *rejected.*

Mr. Tolman moved to amend the bill in section 2, in item 7061-9404, by inserting after the words "at the school or district;", in line 39, the following words:— "provided further, that not less than $225,000 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;".
The amendment was *rejected.*

Mr. Hart moved to amend the bill in section 2, in item 7061-9611, by adding the following words:— "; provided further, that not less than $400,000 shall be expended for the Grover Cleveland middle school in the Dorchester section of the city of Boston to establish a comprehensive violence prevention and academic support program with a particular focus on at-risk middle-school female students".
The amendment was *rejected.*

Mr. Lees moved to amend the bill in section 2, in item 7061-9634, by striking out, in lines 9 and 10, the words "; provided further, that said matching amount shall be from a source other than state funds".
The amendment was *rejected.*

Mr. Moore moved to amend the bill in section 2, in item 7066-0000, by adding the following words:— "provided further, that $50,000 shall be made available for a study from performance improvement grant funds appropriated to the board of higher education; to assess the feasibility of establishing a Vanguard College demonstration project at an independent, licensed and accredited Massachusetts institution of higher education; provided further, that the demonstration project shall serve as a model for future collaboration between public and private higher educational institutions; and provided further, that the goals of the project shall be to effectuate nonduplication of program effort, economies of scale and efficiences in campus operations and to leverage excess capacity in order to contain costs and increase access to higher learning opportunities in the commonwealth".
The amendment was *rejected.*

Mr. Knapik moved to amend the bill in section 2, in item 7066-0015, by adding the following words:— "; and provided further, that $600,000 shall be transferred to this item from the Workforce Training Trust Fund"; and by striking out the figure "$900,000" and inserting in place thereof the following figure:— "$1,500,000".
The amendment was *rejected.*

Mr. Moore moved to amend the bill in section 2, in item 7077-0023, by striking out the figure "$4,792,500" and inserting in place thereof the following figure:— "$5,325,000".
The amendment was *rejected.*

Mr. Glodis moved to amend the bill in section 2, in item 7077-0023, by striking out the figure "$4,792,500" and inserting in place thereof the following figure:— "$5,325,500".
The amendment was *rejected.*

Mr. Antonioni moved to amend the bill in section 2, by striking out item 7100-0200 and inserting in place thereof the following item:

"7100-0200 For the commonwealth's share of the expenses of the University of Massachusetts provided, that the amount herein appropriated shall not be subject to the provisions of chapter 29 of the General Laws; provided further, that the comptroller of the commonwealth shall pay the amount appropriated herein to the trustees of the University of Massachusetts not later than the fifteenth of July of the current year; provided further, that notwithstanding any general or special law to the contrary, the university may establish and organize auxiliary organizations, subject to policies, rules and regulations enacted by the board, to provide essential functions which are integral to the educational mission of the university; and provided further, that notwithstanding any general or special law to the contrary, the university may enter into leases of real property without prior approval of the division of capital asset management and maintenance 460,599,228."
The amendment was *rejected.*

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

"7100-0445 For matching funds for the University of Massachusetts for the purpose of providing an endowment program for chairs of the various departments within the university; provided, that private donations contributed for the purposes of this program shall not result in direct or indirect reductions in the commonwealth's appropriation for the university; and provided further, that the amount appropriated herein may fund matching grants paid to the university in an amount not to exceed $1 for every $2 privately contributed or contractually pledged to the university's board of trustees 2,000,000."
The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 7514-0102, by striking out the figure "$535,206" and inserting in place thereof the following figure:—

“$1,070,411”.
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 8000-0000 by striking out the figure “$1,460,266” and inserting in place thereof the following figure:— “$1,523,454”.
The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, in item 8000-0010, by adding the following words:— “; and provided further, that not less than $72,000 shall be provided for community policing in the city of Revere in addition to the amount awarded to the city in fiscal year 2001”.
The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 8000-0010, by inserting after the word “Boston”, in line 75, the following word:— “Boxford”; by inserting after the word “Longmeadow”, in line 77, the following word:— “Essex”; by inserting, in line 78, after the word “Georgetown” the following word:— “Gloucester”; by inserting after the word “Greenfield”, in line 78, the following words:— “Groveland, Hamilton”; by inserting after the word “Lynn”, in line 80, the following words:— “Manchester-by-the-Sea”; by inserting after the word “Methuen”, in line 81, the following word:— “Middleton”; by inserting after the word “Rockland", in line 85, the following word:— “Rockport”; by inserting after the word “Wellfleet”, in line 86, the following word:— “Wenham”; and by inserting after the word “Watertown”, in line 87, the following words:— “West Newbury, Wilmington”.
The amendment was *rejected*.

Mr. Sprague moved to amend the bill in section 2, by striking out item 8000-0010 and inserting in place thereof the following item:

“8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that any community receiving earmarked funds in fiscal year 2002 shall receive 90% of that amount in fiscal year 2003; provided further, that $5,000,000 shall be provided for competitive grants; provided further that any community that was approved for a competitive grant in fiscal year 2002 and did not receive any funding shall take first priority in receiving consideration for competitive grants in fiscal year 2003; provided further, that before the awarding of any grants in fiscal year 2004 the joint committee on public safety and the house committee on post audit and oversight shall conduct an investigation and study into the distribution process for community policing grants; provided further, that the executive office of public safety, local police chiefs and police commissioners, and representatives from the appropriate police unions and police associations are consulted as part of said investigation and study; provided further, that the joint committee on public safety and the house committee on post audit and oversight issue a report with recommendations on an equitable distribution process by January 1, 2003; provided further, that the process for the awarding of community policing grants in fiscal year 2004 shall take into consideration these recommendations; provided further, that grant funds shall only be expended on items that are related to community policing activities, programs, purchases

or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel and payments for non-related overtime; provided further, that no such grants shall be awarded to the state police; and provided further, than not later than February 1, 2003 the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants 20,235,596."
The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 8000-0010, by inserting after the words "the town of Rowley in addition to the amount awarded to said town in fiscal year 2001" the following words:— "; provided further, that $20,000 shall be awarded to the town of Littleton in addition to the amount awarded to said town in fiscal year 2001".
The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2, in item 8000-0110, by striking out the figure "$6,322,272" and inserting in place thereof the following figure:—"$6,462,832".
The amendment was *rejected*.

Mr. Baddour moved to amend the bill in section 2, in item 8000-0125, by striking out the figure "$3,797,740" and inserting in place thereof the following figure:— "$3,973,413".
The amendment was *rejected*.

Mr. Brewer moved to amend the bill in section 2, in item 8100-0007, by striking out the figure "$11,060,782" and inserting in place thereof the following figure:— "$11,700,281".
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 8100-0007, by striking out the figure "$11,060,782" and inserting in place thereof the following figure "$11,700,281".
The amendment was *rejected.*

Mr. Hedlund moved to amend the bill in section 2, by inserting after item 8100-0020 the following item:

"8100-0301 For the payroll costs of the state police directed patrols; provided, that not less than $280,000 shall be expended for the costs of increased patrols during the months of June to September, inclusive, for Nantasket Beach in the town of Hull; provided further, that not less than $31,000 shall be expended for the purpose of assigning 1 state trooper to Fort Revere in the town of Hull during the hours of peak nefarious activity of the summer months 3,110,000."
The amendment was *rejected.*

Mr. Shannon moved to amend the bill in section 2, by inserting after item 8100-0020 the following item:

"8100-0301 For the operation of a program for the Medford State Police barracks entitled Zero Tolerance and Fire Risk Prevention to increase patrols and public safety using

bicycles and other policing means within the Middlesex Fells and Mystic river reservation district; provided, that the station commander may use any special operations units necessary to further the public safety goals of the district; and provided further, that this money shall not be used by the special operations marine unit of the state police unless specifically authorized by the station commander who will denote the hours of need to coincide with the Zero Tolerance Program 365,000."
The amendment was *rejected.*

Mr. Creedon moved to amend the bill in section 2, by inserting after item 8100-0020 the following item:

"8100-0301 For the costs associated with providing state police patrols 3 nights per week in the city of Brockton, south between Montello Street and Warren Avenue and north to Battle Street between Montello Street and Warren Avenue, or at other locations, and such patrols shall be assigned between the hours of 8:00 p.m. and 4:00 a.m. beginning July 1, 2002 for a period of 18 weeks, as deemed necessary 45,360."
The amendment was *rejected.*

Mr. Brewer moved to amend the bill in section 2, in item 8200-0200, by striking out the figure "$2,703,086" and inserting in place thereof the following figure:— "$2,793,087".
The amendment was *rejected.*

Ms. Menard and Messrs. O'Leary, Tarr, Glodis, Nuciforo and Creedon moved to amend the bill in section 2, in item 8200-0200, by striking out, in line 4, the word "more" and inserting in place thereof the following word:— "less".
The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 8400-0001, by inserting after the words "through April 24, 1998;" the following words:— "provided further that during fiscal year 2003 the registry of motor vehicles shall continue to operate and shall not transfer the commercial branch from its current location in the city of Marlborough; provided further, the registry shall work in conjunction with the capital asset management and maintenance division to explore with the city of Marlborough alternate locations to house the commercial branch and other registry services within the city of Marlborough".
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 8900-0001, by adding the following words:— "; provided further, that not less than $9,800,000 shall be expended for collectively bargained salary increases for Unit 4 employees; and provided further, that the number of Unit 4 positions funded from this item in fiscal year 2003 shall be not less than the number funded from this item in fiscal year 2002"; and by striking out the figure "$417,014,915" and inserting in place thereof the following figures:— "$426,814,915".
The amendment was *rejected.*

Mr. Glodis moved to amend the bill in section 2, in item 8900-0001, by striking out, in lines 24 to 26, inclusive, the words "that the department may provide local relief funding

to the cities and towns hosting facilities" and inserting in place thereof the following words:— "that the department shall provide local relief funding to the cities and towns hosting facilities"; and by striking out the figure "$417,014,915" and inserting in place thereof the following figure:— "$424,299,058".
The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 8900-0001, by striking out the words "that the department may provide local relief funding to the cities and towns hosting facilities;" and inserting in place thereof the following words:— "that the department shall provide local relief funding to the cities and towns hosting facilities;"; and by striking out the figure "$417,014,915" and inserting in place thereof the following figure:— "$424,299,058".
The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 8900-0001, by inserting after the word "facilities", in line 26, the following words:— "; provided further, that the department shall expend not less than $172,000 for local relief funding to the town of Shirley".
The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 8900-0001, by striking out the figure "$417,014,915" and inserting in place thereof the following figure:— "$424,299,058".
The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, by striking out item 8910-0000 and inserting in place thereof the following item:

"8910-0000 For a reserve to fund county correctional programs; provided, that amounts allocated in this item shall be contingent upon the transfer of funds appropriated in item 1599-7092; provided further, that $180,000 shall be expended for Project Coach; provided further, that not less than $7,633,849 shall be made available to Barnstable county; provided further, that not less than $25,626,735 shall be made available to Bristol county; provided further, that not less than $1,312,656 shall be made available to Dukes county; provided further, that not less than $59,714 shall be made available to Nantucket county; provided further, that not less than $15,450,251 shall be made available to Norfolk county; provided further, that not less than $28,692,209 shall be made available to Plymouth county and expended for operating and debt service costs associated with state inmates housed in the Plymouth county facility, pursuant to clauses 3 and 4 of the Memorandum of Agreement signed May 14, 1992; provided further, that not less than $10,241,881.32 shall be approved by the County Government Finance Review Board from a combination of the aforementioned amount made available to Plymouth county, reimbursements for federal inmates, deeds excise, and other revenue sources, said amount to be made available to Plymouth county for purposes of paying debt service for the Plymouth County Correctional Facility Project; provided further, that not less than $75,600,175 shall be made available to Suffolk county; provided further, that the balance of funds appropriated in this item shall be distributed among the counties by the county

government finance review board upon prior notification to the house and senate committees on ways and means; provided further, that Suffolk county may receive additional funding from the balance for county correction maintenance and operation expenses; provided further, that funds distributed from this item shall be paid to the treasurer of each county who shall place such funds in a separate account within the treasury of each such county; provided further, that the treasurer shall authorize temporary transfers into this account for operation and maintenance of jails and houses of correction in advance of receipt of the amount distributed by the commonwealth under this item; provided further, that upon receipt of the state distribution, the treasurer may transfer out of such account an amount equal to the funds so advanced; provided further, that all funds deposited in such accounts and any interest accruing thereto shall be used solely for the functions of the sheriffs' departments of the various counties including, but not limited to, maintenance and operation of jails and houses of correction, without further appropriation; provided further, that the sheriff's department of each county shall reimburse the county treasurer of each county for personnel-related expenses, with the exception of salaries, attributable to the operations of the sheriff's department of each county heretofore paid by the county including, but not limited to, the cost of employee benefits; provided further, that the spending plans required by this item shall be developed by the county government finance review board, in consultation with the Massachusetts Sheriffs' Association; provided further, that in accordance with section 247 of chapter 38 of the acts of 1995, all spending plans shall be detailed by subsidiary and object code in accordance with the expenditure classification requirements promulgated by the comptroller; provided further, that such spending plans shall be accompanied by a delineation of all personnel employed by each county correctional facility including, but not limited to, position, title, classification, rank, grade, salary and full-time or part-time status; provided further, that such spending plans shall be accompanied by a delineation of all vehicles leased, owned or operated by each county sheriff; provided further, that such delineation shall include vehicle make and model year, mileage, condition, date purchased or leased and vehicle primary use; provided further, that no sheriff shall purchase any new vehicles or major equipment in fiscal year 2003 unless such purchase is made pursuant to a multi-county or regionalized collaborative procurement arrangement or unless such purchase is directly related to significant population increase or is otherwise necessary to address an immediate and unanticipated public safety crisis and is approved by the county government finance review board and the executive office of public safety; provided further, that notwithstanding the provisions contained in this item, sheriffs may purchase 'marked' prisoner transportation vans upon notification to the county government finance review board; provided further, that notwithstanding any special law to the contrary, no county treasurer shall retain revenues derived by the sheriffs from commissions on telephone service provided to inmates or detainees; provided further, that said revenues shall be retained by the sheriffs not subject to further appropriation for use in a canteen fund; provided further, that the county government finance review board and the executive office of public safety shall identify and develop county correction expenditures which shall be reduced through shared contracts, regionalized services, bulk purchasing and other centralized procurement savings programs; provided further, that documentation of such expenditures and savings shall be submitted to the house and senate committees on ways and means not later than

December 30, 2002 and shall make provision for such system of shared contracts, regionalized services, bulk purchasing and other centralized procurement savings to take effect not later than June 30, 2003; provided further, that the daily count sheet for county facilities compiled by the executive office of public safety, shall be filed with the Massachusetts Sheriffs' Association not less than monthly; provided further, that all revenues including, but not limited to, revenue received from housing federal prisoners, United States Marshals, canteen revenues, inmate industries and work-crew revenues shall be tracked and reported quarterly to the house and senate committees on ways and means and the Massachusetts Sheriffs' Association; provided further, that on or before August 15, 2002, each county sheriff shall submit a final spending plan for fiscal year 2003 to the county government finance review board and the house and senate committees on ways and means detailing the level of resources deemed necessary for the operation of each county correctional facility and the expenditures which shall be reduced to remain within the appropriation; provided further, that failure by a county sheriff to comply with any provision of this item shall result in a reduction of subsequent quarterly payments to amounts consistent with a rate of expenditure of 95 per cent of the rate of expenditure for fiscal year 2002, as determined by the county government finance review board; provided further, that each sheriff shall submit to the executive office of public safety and the house and senate committees on ways and means copies of such spending plans not later than August 15, 2002; provided further, that on or before September 15, 2002, the county government finance review board shall have approved final fiscal year 2003 county correction budgets; provided further, that the county government finance review board shall provide the executive office of public safety and the house and senate committees on ways and means with copies of such approved budgets not later than October 15, 2002; provided further, that such budgets shall include distribution schedules for the final two quarters of fiscal year 2003 and such plans shall be used to make all subsequent quarterly distributions; provided further, that services shall be provided to the extent determined to be possible within the amount appropriated in this item and each sheriff shall make all necessary adjustments to ensure that expenditures do not exceed the appropriation; provided further, that each county shall expend during fiscal year 2003, for the operation of county jails and houses of correction and other statutorily authorized facilities and functions of the office of the sheriff, in addition to the amount distributed from this item, not less than 102.5 per cent of the amount expended in fiscal year 2002 for such purposes from own-source revenues, which shall not be less than 5 per cent of total county revenues including, but not limited to, amounts levied pursuant to sections 30 and 31 of chapter 35 of the General Laws and amounts provided pursuant to sections 11 to 13, inclusive, of chapter 64D of the General Laws; provided further, that in fiscal year 2003, those counties which have not met maintenance of effort obligations in prior fiscal years shall expend not less than the minimum contribution, as defined above from own-source revenues; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 5 per cent of the total fiscal year 2003 Suffolk county correction operating budget as approved by the county government finance review board; provided further, that notwithstanding any general or special law to the contrary, the deputy commissioner of local services shall certify on or before May 15, 2003 that all municipalities have appropriated and transferred to their respective county treasuries, not less than 102.5 per cent of the

municipality's prior year obligations or minimum contributions as defined above, whichever is greater, for county corrections; provided further, that if a municipality fails to transfer such obligation, the deputy commissioner shall withhold an amount equal to the shortfall in the obligation due to the county from such municipality's fourth quarter local aid 'cherry sheet' distribution authorized from account 0611-5500 of section 2 and from funds made available from the State Lottery Fund distribution in section 3; provided further, that on or before August 1, 2002, the deputy commissioner shall report all such withholdings to the house and senate committees on ways and means; provided further, that in fiscal year 2003, notwithstanding section 20A of chapter 59 of the General Laws, any county except Suffolk and Nantucket may increase its county tax for said fiscal year by an additional amount if the total amount of such additional county tax is approved by two-thirds of the cities and towns in the county, in towns by a majority vote of the town meeting or town council, and in cities by a majority vote of the city council or board of aldermen, with the approval of the mayor or manager; provided further, that any county which borrowed under section 6 of chapter 193 of the acts of 1989 on or before July 31, 1989 or which borrowed in fiscal year 1989 under section 36A of chapter 35 of the General Laws, may refund such debt for a term not to exceed seven years from the date of the original loan with payments on such refunding loan to be made in accordance with said chapter 35 and section 12 of chapter 64D of the General Laws, as may be applicable; provided further, that each sheriff shall continue to report all expenditures on the Massachusetts management accounting reporting system in accordance with the latest expenditure classification requirements promulgated by the comptroller pursuant to section 27 of chapter 29 of the General Laws; provided further, that each sheriff funded from this item shall report on a monthly basis to the house and senate committees on ways and means on the average monthly inmate population in the county starting not later than September 30, 2002 134,318,218

Local Aid Fund 100.0% ."

The amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2, in item 8910-0000, by striking out the figure "$126,818,218" and inserting in place thereof the following figure:— "$139,336,304".
The amendment was *rejected*.

Mr. Glodis and Ms. Chandler moved to amend the bill in section 2, in item 8910-0105, by striking out the figure "$36,840,932" and inserting in place thereof the following figure:— "$38,275,454".
The amendment was *rejected*.

Ms. Chandler, Messrs. Glodis, Brewer and Antonioni and Ms. Resor moved to amend the bill in section 2, in item 8910-0105, by striking out the figure $36,840,932" and inserting in place thereof the following figure:— "$38,275,454".
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8910-0145, by striking out the figure "$11,450,390" and inserting in place thereof the following figure:— "$11,519,405".
The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 2, in item 8950-0001, by striking out the figure "$13,728,501" and inserting in place thereof the following figure:— "$14,465,442".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 9110-1636, by adding the following words:— "and provided further, that not more than $600,000 shall be expended for Kit Clark Senior Services, a professionally staffed non-profit multi-service agency dedicated to enhancing the quality of life of older adults in the city of Boston".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 9110-1660, by striking out, in line 3, the figure "$50,000" and inserting in place thereof the following figure:— $60,000".

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 9110-1900, by striking out the figure "$4,457,158" and inserting in place thereof the following figure:— "$4,857,158".
The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 9110-9002, in line 9, by adding the following words:— "; provided further, that not more than $100,000 shall be expended on the construction of a senior center for the town of Marshfield".
The amendment was *rejected*.

Mr. Moore moved to amend the bill by striking out section 21.
The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 22 by inserting after subdivision (P), the following 2 subdivisions:—

(P1/2) The comptroller, in consultation with the commissioner of public health and the commissioner of revenue, shall annually determine the estimated decline in sales of cigarettes due solely to the enactment of subdivision (L). From the revenues received pursuant to said subdivision (L), the comptroller shall credit to the Health Protection Fund established pursuant to section 2GG of chapter 29 of the General Laws an amount equal to the decline in revenues received pursuant to section 7C of chapter 64C of the General Laws due to the decline in the sales of cigarettes caused by the enactment of said subdivision (L) as so determined. Such amount shall be deducted from the amount credited to the Children's and Seniors' Health Care Assistance Fund pursuant to subsection C of said section 7C of said chapter 64C.

(P 3/4) Subdivision (P 1/2) shall take effect on July 1, 2003."
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 22 by striking subsection (S) and inserting in place thereof the following 2 subsections:—

"(S) Subsection (K) shall be effective with respect to capital gains on or after July 1, 2002.

(T) The remaining provision of this section shall be effective for tax years beginning on or after January 1, 2002."
The amendment was *rejected.*

Ms. Creem and Mr. Tarr moved to amend the bill in section 22, by striking out subsection (F); and by inserting after subsection (S) of said section 22 the following 4 subsections:—

"(T) Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as amended by section 1 of chapter 136 of the acts of 2001, is hereby further amended by striking out subparagraph (13).

(U) Said paragraph (a) of said Part B of said section 3 of said chapter 62, as so appearing, is hereby amended by inserting the following subparagraph:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

(V) Subsection (T) shall apply to charitable contributions made on or after January 1, 2002.

(W) Subsection (U) shall apply to taxable years beginning on or after January 1, 2004."
The amendment was *rejected*.

Mr. Hart moved to amend the bill by striking out section 26.
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 34, by striking out the figure "$2" and inserting in place thereof the figure:— "$.50".
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 35, in subsection (b) of section 54 of chapter 118 E of the General Laws by adding the following sentence:— "Pharmacies may include the cost of the user fee in determining and setting reimbursement rates to be paid under private third party insurance and health maintenance contracts."
The amendment was *rejected.*

Messrs. Nuciforo and Hedlund and Ms. Menard moved to amend the bill in section 35, in subsection (A), in proposed section 54 of chapter 118E of the General Laws, by striking out the definition of "pharmacy" and inserting in place thereof the following definition:— "'Pharmacy', any single dispensary licensed under chapter 111 and registered by the board of registration in pharmacy under chapter 112 under the direction or supervision of a registered pharmacist, which is authorized to dispense controlled substances, including but not limited to retail drug businesses as defined in section 1 of chapter 94C, but not including a retail drug business that is not part of a retail chain."
The amendment was *rejected*.

Messrs. Creedon and Glodis and Ms. Melconian moved to amend bill in section 37, by adding the following subdivision:—

"(CC) Chapter 276 of the General Laws is hereby amended by inserting after section 87A the following section:—

87B. If a probationer is required to undergo drug or alcohol testing, then such probationer shall pay a fee of $5 to $30 per test depending upon his ability to pay as determined by the court.

If a probationer is placed on an electronic monitoring device, then such probationer shall pay $5 to $30 per day depending upon ability to pay as determined by the court.

The drug or alcohol fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurer for deposit into the General Fund. The state treasurer shall account for all fees received and report them annually, itemized by court division, to the house and senate committees on ways and means."
The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 37, in subsection (L), by striking out the figure "$140" and by inserting in place thereof the following figure:— "$200"; in subsection (N), by striking out the words "42, 55, both times it appears, and in line 59" and the words "in each instance"; by striking out subsections (O) and (P); and by striking out subsection (U)".
The amendment was *rejected*.

Mr. Lees moved to amend the bill by striking out section 45.
The amendment was *rejected*.

Ms. Chandler and Mr. Tarr moved to amend the bill by striking out section 50.
The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 64, by striking out subsection (d) and inserting in place thereof the following subsection:—

"(d) The division of medical assistance shall not implement any form of preferred drug list. The division shall explore alternative cost savings measures including, but not limited to, disease management, controls on fraud and abuse, and enhanced drug

utilization review. The commissioner of the division shall submit a written report recommending cost savings measures to the joint committee on health care and the house and senate committees on ways and means by June 1, 2003."
The amendment was *rejected*.

Mr. Tisei moved to amend the bill by striking out section 65 and inserting in place thereof the following section:—

"SECTION 65. (A) (a) The division of medical assistance shall seek a prescription drug discount program waiver from the United States Department of Health and Human Services under section 1115(a) of the Social Security Act. The prescription drug discount program shall provide eligible individuals with a financial subsidy for prescription drugs equal to the average rebate paid to the Medicaid program by pharmaceutical manufacturers. The extent of the financial subsidy shall be subject to the Division's annual review and adjustment. Eligible individuals shall include Medicare-eligible individuals whose financial eligibility exceeds 188 per cent of federal poverty level and who do not have an insurance policy that covers drugs and other individuals whose financial eligibility does not exceed 300 per cent of the federal poverty level who do not have an insurance program that includes a prescription drug benefit.

(b) The division may establish, as part of the discount program, an annual enrollment fee. Subject to appropriation, the division shall make a payment of at least $1.00 toward the cost of each prescription drug purchase made under the terms of the program.

(c) In implementing the program, the division may contract with a nonprofit corporation or other entity to administer the program. Any such corporation or entity shall have expertise in retail prescription drug discount cards and demonstrated competence in providing services to low-income individuals. In selecting any such corporation or entity, the division shall give preference to a corporation or entity that agrees to assist individuals eligible for the program to access other free or discount prescription drug programs offered by private entities, including pharmaceutical manufacturers.

(d) The division shall report to the house and senate committees on ways and means and the joint committee on health care, not later than 60 days after the effective date of this act, on the division's progress in implementing this section and shall report every 90 days thereafter on its progress in obtaining the waiver to those committees.

(B) The commissioner of the division of medical assistance, the secretary of the executive office of elder affairs, the secretary of the executive office of administration and finance and the commissioner of the group insurance commission shall take all steps necessary to enable the commonwealth to participate in joint prescription drug purchasing agreements with other states and other health benefit plans. Such steps shall include:

(1) consultation and cooperation with the Northeast Legislative Association on Prescription Drug Pricing;

(2) consultation and cooperation with the Pharmacy RFP Issuing States Initiative organized by the West Virginia public employees insurance agency; and

(3) the execution of any joint purchasing agreements or other contracts with any health benefit plan or organization within or outside the commonwealth that will lower the cost of prescription drugs for the commonwealth or its citizens while maintaining high quality in prescription drug therapies.

(C) (a) For the purpose of providing information to the general court about innovative approaches for making prescription drugs more affordable and accessible to citizens of the commonwealth, the senate president shall appoint 3 members of the senate to the Northeast Legislative Association on Prescription Drugs, including 1 member of the minority party agreed to by the minority leader of the senate, and the speaker of the house shall appoint 3 members of the house of representatives to the association, including 1 member of the minority party agreed to by the minority leader of the house of representatives. Members so appointed shall serve until new members are appointed.

(b) The members of the association shall report to the house and senate committees on ways and means and the joint committees on health care and insurance on or before January 1 of each year with a summary of the activities of the association and any findings and recommendations for making prescription drugs more affordable and accessible to citizens of the commonwealth.”.
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 69, by inserting after the first sentence the following sentence:— “There shall be a regional position within the division to be housed in the Springfield state office building, to work on issues and projects in Berkshire, Franklin, Hampden and Hampshire counties.”
The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 79, in subsection (a), by striking out the second sentence and inserting in place thereof the following sentence:— "The study commission shall consist of 1 representative of each of the following agencies or organizations: the division of medical assistance, the Massachusetts behavioral health partnership, the department of public health, the department of mental health, the national alliance for the mentally ill of Massachusetts, the mental health legal advisors committee, the parent/professional advocacy league, the Massachusetts chapter of the national association of social workers, and the Massachusetts People/Patients Organized for Wellness, Empowerment and Rights, known as M-POWER.”
The amendment was *rejected*.

Messrs. Tarr, Lees and Knapik, Mrs. Sprague and Mr. Hedlund moved to amend the bill in section 79, by adding, after the word “workers,” in line 8, the following words:— “, and the Massachusetts Hospital Association,”.
The amendment was *rejected*.

Messrs. Joyce, Knapik and Moore, Ms. Tucker, Ms. Fargo and Messrs. Tisei and Tolman moved to amend the bill by inserting after section 11, the following 2 sections:—

"SECTION 11A. Section 14 of chapter 19A of the General Laws, as so appearing, is hereby amended by striking out the definition of 'abuse' and inserting in place thereof the following definition:—

'Abuse', an act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for himself one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community. No person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

SECTION 11B. Section 15 of said chapter 19A, as so appearing, is hereby amended by inserting after the word 'podiatrist', in line 5, the following words:— executive director of a council on aging or."
The amendment was *rejected*.

Mr. Travaglini moved to amend the bill by inserting after section 29 the following section:—

"SECTION 29A. Section 6 of chapter 93 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— It shall be unlawful for a cigarette manufacturer or distributor to directly or indirectly require a retailer, as a condition to the receipt of consumer price discounts, promotions or otherwise, to allocate a percentage of the retailer's available stocking, display, signage or advertising space exclusively for the sale or promotion of the manufacturer's or distributor's product."
The amendment was *rejected*.

Mr. Glodis moved to amend the bill by inserting after section 29, the following section:—

"SECTION 29A. Chapter 94C of the General Laws is hereby amended by striking out section 37, as so appearing, and inserting in place thereof the following section:—

Section 37. Whoever steals a controlled substance from a registered manufacturer, wholesale druggist, pharmacy or other person authorized to dispense or possess any controlled substance shall be punished by imprisonment in the state prison for not less than 3 nor more than 10 years or in a jail or house of correction for not more than 2 1/2 years or by a fine of not less than $500 nor more than $5,000, or by both such fine and imprisonment."
The amendment was *rejected*.

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

"SECTION 4A. (A) Chapter 6A is hereby further amended by inserting after section 18H, inserted by section 6 of chapter 61 of the acts of 2002, the following section:—

Section 18I. (a) There shall be within the executive office of public safety a department of police services under the supervision and control of a municipal police commissioner, in this section called the commissioner.

(b) The commissioner shall be the executive and administrative head of the department. The commissioner shall coordinate the efforts of municipal police departments and shall act as the liaison between the secretary of public safety and local police chiefs and departments on matters of mutual interest. There shall be within the department a division of training, including the Massachusetts criminal justice training council established by section 116 of chapter 6, the Massachusetts police accreditation commission and a division of public safety under the charge of a director to be known as the commissioner of public safety as established by chapter 22.

(c) The commissioner shall be appointed by the municipal police commission, established in subsection (d), and shall serve at the pleasure of the commission. The position of commissioner shall be classified in accordance with section 46C of said chapter 30 and the commissioner shall devote his full time during business hours to the duties of his office. For retirement purposes, a person appointed commissioner who was previously a member of group IV shall be placed in that group.

(d)(1) There shall be in the executive office of public safety a municipal police commission, in this section called the commission, to consist of the secretary of public safety, the executive director of the Massachusetts Chiefs of Police Association, and 6 members to be appointed by the governor, 5 of whom shall be police chiefs selected from a list of 8 names submitted by the Massachusetts Chiefs of Police Association and 1 of whom shall be a police officer selected from a list of 2 names submitted by the Massachusetts Police Association.

(2) The 5 police chiefs selected from the names submitted by the Massachusetts Chiefs of Police Association shall represent the following:

(i) a city with over 100,000 inhabitants;

(ii) a city or town with between 50,000 and 100,000 inhabitants; and

(iii) 3 other cities or towns with a population under 50,000.

(3) The chairman of the commission shall be elected by a majority of the members thereof and shall serve as chairman for a term of 1 year or until his successor is elected. The chairman shall be elected annually at the January meeting.

(4) Members of the commission shall be appointed for terms of 3 years, with no limit on the number of terms they may serve. Members shall hold office until a successor is appointed and no member shall serve beyond the time he ceases to hold office or employment by reason of which he was eligible for appointment to the commission.

(5) The commission shall meet monthly except that the chairman, with commission approval, may omit meetings in July and August and the chairman, the governor, or the

secretary of public safety may call additional meetings at other times, of which all members shall be given notice in writing at least 5 days before such meeting. Special meetings may be called by the chairman and shall be called by him at the request of the governor or upon the written request of 4 members of the commission. If any member is absent from 3 regularly scheduled meetings, exclusive of July and August, in any calendar year, his office as a member shall be deemed vacant. The chairman of the commission shall make an annual report to the governor and the secretary of public safety and shall include in it recommendations for appropriate legislation.

(6) The members of the commission shall serve without compensation, but shall be reimbursed for their official duties.

(7) No member of the commission shall serve as a member concurrently on the Massachusetts criminal justice training council established in section 116.

(8) The commission shall have responsibility for the following:

(i) the appointment of the commissioner;

(ii) the promulgation of regulations and policies pertaining to the operation of the commissioner;

(iii) the promulgation of sample policies for municipal police in such areas as communications, special occurrences including but not limited to terrorism, the incident command system and combination with the fire services and state police;

(iv) reviewing the annual budget developed by the office of the commissioner;

(v) advising the office of the commissioner regarding the preparation of sample municipal police policies and procedures;

(vi) consulting with the Massachusetts criminal justice training council to develop standards for criminal justice training and certification; and

(vii) applying for and administering grants from the federal government and other sources in the area of law enforcement; and

(B) Section 6A of chapter 280 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:—

This cost assessment shall be accounted for by the clerk of the court and forwarded to the state treasurer, who shall deposit such assessment in the law enforcement and criminal justice training fund to be expended without further appropriation by the secretary of public safety for the operation of the Massachusetts criminal justice training council."
The amendment was *rejected*.

Ms. Chandler moved to amend the bill by inserting after section 25 the following section:—

"SECTION 25A. (A) Section 8 of chapter 70B of the General Laws, as so appearing, is hereby amended by inserting after the word 'districts.', in line 27, the following paragraph:—

The board shall create a separate priority list for projects that have completed a project application after August 30, 2001. The board shall assign each project to a priority category and place each project on the list in order of priority category, pursuant to clauses 1 to 8, inclusive. Projects placed on the priority list shall not be re-ranked. The board shall provide funding for projects in the order of placement on the list first, by the year the board received the application, then by the application's priority category.

(B) Section 13 of said chapter 70B, as so appearing, is hereby amended by striking out, in line 11, the word 'five' and inserting in place thereof the following figure:— 7."
The amendment was *rejected*.

Mr. Tisei moved to amend the bill by inserting after section 30 the following section:

"SECTION 30A. Subsection (b) of section 3 of chapter 111C of the General Laws, as so appearing, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:—

(2) establish minimum standards and criteria, where none exist, for all elements of the EMS system, taking into consideration relevant standards and criteria developed or adopted by nationally recognized agencies or organizations and relevant standards and criteria adopted by other states throughout the country, and the recommendations of interested parties that are part of the state's EMS system, including, without limitation, the regional EMS councils. The following shall constitute the minimum standards for ambulances transporting patients by ground: ambulances rendering care at the Basic Life Support level shall be staffed with 2 EMTs, both of whom shall, at a minimum, be certified at the EMT-Basic level; ambulances rendering care at the Intermediate level of Advanced Life Support shall be staffed with a minimum of two EMTs, at least 1 of whom shall be certified at the EMT-Intermediate level or higher; ambulances rendering care at the Paramedic Level of Advanced Life Support shall be staffed with at least 2 EMTs, at least 1 of whom shall be certified at the EMT-Paramedic level;".
The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 13 the following section:—

"SECTION 13A. (A) The third paragraph of subsection (a) of section 8 of chapter 23G of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:— Notwithstanding any provision of this paragraph to the contrary, the Agency may finance projects for institutions without meeting any of the requirements other than those contained in the first sentence.

(B) Clause (1) of section 1 of chapter 40D of the General Laws, as so appearing, is hereby amended by inserting after the fourth sentence the following 2 sentences:— A project undertaken by a nonprofit corporation authorized by law to provide facilities for educational, cultural or social services, including provision of working capital, or a project undertaken by a governmental entity for governmental purposes shall constitute an industrial enterprise but shall not constitute a commercial enterprise. Additionally, projects located within the boundaries of an empowerment zone as it may have been established in a city or town, pursuant to regulations of the United States Department of Housing and Urban Development, 24 CFR parts 597 and 598, shall constitute an industrial enterprise but shall not constitute a commercial enterprise.

(C) Said section 1 of said chapter 40D, as so appearing, is hereby further amended by striking out, in lines 75 to 77, inclusive, the words 'Facilities for the use of governmental and nonprofit entities shall be considered facilities to be used in a commercial enterprise, and bonds' and inserting in place thereof the following word:— 'Bonds'."
The amendment was *rejected*.

Ms. Menard and Mr. Panagiotakos moved to amend the bill by inserting after section 73, the following section:—

"SECTION 73A. WHEREAS, the Wampanoag Tribe of Gay Head (Aquinnah) (hereinafter 'the Tribe') is the only Indian Tribe currently recognized in the Commonwealth of Massachusetts by the United States of America, with all sovereign powers and rights thereto pertaining; and

WHEREAS, the Commonwealth of Massachusetts (hereinafter 'the Commonwealth' or 'the State') is a State of the United States of America, with all sovereign rights and powers thereto pertaining; and

WHEREAS, the Tribe and the Commonwealth each have the authority to govern within their respective jurisdictions; and

WHEREAS, the Congress of the United States has enacted into law the Indian Gaming Regulatory Act (hereinafter 'the Act' or 'IGRA') which provides for the negotiation of a Compact in certain circumstances between an Indian Tribe and a State to govern the conduct of activities which constitute Class III Gaming as defined by the Act; and

WHEREAS, the Tribe and the Commonwealth have mutually agreed, pursuant to the Indian Gaming Regulatory Act, to the following provisions in order to:

(a) stimulate and promote Tribal economic development, self-sufficiency and strong Tribal government and to promote economic development in southeastern Massachusetts;

(b) protect the health, welfare, and safety of the members of the Tribe and the citizens of the Commonwealth;

(c) develop and implement a means of regulation for the conduct of Class III Gaming on a mutually acceptable site and ensure fair and honest operation of such gaming activities; and

(d) maintain the honesty and integrity of all activities conducted in regard to Class III Gaming;

Now, Therefore, the WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) and the COMMONWEALTH OF MASSACHUSETTS, in consideration of the mutual undertakings and agreements hereinafter set forth, do enter into a Tribal-State Compact as provided for herein.

1. TITLE.

This document shall be cited as 'The Wampanoag Tribe of Gay Head (Aquinnah) — Commonwealth of Massachusetts Gaming Compact.'

2. PURPOSES AND OBJECTIVES.

The purposes and objectives of the Tribe and the State in making this Compact are as follows:

a. To evidence the good will and cooperative spirit between the State and the Tribe;

b. To compact for Class III Gaming as authorized and required by the Act and to grant State authorization for Class III Gaming in the Temporary Facility as defined herein;

c. To fulfill the purposes and intent of the Act by providing for Tribal gaming as a means of promoting Tribal economic development, Tribal self-sufficiency and strong Tribal government;

d. To provide jobs and economic development in the Commonwealth of Massachusetts;

e. To provide Tribal revenues to fund Tribal government operations or programs;

f. To provide for the general welfare of the Tribe and its members and for other purposes allowed under IGRA;

g. To provide for Class III Gaming in which, except as provided in 25 U.S.C. §§2710(b)(4) and 2710(d)(2)(A), the Tribe shall have the sole proprietary interest and be the primary beneficiary of the Tribe's Gaming Enterprise;

h. To recognize the State's interest in the Tribe's establishment of rules and procedures which will ensure that Class III Gaming is conducted fairly and honestly by the owners, operators, employees and patrons of the Class III Gaming Enterprise of the Tribe;

i. To ensure that all Tribal Gaming Facilities are constructed and operated in a manner that protects the health and safety of their patrons;

j. To allow for Class III Gaining by the Tribe in a Temporary Gaming Facility pending commencement of Gaming Operations in the Permanent Gaming Facility.

3. DEFINITIONS. For purposes of this Compact:

a. 'Act' or 'IGRA' means the Indian Gaming Regulatory Act, Act of October 17, 1988, Public Law 100, 497, 102 Stat. 2467, codified at 25 U.S.C. §§2701 et seq and 18 U.S.C. §§1166-68.

b. 'Annual' or 'Annually' refers to the fiscal year of the Commonwealth.

c. 'Approved Site(s)' means the parcel(s) of property located in Plymouth and/or Bristol Counties. Once said land is approved locally and is acquired by the Tribe under the restraint on alienation of 25 U.S.C. §177, and the Tribe formally extends its governmental powers over it, and which will later be taken into trust by the federal government for the benefit of the Tribe, the Secretary of the United States Department of the Interior will take all necessary steps for it to be taken into trust for gaming. The Governor, by her execution of this Compact, hereby determines that the operation of a Tribal Gaming Facility in and within the bounds of certain areas of Plymouth and /or Bristol Counties would not be detrimental to the surrounding areas.

d. 'Casino Gaming' means Class III Gaming.

e. 'Class III Gaming' means those forms of Tribal Gaming that are not Class I or Class II Gaming as defined in the Act.

f. 'Compact' means this agreement between the Tribe and the State.

g. 'Electronic Gaming Devices' means any game of chance mechanical, electronic or otherwise, featuring coin drop and payout or printed tabulations, whereby the software of the device predetermines the presence or lack of a winning combination and payout. Such devices also include microprocessor-controlled electronic devices that allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency or by the use of a credit and that award game credits, cash, tokens, replays or a written statement of the player's accumulated credits, which written statements are redeemable for cash.

h. 'Enterprise' means any individual, trust, corporation, proprietorship, partnership or other legal Entity of any kind other than a business or Entity wholly owned and operated by the Tribe, provided, however, that with respect to any owned corporation, the term 'Enterprise' shall include each other corporation or other legal Entity which directly or indirectly controls a majority of the voting interests in such corporation and further provided, with respect to any partnership, trust or other form of unincorporated business organization, the term 'Enterprise' shall include each corporation or other legal Entity which controls a majority of the voting interests in such organization.

i. 'Entity' means any partnership, joint venture, corporation, chartered body, joint stock company, company, firm, association, trust, estate, club, business trust, municipal

corporation, society, receiver, assignee, trustee in bankruptcy, political subdivision and any owner, director, officer or employee of any such Entity or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, provided, however, that the term does not include the Tribe, the federal or State government, or any agency thereof.

j. 'Gaming' means Class III Gaming as defined herein.

k. 'Gaming Employee' means any key gaming employee or standard gaming employee as defined herein.

1. 'Gaming Equipment' means any machine or device which is specially designed or manufactured for use in the operation of any Class III game or activity.

m. 'Gaming Facility' means any place, building, room or rooms in which Gaming, as authorized by this Compact, is conducted, including the Permanent and Temporary Facilities, and shall include all public and non-public areas of any such building.

n. 'Gaining Operation' means any Enterprise, Entity, business or activity operated or authorized to operate by or on behalf of the Tribe for the purpose of conducting any form of Class III Gaming.

o. 'Gaming Resources' means any goods or services provided or used in connection with Class III Gaming Activities, whether exclusively or otherwise, including, but not limited to, equipment, furniture, gambling devices and ancillary equipment, implements of gaming activities such as playing cards and dice, furniture designed primarily for Class III Gaming Activities, maintenance or security equipment and services, and Class III gaming consulting services. 'Gaming Resources' does not include professional accounting, legal services, real estate development or public relations services.

p. 'Gaming Resource Supplier' means any person or entity who, directly or indirectly, manufactures, distributes, supplies, vends, leases, or otherwise purveys Gaming Resources to the Gaming Operation or Gaming Facility, provided that the Tribal Commission may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with, Gaming Activities, if the purveyor is not otherwise a Gaming Resource Supplier as described in Section 12 under this Compact, the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gaming Operation.

q. 'Gaming School' means any Enterprise which provides specialized training to gaming employees for the conduct of Class III Gaming other than programs operated by the Tribe or the Tribal Gaming Operation.

r. 'Gaming Services' means services or goods provided to the Tribe or its Management Contractor directly in conjunction with the operation of one or more Class III games in a Gaming Facility, including security services for the Class III Gaming Facility, Junket Services, Gaming Schools or training activities, promotional services, the printing or

manufacture of betting tickets or the manufacture, distribution, maintenance, testing or repair of Gaming Equipment.

s. ‘Gaming Space’ means any room or rooms in which Class III Gaming, as defined by this Compact, is conducted.

t. ‘Gaming Supplies’ means those goods or supplies which are specially designed for use in the operation of any Class III game or activity.

u. ‘General Laws’ means the General Laws of the Commonwealth of Massachusetts.

v. ‘Junket Services’ means any arrangement that facilitates a patron’s attendance at a Gaming Facility, selected by reason of the expectation that such a patron will participate in gaming, by providing to such patron any consideration, including cash, rebates or reduced charges for goods or services (such as transportation, lodging, food, beverage or entertainment), provided, however, that the term shall not include Enterprises which function solely to provide common transportation to a Gaming Facility to the public without limitation to selected patrons.

w. ‘Key Gaming Employee’ means any natural person employed in the operation or management of the Class III Gaming Facility authorized by the provisions of this Compact in any one of the following positions (described by function and not by title), whether employed by the Tribe, or by an Enterprise, or Management Contractor providing on-site services to the Tribe within the Class III Gaming Facility:

1. General Manager

2. Department Head/Casino Operations

3. Department Head/Finance

4. Department Head/Security

5. Department Head/Surveillance

6. Department Head/Marketing

7. Department Head/Legal Counsel

8. Manager/Table Games

9. Manager/Electrical Devices

10. Count Room Supervisor

11. Floor Manager

12. Pit Boss

13. Dealer

14. Croupier

15. Approver of Credit

16. Assistant Manager/Table Games

17. Games Shift Manager

18. Slot Operations Manager

19. Slot Tech Manager

20. Slot Shift Manager

21. Manager/Cashier & Credit

22. Chief Controller

23. Cage Manager

24. Credit Manager

25. Custodian of gaming devices including persons with access to cash and accounting records within such devices

26. If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year

27. If not otherwise included, the four most highly compensated persons in the Gaming Operation.

x. 'Management Contractor' means any Person seeking to enter into or holding a Class III Management Contract with the Tribe.

y. 'Net Gaming Revenues' is the total sum wagered on all gaming conducted within the Gaming Facility less amounts paid out as winnings and prizes.

z. 'Permanent Facility' means the Gaming Facility to be constructed on the Approved Site(s), as set out in Section 5 of this Compact.

aa. 'Person' means any individual, Entity, partnership, joint venture, corporation, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political subdivision and any owner, director, officer or employee of any such Entity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, provided, however, that the term does not include the federal, Tribal or State government or any agency thereof.

ab. ‘Principal’ means with respect to any Enterprise:

(i) each of its officers and directors;

(ii) each of its primary management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;

(iii) if an unincorporated business, each of its owners or partners (limited or general);

(iv) if a trust, each trustee and beneficiary;

(v) if a corporation, each of its shareholders who owns more than ten percent (10%) of the shares of the corporation; and

(vi) each Person or Entity, other than a banking institution or state or federally regulated lending institution, who has provided financing (whether in the form of equity or debt) for the Enterprise constituting more than ten percent (10%) of the total financing of the Enterprise.

ac. ‘Slot Machine’ means any mechanical or electronic gaming device which activates a reel spin by either a handle or push button, or a video poker or video lottery terminal, in which the software or mechanism of the device determines the presence or lack of a winning combination or payout, and which has the capability of paying winning wagers through automatic return of either coins, tokens, debit, or credit card, or a written statement of the player’s accumulated credits, which statement can be redeemed for currency, or any other machine or device which the Tribal Commission reasonably determines to be equivalent thereof based on evolving technological standards, provided that such device does not simulate the games of Craps, Blackjack, or Roulette. Such gaming device shall be so designed as to limit play to a maximum of only one individual player at any given time.

ad. ‘Special Laws’ means the Special Laws of the Commonwealth of Massachusetts.

ae. ‘Standard Gaming Employee’ means any natural person, other than a Key Gaming Employee, employed in the operation or management of, or in connection with, the Gaming authorized by the provisions of this Compact, whether employed by the Tribe or by any Enterprise or Management Contractor providing on-site services to the Tribe within the Gaming Facility.

af. ‘State’ means the Commonwealth of Massachusetts, its authorized officials, agents, representatives or agencies acting in their official capacities.

ag. ‘State Board or Agency’ means such body or bodies the State may designate to perform the State regulatory functions detailed in this Compact.

ah. ‘State Law Enforcement Agency’ means the Commonwealth of Massachusetts State Police and such other law enforcement agency or agencies of the Commonwealth, as it may from time to time designate by written notice to the Tribal Commission, as the law

enforcement agency or agencies of the Commonwealth, which will have responsibility for law enforcement with respect to Gaming as authorized by the provisions of this Compact.

ai. 'Temporary Facility' means the Temporary Facility authorized by Section 5(c) of this Compact.

aj. 'Tribal Gaming Operation' means the Tribe or that subsidiary of the Tribe or entity of the Tribe which is authorized to conduct or operate Gaming pursuant to this Compact.

ak. 'Tribal Law Enforcement Agency' means a law enforcement agency of the Wampanoag Tribe of Gay Head (Aquinnah) established and maintained by the Tribe, pursuant to the Tribe's powers of self-government, to carry out law enforcement within the jurisdiction of the Tribe.

al. 'Tribe or Tribal' means the Wampanoag Tribe of Gay Head (Aquinnah) Tribal Council, any legal subdivision thereof and each of its authorized officials, agents and representatives.

am. 'Tribal Commission' means the Aquinnah Wampanoag Tribal Gaming Regulatory Commission, its authorized officers, agents and representatives acting in their official capacities or such other agency of the Tribe as it may from time to time designate by written notice to the Commonwealth as the Tribal agency responsible for the Tribal regulation of Class III Gaming.

an. 'Video Facsimile' means any mechanical, electrical or other device, contrivance or machine, which, upon insertion of a coin, currency, token or similar object therein or upon payment of any consideration whatsoever, is available to play or operate the play or operation of which is a facsimile of a game of chance and which may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash or to receive any merchandise or thing of value, whether the payoff is made automatically from the machine or in any other manner whatsoever.

4. AUTHORIZED CLASS III GAMING.

Authorized Games and Activities. The Tribe is specifically authorized, notwithstanding the provisions of Chapters 137 and 271 of the General Laws or any Special or General Law or regulation regulating or prohibiting gaming or any other General or Special Law to the contrary, and pursuant to the applicable terms of this Compact, to conduct and operate at a for-profit Gaming Facility open to the public on the Approved Site(s), whether permanent or temporary and subject to the terms and conditions of this Compact and 25 U.S.C. §2710, any and all of the following games of chance. The Tribe shall determine the bet limits, hours of operation and the number of said games, activities, positions, machines, electrical, mechanical or other devices at the Gaming Facility.

i. Banking and non-banking card games, including but not limited to blackjack, poker in any variation, Chemin de Fer, Baccarat, and Caribbean-Stud;

ii. Dice games of all types;

iii. Money-wheels;

iv. Roulette;

v. Let it Ride;

vi. Chuck-a-Luck;

vii. Pan Games;

viii. Keno;

ix. Over and Under;

x. Horse race game;

xi. Acey-Ducy;

xii. Beat the Dealer;

xiii. Bouncing Ball;

xiv. Any bazaar game not listed above;

xv. Electronic Gaming Devices;

xvi. Slot Machines;

xvii. Video Facsimiles of any game of chance listed above;

xviii. Off-track pari-mutuel betting on animal races;

xix. Pari-mutual betting through simulcasting on animal races;

xx. Off-track pari-mutuel telephone betting on animal races;

xxi. Raffles;

xxii. Progressive Gaming;

xxiii. In addition, any Class III Gaming authorized to be conducted from time to time from and after the execution of this Compact in the Commonwealth of Massachusetts or in the State of Connecticut or any other game of chance classified as a form of Class III Gaming, provided, however, that the Tribe may not conduct such games of chance until the expiration of a period of sixty (60) days from and after the date the Tribal Commission notifies the Board of its intention to conduct such new games of chance. In the event the Tribal Commission does not receive notice of non-approval of such new

games of chance by the Board within such period, such new games of chance shall be deemed approved. Notwithstanding Section 9.a. below, the parties hereto agree and acknowledge that the State Board or Agency shall have the right to approve or disapprove such new games of chance, provided that if such approval or disapproval is different from the Tribe's determination, the State Board or Agency's approval or disapproval shall be subject to Section 26 herein, and if approval is pending, such approval shall not to be unreasonably withheld.

5. GAMING FACILITIES

a. Size. The Tribe agrees to construct or otherwise operate not less than 80,000 square feet of space dedicated to gaming in the Temporary Gaming Facility and may construct up to 500,000 square feet or more of Gaming Space at the Permanent Facility ('the Facility');

b. Location. The exact location will be decided by a Request for Proposal ('RFP') process to qualifying parcel(s) of land located within Bristol and/or Plymouth Counties and shall be subject to local approval.

c. Date of Completion. The Tribe agrees to use its best efforts to complete construction of the Permanent Facility as quickly as possible upon approval of this Compact by the Secretary of the Interior and published in the Federal Register or (ii) the Approved Site(s) is accepted into trust by the federal government for the benefit of the Tribe, whichever is later.

d. Temporary Facility. The Tribe agrees to erect, procure, lease, operate and conduct a Class III Gaming under the applicable terms and conditions hereof at a Temporary Facility (the 'Temporary Facility') on land at a site which the Tribe owns in fee, which is subject to a restraint on alienation under 25 U.S.C. §177, and over which the Tribe exercises governmental powers. It is understood that this facility will be on land that will subsequently be taken into trust by the United States for the Permanent Gaming Facility, and that by execution of this Compact, the Governor concurs in the decision by the Secretary of the Interior for the taking of the land in trust under 25 U.S.C. § 2719(b)(1)(A). The Tribe or a wholly owned Entity of the Tribe shall at all times remain the exclusive owner of the Gaming Operation conducted at the Temporary Facility and shall be permitted to contract with third parties in connection with management, financing, supplies and other aspects of the Gaming Operation, subject to the terms of this Compact.

e. Compliance with State and Local Codes. The Temporary Facility, the Permanent Facility and all other Tribal buildings on the Approved Site(s) will meet or exceed all State and local laws, regulations and standards relating to building, fire, health, safety, and sanitation. Such facilities and buildings shall be subject to State and local inspection.

f. Cessation of Operations. The Temporary Facility shall cease operations no later than the date the Permanent Facility is open to the public.

6. THE AQUINNAH WAMPANOAG TRIBAL GAMING REGULATORY COMMISSION.

a. Assignment of Tribal Responsibilities. The Tribe will assign to the Tribal Commission the primary Tribal responsibility for the regulation of Class III Gaming consistent with the provisions of this Compact. The Tribe shall provide to the State a copy of the ordinance or Tribal council resolution establishing this Tribal Commission and granting it this power.

b. Authority. The Tribal Commission shall have full Tribal jurisdiction over Tribal regulation of Class III Gaming. The Tribal Commission shall have and perform duties and powers as prescribed by the Tribe consistent with the Act and this Compact. Said duties shall, at a minimum, include the following:

i. to license Class III Gaming Employees, Management Contractors and providers of Gaming Services consistent with the provisions of this Compact and after Board Certification of such Persons and Entities;

ii. to authorize and review audits; and,

iii. to exercise all Class III Gaming enforcement powers granted to the Tribe pursuant to this Compact or by Tribal or federal law.

c. Hours and Days for Gaming. The Tribe will establish the hours and days of operation of Gaming Facilities operated under this Compact. In the event there are changes in the days and hours of operation, the Tribal Commission will notify the Board no less than ninety (90) days in advance of those changes.

d. Members and Employees. The Tribe will have sole discretion to select the Tribal Commissioners and employees of the Tribal Commission. Tribal Commissioners and employees of the commission shall be subject to the licensing requirements for Key Gaming Employees set forth in Section 11 of this Compact.

e. Identification Badges. Tribal Commissioners and employees of the Tribal Commission shall, when at a Gaming Facility, wear on their outer garments color coded identification badges issued by the Tribal Commission. This requirement shall not apply to a Tribal Commissioner or an employee of the Tribal Commission acting undercover within the scope of his or her authority, provided that said individual carries the badge on his or her person.

7. COMMONWEALTH OF MASSACHUSETTS GAMING REGULATORY STATE BOARD OR AGENCY.

The State shall exercise its regulatory and oversight role under this Compact through the State Board or Agency as the State may designate by written notice from the Governor to the Tribe. Any such State Board or Agency shall have those powers and duties delegated by the State.

8. QUARTERLY MEETINGS OF THE STATE BOARD AND THE COMMISSION.

To develop and foster a sound working relationship in the enforcement of the provisions of this Compact, representatives of the State Board or Agency, the State Law Enforcement Agency having law enforcement responsibility with respect to gaming under this Compact and the Tribal Commission shall meet not less than on a quarterly basis, unless otherwise agreed, to review past practices and examine methods that may improve the regulatory and enforcement program created by this Compact.

9. ENFORCEMENT OF COMPACT PROVISIONS.

a. Cooperation. The Tribal Commission and the State Board or Agency shall cooperate to ensure that the Gaming Facility is operated in compliance with the IGRA, the Tribal ordinance and regulations, and the provisions of this Compact and all applicable laws and regulations and is subject to controls fully adequate to provide for public safety and the physical security of patrons. In the spirit of such cooperation, the Tribal Commission and the State Board or Agency shall have joint authority to determine whether operations are conducted in compliance with the IGRA, the Tribal ordinance or regulations and the provisions of this Compact and other applicable laws and regulations.

b. Tribal Commission Supervision. The Tribal Commission shall have the Tribal responsibility for Tribal regulation and oversight of Tribal Class III Gaming Operations and shall, for that purpose, employ non-uniformed inspectors who shall be present in all Gaming Facilities during all hours of operation under the supervision of personnel accountable solely to the Tribal Commission and not to any management employees of the Tribal Gaming Operation. Such inspectors shall have unrestricted access to all areas of the Gaming Facilities at all times, and personnel employed by the Tribal Gaming Operation shall, for such purposes, provide such inspectors access to locked and secured areas of the Gaming Facilities. Such inspectors shall report to the Tribal Commission in writing regarding any failure by the Tribal Gaming Operation to comply with any of the provisions of this Compact or any law or regulation or policy of the Tribe, the Tribal Commission, the federal government, or the State Board or Agency made applicable by this Compact. Inspectors assigned by the Tribal Commission shall also receive consumer complaints within the Gaming Facilities, write reports of those complaints and assist in seeking their voluntary resolution. Copies of all such complaints shall be forwarded to the Tribal Commission.

Inspectors employed by the Tribal Commission for the purposes set forth in this Section shall be required to obtain Key Gaming Employee licenses as defined in Section 11 of this Compact and shall carry proper identification at all times.

The Tribal Commission will prepare a plan for the protection of public safety and physical security of patrons in each of its Gaming Facilities following consultation with the State Law Enforcement Agency. Such plan shall set forth the respective responsibilities of and be agreed upon by the Tribal Commission, the State Law Enforcement Agency, any Tribal Law Enforcement Agency in existence and the security departments of the Tribal Gaming Operation.

c. On-Site Regulation. It shall be the responsibility of the Tribal Commission to conduct on-site gaming regulation and control in order to enforce the terms of this Compact, IGRA, and the Tribal ordinance and regulations with respect to the Tribal Gaming Operation and Facility compliance, and to protect the integrity of the Gaming Activities, the reputation of the Tribe and the Gaming Operation for honesty and fairness, and the confidence of patrons that tribal government gaming in Massachusetts meets the highest standards of regulation and internal controls. To meet those responsibilities, the Tribal Commission shall adopt and enforce regulations, procedures, and practices as set forth herein.

d. Tribal Commission Investigation and Sanctions. The Tribal Commission may investigate any report of a failure to comply with the provisions of this Compact, any applicable laws or any Tribal Commission regulations or policies and may require the Tribal Gaming Operation to correct such failure upon such terms and conditions as the Tribal Commission may determine necessary. All reports of a failure to comply with the provisions of this Compact or any applicable laws or Tribal Commission regulations or policies shall be reduced to writing, and a copy shall be forwarded to the Board along with a written report of the outcome of any investigation conducted by the Tribal Commission.

The Tribal Commission shall be empowered by Tribal ordinance to impose fines and other appropriate sanctions within the jurisdiction of the Tribe upon any Person or Entity who violates provisions of this Compact, Tribal law, Tribal Commission regulations or policies, or the Tribe's Standards of Operation and Management for Class III Gaming.

e. Assistance by State Board or Agency. The Tribe may request the assistance of the Board whenever it reasonably appears that such assistance may be necessary to carry out the purposes of Section 9.c. above, or otherwise to protect public health, safety, or welfare. If requested by the Tribe or Tribal Commission, the Board shall provide requested services to ensure proper compliance with this Compact. The Board shall be reimbursed for its actual and reasonable costs of that assistance, if the assistance required expenditure of extraordinary costs.

f. State Review Authority. Consistent with Section 9.a. above, the State Board or Agency shall have review authority to jointly determine whether Class III Gaming Operations of the Gaming Facility are conducted in compliance with the provisions of this Compact, and for that purpose:

i. Personnel employed by the State Board or Agency shall, upon presenting proper identification, have access to all public areas of the Gaming Facilities during normal Gaming Facilities' business hours with or without prior notice for the purpose of such inspections provided that such Personnel employed by the State Board or Agency must pass a background check and must be licensed under a suitability standard no less stringent than employees of the Tribal Commission;

ii. Only authorized Personnel employed by the State Board or Agency shall, upon presenting proper identification, have access to all non-public areas of the Gaming

Facilities during normal Gaming Facilities' business hours, immediately after the State Board or Agency's authorized Personnel notifies the Tribal Commission of his or her presence on the premises and requests access to the non-public areas of the Gaming Facilities. The Tribal Commission, in its sole discretion, may require a member of the Tribal Commission to accompany the State Board or Agency's authorized Personnel at all times that the State Board or Agency's authorized Personnel is in a non-public area of the Gaming Facilities. If the Tribal Commission imposes such a requirement, it shall require such member to be available at all times for those purposes and shall ensure that the member has the ability to gain immediate access to all non-public areas of the Gaming Facilities. Nothing in this Compact shall be construed to limit the State Board or Agency's authorized Personnel to one inspector during inspections;

iii. The Tribal Gaming Operation shall provide the State Law Enforcement Agency, the State Board or Agency, and the State Board or Agency staff with access to reasonable office space for the purposes of their activities, provided that the Tribe shall be reimbursed for its actual and reasonable costs of providing reasonable office space for their activities, if such provision of office space required expenditure of extraordinary costs;

iv. Only State Board or Agency authorized Personnel employed by the State Board or Agency may, without prior notice, attend the regular count conducted by the Tribal Gaming Operation provided that a member of the Tribal Commission or its designee shall accompany such State Board or Agency authorized Personnel while attending such regular count;

v. Personnel employed by the State Board or Agency shall not interfere with the conduct of the Tribal Gaming Operation, except as may be required to perform regulatory, review and oversight functions;

vi. Auditors employed by the State Board or Agency shall have access during the Gaming Facilities' business office hours, immediately after notice to the Tribal Commission, to inspect and copy all records, including computer log tapes, of the Tribal Gaming Operation, provided that the inspection and copying of those papers, books or records shall not interfere with the normal functioning of the Gaming Operation or Facility. Notwithstanding any other provision of Massachusetts law, all information and records that the State Board or Agency obtains, inspects, or copies pursuant to this Compact shall be, and remain, the sole property of the Tribe, provided that such records and copies may be retained by the State Board or Agency as reasonably necessary for completion of any investigation of the Tribe's compliance with this Compact;

vii. The State Board or Agency shall exercise utmost care in the preservation of the confidentiality of any and all information or records received by the Tribal Gaming Operation and any Tribal Commission records, which are retained by the State Board or Agency and its employees, and shall apply the highest standards of confidentiality expected under Massachusetts law, applicable federal law and the provisions of this Compact to preserve such information and documents from disclosure. Any and all information or documents obtained or received pursuant to this Compact shall be deemed

confidential and proprietary financial information belonging to the Tribe shall be protected from public disclosure by the State without the express written consent of the Tribe. To the extent reasonably feasible, the State Board or Agency will consult with representatives of the Tribe prior to disclosure of any documents received from the Tribe, or any documents compiled from such documents or from information received from the Tribe, including any disclosure compelled by judicial process, and, in the case of any disclosure compelled by judicial process, will endeavor to give the Tribe immediate notice of the order compelling disclosure and a reasonable opportunity to interpose an objection thereto with the court. Records received by the State Board or Agency from the Tribe in compliance with this Compact, or information compiled by the State Board or Agency from those records, shall be exempt from disclosure under any Massachusetts public records acts;

viii. The State Board or Agency may conduct such investigations and employ subpoena powers with which it may be vested under the laws of the State as it deems appropriate to investigate violations of this Compact. All security incidents and patron complaints reported by or to the Tribal gaming security department or to the Tribal Commission shall be reported on a daily basis to the Board;

ix. The Tribe shall cause its Gaming Operations to be subject to an annual audit by an independent certified public accountant in accordance with generally accepted accounting principles. The Tribe's selection of such an accountant for such audits shall comply with and meet the standards required by the Act and the National Indian Gaming Commission.

x. The State Board or Agency shall be provided with a copy of the audit findings of the independent auditor prior to issuance of the audit report and shall receive copies of the audit report, engagement letter, management's representation letter, lawyer's contingency letter and other workpapers as the State Board or Agency deems necessary; and

xi. Identification badges to be worn by State Board or Agency employees while at a Gaming Facility shall be issued by the Tribal Commission upon written request by the State Board or Agency and prominently appended to the approved location on the employee's outer garment. This requirement shall not apply to a duly authorized employee of the State Board or Agency acting undercover within the scope of his authority, provided that said employee carries his badge on his person. Such identification badges will be of a distinctive color code identifying its wearer as an employee of the State Board or Agency. Upon issuance of each badge, the name of its recipient, employment position and badge number shall immediately be forwarded to the State Board or Agency and the Tribal Gaming Operation.

xii. The Tribal Commission and the State Board or Agency shall confer and agree upon protocols for release to other law enforcement agencies of information obtained during the course of background investigations.

g. Enforcement Authority of the State Board or Agency. If the State Board or Agency and the Tribal Commission, pursuant to Section 9.a. above, determines that the Tribal Gaming Operation is not in compliance with the provisions of this Compact, the State

Board or Agency shall deliver a written notice of noncompliance to the Tribal Commission and the Tribal Gaming Operation that describes the nature of such noncompliance and the action required to remedy such noncompliance. In the event that the Tribal Gaming Operation fails to contest the allegation of noncompliance or undertake corrective action within fifteen (15) days after receipt of a valid notice from the State Board or Agency, the State Board or Agency may initiate the dispute resolution procedures provided for in this Compact or may exercise its rights in the United States District Court pursuant to 25 U.S.C. §2710(d)(7)(A)(ii). In the event that the State Board or Agency determines that an emergency exists, the state Board may bring an action in the United States District Court immediately upon noncompliance with the provisions of the Compact. In addition to the remedies provided hereunder, the State may exercise its right to petition the National Indian Gaming Tribal Commission to impose penalties, which may include civil fines and temporary or permanent closure of Tribal Class III Gaming Facilities, for violation of the provisions of this Compact.

h. Enforcement Authority of the National Indian Gaming Tribal Commission. The Tribe shall enact a Tribal ordinance governing Class III Gaming activities on the Approved Site(s) and submit the same to the National Indian Gaming Tribal Commission for approval pursuant to 25 U.S.C. §2710(d)(2). Said ordinance shall require enforcement of all of the provisions of this Compact. In accordance with Section 14 of the Act, 25 U.S.C. §2713, the National Indian Gaming Tribal Commission may enforce the provisions of the ordinances of the Tribe, the Compact and the Act governing the conduct of Class III Gaming activities on the Approved Site(s).

10. LAW ENFORCEMENT MATTERS.

a. Jurisdiction of the State. Nothing in this Compact shall alter the jurisdiction of the State over the Tribal land on the island of Martha's Vineyard; including as set forth in P.L. 100-95, 25 U.S.C. §1771, and Mass. St. 1985, ch. 277.

b. State Criminal Jurisdiction. To the extent allowed by applicable law, the State's Law Enforcement Agency shall have full authority, with the advice and consent of the State's Attorney General, to maintain public order and public safety on the Approved Site(s) to enforce the criminal laws of the State and to make arrests for violation of the laws of the State. Further, the State shall have jurisdiction to enforce all criminal laws of the Commonwealth which may prohibit any form of Class III Gaming on the Approved Site(s) against any Person engaged in Class III Gaming on the Approved Site(s) that is not authorized by this Compact.

c. Powers of State Law Enforcement Officers. Notwithstanding any limitation imposed by applicable laws, the State law enforcement officers shall in the course of their official duties, excluding the regulation and enforcement of Gaming Operations within the jurisdiction of the Tribe and the regulation and enforcement of Gaming Operations encompassed in this Compact, be accorded access to any Gaming Facility, and personnel employed by the Tribal Gaming Operation shall, for such purposes, provide State law enforcement officers access to all parts of the Gaming Facility. The State Law Enforcement Agency may station a resident officer at the Gaming Facility to coordinate

law enforcement and public safety with the Tribal Gaming security personnel and with the Tribal Law Enforcement Agency within the Gaming Facility.

d. Concurrent Authority of Tribal Law Enforcement Authority. Law enforcement officers of the Tribe may exercise concurrent authority at the Approved Site(s) with that of law enforcement officers of the State to maintain public order and public safety and to enforce the applicable ordinances of the Tribe and to make arrests for violations of applicable criminal laws of the State; provided, that persons arrested by officers of the Tribal Law Enforcement Agency for violations of criminal laws of the State shall be transferred as promptly as may be feasible to the jurisdiction of State law enforcement officers and the Tribal Law Enforcement Agency shall comply with all reasonable requirements of State law enforcement officers and agencies in order to assist in the prosecution of such offenders. Reciprocally, Tribal members and other Indians arrested by State Law Enforcement officers shall be turned over, along with necessary documentation and evidence, to Tribal Law Enforcement for prosecution in Tribal court. Nothing in this Section shall prevent the State from prosecution of Tribal members and other Indians under applicable laws.

11. CERTIFICATION AND LICENSING OF GAMING EMPLOYEES.

a. Cooperation. Notwithstanding Section 9.a. above, the Tribe and the State agree that all Gaming activities conducted under this Compact shall, at a minimum, comply with a Tribal ordinance duly adopted by the Tribe and approved in accordance with IGRA, and with all rules, regulations, procedures, specifications, and standards duly adopted by the Tribal Commission, and the Tribe and the State intend that the licensing process provided for in this Compact shall involve joint cooperation between the Tribal Commission and the State Board or Agency, as more particularly described herein.

b. Classes of Gaming Employee Licenses. There shall be two classes of Gaming Employee licenses: a Key Gaming Employee License and a Standard Gaming Employee License.

c. Requirement of Key Gaming Employee License. No Person may commence or continue employment as a Key Gaming Employee unless he or she is the holder of a valid key Gaming Employee license issued by the Tribal Commission and has been certified by the State Board or Agency in accordance with the Key Gaming Employee provisions of this Section.

d. Requirement of Standard Gaming Employee License. No Person may commence or continue employment as a Standard Gaming Employee unless he or she is the holder of a valid Standard Gaming Employee license issued by the Tribal Commission and has been certified by the State Board or Agency in accordance with the Standard Gaming Employee provisions of this Section.

e. Gaming Employee. Every Gaming Employee shall obtain, and thereafter maintain current, a valid Tribal gaming license, which shall be subject to biennial renewal,

provided that in accordance with Section 11.i. below, those persons may be employed on a temporary or conditional basis pending completion of the licensing process.

i. Except as provided in (ii) and (iii) below, the Tribe will not employ or continue to employ any person whose application to the State Board or Agency for a determination of suitability or for a renewal of such a determination, has been denied or has expired without renewal, unless exempted under Section 11.__. below.

ii. Notwithstanding subsection (i) above, the Tribe may retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Board or Agency, if:

(1) the person holds a valid and current license issued by the Tribal Commission that must be renewed at least biennially;

(2) the denial of the application by the State Board or Agency is based solely on activities, conduct, or associations that antedate the filing of the person's initial application to the State Board or Agency for a determination of suitability;

(3) the person is not an employee or agent of any other gaming operation; and,

(4) the person has been in the continuous employ of the Tribe for at least three (3) years prior to the effective date of this Compact.

iii. Notwithstanding subsection (ii) above, the Tribe may employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Board or Agency, if the person is an enrolled member of the Tribe as of the effective date of this Compact, or when applicable, as defined in this subsection, and if:

(1) the person holds a valid and current license issued by the Tribal Commission that must be renewed at least biennially;

(2) the denial of the application by the State Board or Agency is based solely on activities, conduct, or associations that antedate the filing of the person's initial application to the State Board or Agency for a determination of suitability;

(3) the person is not an employee or agent of any other gaming operation. For the purposes of this subsection, 'enrolled member' means a person who is either:

a. certified by the Tribe as having been a member of the Tribe for at least five (5) years, or

b. a holder of confirmation of membership issued by the Bureau of Indian Affairs.

iv. Nothing herein shall be construed to relieve any person of the obligation to apply for a renewal of a determination of suitability as required under this Compact.

f. Tribal Commission Background Investigation of Applicants. The Tribal Commission shall conduct or cause to be conducted all necessary background investigations reasonably required to determine that the applicant is qualified for a gaming license under the standards set forth in Section 11.__. below, and to fulfill all requirements for licensing under IGRA, the Tribal ordinance and regulations, and this Compact. The Tribal Commission shall not issue other than a temporary gaming license until a determination is made that those qualifications have been met.

g. Any Persons connected with the Gaming Operation or Facility who are required to be licensed or to submit to a background investigation under IGRA, the Tribal ordinance and regulations, or under the provisions of this Compact, including, but not limited to, all Gaming Employees, and any other Person having a significant influence over the Gaming Operation must be licensed by the Tribal Commission.

h. Gaming License Issuance. Upon completion of the necessary background investigation, the Tribal Commission may issue a license on a conditional or unconditional basis. Nothing herein shall create a property or other right of an applicant in an opportunity to be licensed, or in a license itself, both of which shall be considered to be privileges granted to the applicant in the sole discretion of the Tribal Commission.

i. Temporary Tribal Licensing. Notwithstanding anything herein to the contrary, if the applicant has completed a license application in a manner satisfactory to the Tribal Commission, and the Tribal Commission has conducted a preliminary background investigation, and the investigation or other information held by the Tribal Commission does not indicate that the applicant has criminal history or other information in his or her background that would either automatically disqualify the applicant from obtaining a license or cause a reasonable person to investigate further before issuing a license, or is otherwise unsuitable for licensing, the Tribal Commission may issue a temporary license and may impose such specific conditions thereon pending completion of the applicant's background investigation, as the Tribal Commission in its sole discretion shall determine. Special fees may be required by the Tribal Commission to issue or maintain a temporary license.

j. Term of Temporary Tribal License. A temporary Tribal license shall remain in effect until suspended or revoked, or a final determination is made on the application. At any time after the issuance of the temporary Tribal license, the Tribal Commission may suspend or revoke such license pursuant to this Section 11.__. below. Nothing herein shall be construed to relieve the Tribe of any obligation under Part 558 of Title 25 of the Code of Federal Regulations.

k. Tribal Suitability Standard Regarding Gaming Licenses. In reviewing an application for a gaming license, and in addition to any standards set forth in the Tribal ordinance and regulations, the Tribal Commission shall consider whether issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the license will undermine public trust that the Tribe's Gaming Operations, or Tribal government gaming generally, are free from criminal and dishonest elements and would be conducted honestly. A license may not be issued unless, based on all information and documents

submitted, the Tribal Commission is satisfied that the applicant is all of the following, in addition to any other criteria in IGRA or the Tribal ordinance and regulations:

i. a person of good character, honesty, and integrity;

ii. a person whose prior activities, criminal record (if any), reputation, habits, and associations do not pose a threat to the public interest or to the effective regulation and control of gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gambling, or in the carrying on of the business and financial arrangements incidental thereto;

iii. a person who is in all other respects qualified to be licensed as provided in the Tribal ordinance and regulations, IGRA, and in this Compact. An applicant shall not be found to be unsuitable solely on the ground that the applicant was an employee of a tribal gaming operation in Massachusetts that was conducted prior to the effective date of this Compact.

1. Procedures for Key Gaming Employee License Applications. Notwithstanding Section 11.__. above, each applicant for a Key Gaming Employee license shall submit a completed license application to the Tribal Commission on a form prescribed by the Tribal Commission. Copies of the application shall be forwarded to the State Board or Agency for a suitability determination by the State Board or Agency pursuant to Section 11.1. below. The forwarded application shall be accompanied by signed releases modeled after the release required of Class II Key Employees by 25 C.F.R. §556.2 and similar releases used by the State. These releases shall authorize the Tribe, the Tribal Commission, the State, and federal government to investigate the applicant's background. The Key Gaming Employee license application shall contain, at a minimum, all required submissions, documentation and assurances required under IGRA, including 25 C.F.R. §556.4, for licensing primary management officials and key employees, and such additional information as the Tribal Commission shall specify to assure a thorough disclosure of facts and circumstances relating to the applicant.

m. Business Entities. For applicants who are business entities, these licensing provisions shall apply to the entity as well as:

i. each of its officers and directors;

ii. each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;

iii. each of its owners or partners, if an unincorporated business;

iv. each of its shareholders who owns more than ten (10%) percent of the shares of the corporation, if a corporation; and

v. each person or entity (other than a financial institution that the Tribal Commission has determined does not require a license under the preceding section) that, alone or in combination with others, has provided financing in connection with any gaming authorized under this Compact, if that person or entity provided more than 10 percent of:

(1) the start-up capital;

(2) the operating capital over a twelve (12) month period; or

(3) a combination thereof.

For the purposes of this Section, where there is any commonality of the characteristics identified in clauses (i) and (v), inclusive, between any two or more entities, those entities may be deemed to be a single entity. Nothing herein precludes the Tribe or Tribal Commission from requiring more stringent licensing requirements.

n. License Application Contents. Each completed application shall include the applicant's fingerprint cards, current photographs, the signed releases described herein authorizing a background investigation and the fee, if any, set by the Tribal Commission. The Tribal Commission shall retain at least one copy of the license application, accompanied by a current photograph, one set of fingerprints and one original release. The Tribal Commission shall then, when applicable, forward one set of these documents to the National Indian Gaming Commission or such other federal agency as the Act may require and provide to the State Board or Agency a minimum of two copies of the license application and the remaining fingerprint cards, current photographs and releases pursuant to Section 11.__. below.

o. State Suitability Determination. Upon receipt of a completed license application and a determination by the Tribal Commission that it intends to issue the earlier of a temporary or permanent Key Gaming Employee license, the Tribal Commission shall transmit to the State Board or Agency a notice of intent to license the applicant, together with all of the following:

i. a copy of all Tribal license application materials and information received by the Tribal Commission from the applicant;

ii. an original set of fingerprint cards;

iii. a current photograph; and

iv. except to the extent waived by the State Board or Agency, such releases of information, waivers, and other completed and executed forms as have been obtained by the Tribal Commission. Except for an applicant for licensing as a non-Key Gaming Employee, as defined by agreements between the Tribal Commission and the State Board or Agency, the Tribal Commission shall require the applicant also to file an application with the State Board or Agency, prior to issuance of a temporary or permanent tribal gaming license, for a determination of suitability for licensure under the gaming laws of Massachusetts.

Investigation and disposition of the application(s) for the suitability determination by the State Board or Agency shall be governed entirely by state law, and the State Board or Agency shall determine whether the applicant would be found suitable for licensure in a gambling establishment subject to that State Board or Agency's jurisdiction. Additional

information may be required by the State Board or Agency to assist it in its background investigation, provided that such State Board or Agency requirement shall be no greater than that which may be required of applicants for a State gaming license in connection with non-tribal gaming activities and at a similar level of participation or employment.

A determination of suitability is valid for the term of the Tribal license held by the applicant, and the Tribal Commission shall require a licensee to apply for renewal of a determination of suitability at such time as the licensee applies for renewal of a Tribal Gaming License. The State Board or Agency and the Tribal Commission shall cooperate in developing standard licensing forms for Tribal Gaming License applicants, on a Statewide basis, that reduce or eliminate duplicative or excessive paperwork, which forms and procedures shall take into account the Tribe's requirements under IGRA and the expense thereof.

p. State Board or Agency Background Investigation of Key Gaming Employee License Applicants. The State Board or Agency shall conduct its own background investigation of the applicant in order to determine such applicant's suitability pursuant to Section 11.__. above. Said background investigation shall, at a minimum, encompass a verification of the information contained in the application and a thorough criminal records check. Such criminal records check shall be undertaken only by the State Law Enforcement Agency. The State Board or Agency shall report in writing the results, whether suitable or unsuitable and the reasons, of its background investigation, providing a copy thereof to the Tribal Commission. The State Board or Agency shall maintain the results of its investigation and the applicant's fingerprint records until five (5) years after such time as the State Board or Agency is notified that such Person is no longer employed in a position requiring licensing at the Gaming Facility. The Tribe shall notify the State Board or Agency immediately following the termination or transfer of such an employee.

q. Procedures for Standard Gaming Employee License Applications. Each applicant for a Standard Gaming Employee license shall submit a completed license application to the Tribal Commission on a form prescribed by the Tribal Commission. Copies of said application shall be forwarded to the State Board or Agency for a suitability determination by the State Board or Agency pursuant to Section 11.__. above.

The forwarded application shall be accompanied by signed releases modeled after the release required of Class II Key Employees by 25 C.F.R. §556.2 and similar releases used by the State. These releases shall authorize the Tribe, the Tribal Commission, the State, and the federal government to investigate the applicant's background. The Standard Gaming Employee license application shall contain, at a minimum, the applicant's full name, all other names used, social security number, date of birth, place of birth, citizenship, gender, current and previous employment for the past five (5) years, current and previous addresses for the past five (5) years and a list of any gaming licenses from any jurisdiction held or applied for. Each completed application shall contain the applicant's fingerprint cards, current photographs, the signed releases described herein authorizing a background investigation and the appropriate fee, if any, set by the Tribal Commission. The Tribal Commission shall retain at least one copy of the license application, accompanied by a current photograph, one set of fingerprints and one

original release. The Tribal Commission shall then, where applicable, forward one set of these documents to the National Indian Gaming Tribal Commission or such other federal agency as the Act may require and provide to the State Board or Agency a minimum of two copies of the license application, and the remaining fingerprint cards, current photographs and releases. The Tribal Commission shall promptly forward to the State Board or Agency copies of any background investigation reports it receives from the federal government.

r. Background Investigation of Standard Gaming Employee License Applicants. The State Board or Agency shall conduct a background investigation of the applicant. Said background investigation shall, at a minimum, encompass a fingerprint-based search of the applicant's criminal history. Such criminal record check shall be undertaken only by the State Law Enforcement Agency. The State Board or Agency shall also, where applicable, contact all jurisdictions where the applicant has held or applied for a gaming license. The State Board or Agency shall report in writing the results of its background investigation, providing a copy thereof to the Tribal Commission. The State Board or Agency shall maintain the results of its investigation and the applicant's fingerprint records until five (5) years after such time as the State Board or Agency is notified that such Person is no longer employed in a position requiring licensing at the Gaming Facility. The Tribe shall notify the State Board or Agency immediately following the termination or transfer of such an employee.

s. Tribal License Fees. The license fees for the Tribal Key and Standard Gaming Employee Licenses shall be determined solely by the Tribal Commission.

t. Notice of Approved License Application. Upon approval of a Tribal license application, the Tribal Commission shall send appropriate notification to the applicant, the Tribal Gaming Operation and the State Board or Agency. The notice shall include the name of the licensee and the license number.

u. Term of Tribal Licenses. Any Key or Standard Gaming Employee License issued by the Tribal Commission shall be effective for not more than two (2) years, unless otherwise agreed to by the Tribal Commission and the State Board or Agency under this Compact, provided that a licensed Gaming Employee who has timely and properly applied for a renewal may continue to be employed under the expired license until such time as final action is taken on the renewal application by both the Tribal Commission and the State Board or Agency, except where the Tribal Commission may otherwise require.

v. Renewal Tribal Gaming License and State Certification. An applicant for a Key or Standard Gaming Employee license renewal shall submit a renewal application to the Tribal Commission on forms prescribed by the Tribal Commission prior to its expiration. The forms shall not require the applicant to furnish historical data previously submitted. At the discretion of the Tribal Commission, an additional background investigation may be required at the time of submitting the renewal application if the Tribal Commission determines the need for further information concerning the applicant's continuing suitability or eligibility for a license. The Tribal Commission shall retain at least one

copy and forward such copies to the State Board or Agency as may be required under this Compact. The State Board or Agency shall update the applicant's address and criminal history check, and the State Board or Agency shall notify the Tribal Commission in writing of its determination of suitability of the renewal applicant. The Tribal Commission may renew the license of any employee who is determined suitable by the Tribal Commission pursuant to Section 11.__. above, and is also determined suitable by the State Board or Agency. The Tribal Commission shall notify the State Board or Agency of its grant of any license renewal application.

w. Suspension of Tribal License. The Tribal Commission may summarily suspend the license of any Key or Standard Gaming Employee if the Tribal Commission determines that the continued licensing of the person or entity could constitute a threat to the public health or safety or may violate the Tribal Commission's licensing or other standards. Any right to notice or hearing in regard to suspension of the Tribal license shall be governed by Tribal law or Tribal ordinance and regulations.

x. Denial or Revocation of License by the Tribal Commission. Any application for a gaming license may be denied, and any license issued may be revoked by the Tribal Commission, if the Tribal Commission determines that the application is incomplete or deficient, or if the applicant is determined to be unsuitable or otherwise unqualified for a gaming license. Pending consideration of revocation, the Tribal Commission may suspend a license in accordance with Section 11.__. above. All rights to notice and hearing shall be governed by Trial law or ordinance and regulations, as to which the applicant will be notified in writing along with notice of an intent to suspend or revoke the license.

y. Notice of License Application Denial or License Revocation. Upon denial of an initial license application or renewal of a license, or revocation of a license, the Tribal Commission shall notify the applicant or licensee, the State Board or Agency and the Tribal Gaming Operation in writing. The notices to the applicant or licensee, the State Board or Agency and the Tribal Gaming Operation shall set forth a brief summary of the reason(s) for the denial or revocation. The Tribal Commission shall suspend, revoke, or deny renewal of a licensee upon loss of State Board or Agency Certification pursuant to Section 11.__. above. The Tribal Commission shall immediately notify the State Board or Agency of every denial, suspension or revocation of a license.

z. Display of License. The Key or Standard Gaming Employee license issued by the Tribal Commission shall be carried on the person of the licensee in a manner prescribed by the Tribal Commission at all times while at a Gaming Facility. The license shall be surrendered to the Tribal Commission upon license suspension or revocation or upon termination of employment.

aa. Identification Badges. The Tribal Commission shall establish standards and procedures for the issuance and wearing of serially numbered identification badges by all Key or Standard Gaming Employees. No person shall have access to any restricted area in a Gaming Facility without having an authorized and valid identification badge issued by the Tribal Commission prominently appended to the approved location on the

employee's outer garment. The Tribal Commission shall code the design, color(s), wording and lettering of the identification badge in accordance with the job title of the employee. The identification badge shall also include a photograph of the licensee and the expiration date of the gaming license on the identification badge in order that the Tribal Commission may readily identify the person and determine the validity and date of expiration of his or her license. Such identification badge shall remain the property of the Tribal Commission and must be surrendered by the Gaming Employee upon demand by an authorized Tribal Commission representative and in all cases where an employee has been suspended or discharged or has terminated his or her employment. Upon issuance of the badge, the name of each recipient, his or her employment position and the code assigned to his or her badge shall be forwarded to the State Board or Agency.

12. LICENSING OF GAMING RESOURCE SUPPLIERS.

a. Gaming Resource Supplier. Any Gaming Resource Supplier who, directly or indirectly, provides, has provided, or is deemed likely to provide at least twenty-five thousand dollars ($25,000.00) in Gaming Resources in any twelve (12) month period, or has received at least twenty-five thousand dollars ($25,000.00) in any consecutive twelve (12) month period within the twenty-four (24) month period immediately preceding application, shall be licensed by the Tribal Commission prior to the sale, lease, or distribution, or further sale, lease, or distribution, of any such Gaming Resources to or in connection with the Tribe's Gaming Operation or Gaming Facility. These licenses shall be reviewed at least every two (2) years for continuing compliance. In connection with such a review, the Tribal Commission shall require the Gaming Resource Supplier to update all information provided in the previous application. For the purposes of a renewal application, such a review by the Tribal Commission shall constitute an application for renewal.

The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of Gaming Resources with any person whose application to the State Board or Agency for a determination of suitability has been denied or has expired without renewal. Any agreement between the Tribe and a Gaming Resource Supplier shall be deemed to include a provision for its termination without further liability on the part of the Tribe, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as of, or payment for services or materials received up to, the date of termination, upon revocation or non-renewal of the Gaming Resource Supplier's license by the Tribal Commission based on a determination of unsuitability by the State Board or Agency.

13. APPROVAL OF MANAGEMENT CONTRACTS.

As provided in 25 U.S.C. §2710(d)(9), the Chairman of the National Indian Gaming Commission is required to review and approve any Management Contract for management of the Tribal Gaming Operations conducted pursuant to a Tribal-State Compact in accordance with the provisions of subsections (b), (c), (d), (f), (g) and (h) of 25 U.S.C. §2711. The Tribe shall not enter into any Management Contract for the management of the Tribal Gaming Operations on the Approved Site(s) without the

approval of the Chairman of the National Indian Gaming Commission in accordance with the terms of the Act. The Tribe shall provide the Board with notice and a copy of any Management Contract submitted to the National Indian Gaming Commission in accordance with this Section as well as a copy of all supporting materials. The Tribe agrees that the State should be deemed to have standing to conduct its own investigation of the proposed Management Contractor and submit its views regarding approval of such contract to the National Indian Gaming Commission. No Management Contractor shall commence management of the Gaming Facility until all of its Principals and Key Employees have been licensed pursuant to the Key Gaming Employee provisions of this Compact, and the Tribe's proposed Management Contractor is issued a Tribal gaming license under the provisions of this Compact.

14. REGULATIONS FOR GAMING OPERATION AND MANAGEMENT FOR GAMES OF CHANCE.

a. Adoption of Regulations for Gaming Operation and Management; Minimum Standards. In order to meet the goals set forth in this Compact and required by the Tribe by law, the Tribal Commission, after consulting with and without objection by the State Board or Agency, shall adopt regulations or specifications governing the operation and management of all Class III Gaming Operations. Such standards shall protect the public interest and the integrity of Gaming Operations and reduce the dangers of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming. The initial regulations or specifications governing the Gaming Operation and management shall, at a minimum, include the following:

i. The enforcement of all relevant laws and rules with respect to the Gaming Operation and Facility, and the power to conduct investigations and hearings with respect thereto, and to any other subject within its jurisdiction;

ii. Ensuring the physical safety of Gaming Operation patrons and employees, and any other person while in the Gaming Facility. Nothing herein shall be construed to make applicable to the Tribe any state laws, regulations, or standards governing the use of tobacco.

iii. The physical safeguarding of assets transported to, within, and from the Gaming Facility;

iv. The prevention of illegal activity from occurring within the Gaming Facility or with regard to the Gaming Operation including, but not limited to, the maintenance of employee procedures and a surveillance system as provided below;

v. The recording of any and all occurrences within the Gaming Facility that deviate from normal operating policies and procedures (hereafter 'incidents'). The procedure for recording incidents shall:

(1) specify that security personnel record all incidents, regardless of any employee's determination that the incident may be immaterial (all incidents shall be identified in writing);

(2) require the assignment of a sequential number to each report;

(3) provide for permanent reporting in indelible ink in a bound notebook from which pages cannot be removed and in which entries are made on each side of each page; and

(4) require that each report include, at a minimum, all of the following:

(a) The record number.

(b) The date.

(c) The time.

(d) The location of the incident.

(e) A detailed description of the incident.

(f) The persons involved in the incident.

(g) The security department employee assigned to the incident.

vi. The establishment of employee procedures designed to permit detection of any irregularities, theft, cheating, fraud, or the like, consistent with industry practice;

vii. Maintenance of a list of persons barred from the Gaming Facility who, because of their past behavior, criminal history, or association with persons or organizations, pose a threat to the integrity of the Gaming Activities of the Tribe or to the integrity of regulated gaming within the State;

viii. The conduct of an audit of the Gaming Operation, not less than annually, by an independent certified public accountant, in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants;

ix. Submission to, and prior approval, from the Tribal Commission and the State Board or Agency of the rules and regulations of each Class III game to be operated by the Tribe, and of any changes in those rules and regulations. No Class III game may be played that has not received Tribal Commission and State Board or Agency approval;

x. Addressing all of the following:

(1) Maintenance of a copy of the rules, regulations, and procedures for each game as played, including, but not limited to, the method of play and the odds and method of determining amounts paid to winners.

(2) Specifications and standards to ensure that information regarding the method of play, odds, and payoff determinations shall be visibly displayed or available to patrons in written form in the Gaming Facility.

(3) Specifications ensuring that betting limits applicable to any gaming station shall be displayed at the gaming station.

(4) Procedures ensuring that in the event of a patron dispute over the application of any gaming rule or regulation, the matter shall be handled in accordance with, industry practice and principles of fairness, pursuant to the Tribe's ordinance and any rules and regulations promulgated by the Tribal Commission and the State Board or Agency;

xi. Maintenance of a closed-circuit television surveillance system consistent with industry standards for gaming facilities of the type and scale operated by the Tribe, which system shall be approved by, and may not be modified without approval of, the Tribal Commission. The Tribal Commission shall have current copies of the Gaming Facility floor plan and closed-circuit television system at all times, and any modifications thereof first shall be approved by the Tribal Commission and the State Board or Agency;

xii. Maintenance of a cashier's cage in accordance with industry standards for such facilities;

xiii. Specification of minimum staff and supervisory requirements for each Gaming Activity to be conducted;

xiv. Technical standards and specifications for the operation of Gaming Devices and other games authorized herein to be conducted by the Tribe, which technical specifications may be no less stringent than those approved by a recognized gaming testing laboratory in the gaming industry.

State Board or Agency

b. Revisions of Regulations or Specifications for the Gaming Operation and Management. The Tribal Commission shall notify the State Board or Agency of any desired revisions of the regulations or specifications for the Gaming Operation and management and request State Board or Agency approval thereof. The State Board or Agency shall approve the revised regulations or specifications upon request by the Tribal Commission unless it finds they would have a material adverse impact on the public interest in the integrity of the Gaming Operations and disapprove only such portions of any proposed revised regulations or specifications that are determined to have a material adverse impact on such public interest, setting forth with specificity the reason(s) for such disapproval. Any disapproval of revised regulations or specifications by the State Board or Agency may be subject to the dispute resolution provisions of this Compact, if all parties consent to such dispute resolution.

c. Technical Standard for Electronic Gaining Devices. Notwithstanding any other provision of this Compact, no Electronic Gaming Device will be operated by the Tribe until the Tribal Commission and the State Board or Agency, or an independent testing laboratory approved by the Tribal Commission and the State Board or Agency has tested that device, and has submitted a written statement to the State Board or Agency and the Tribal Commission certifying that the device meets such technical standards as the Tribal Commission and the State Board or Agency specifies. Receipt of such written statement

shall constitute Tribal Commission and State Board or Agency approval to ship the machine to the Tribal Gaming Facility.

d. Class III Regulations Uniformity. In order to foster statewide uniformity of regulation of Class III Gaming Operations throughout the State, rules, regulations, standards, specifications, and procedures of the Tribal Commission in respect to any matter encompassed by this Compact shall be consistent with regulations adopted by the State Board or Agency in accordance with Section 9.a. above.

15. MISCELLANEOUS PROHIBITIONS.

a. Prohibition on Possession of Firearms. No person shall be permitted to bear firearms of any kind within a Tribal Gaming Facility unless he or she is a member of a State, Tribal or federal law enforcement agency authorized to be on the premises in an official capacity. The Tribal Gaming Operation shall take all necessary measures to inform the public of this prohibition.

b. Persons Barred From Facilities. The Tribal Commission shall share with the State Board or Agency a list, as identified in 16.a.vii. above, of persons barred from Tribal Gaming Facilities because their criminal histories, associations with career offenders, or actions pose a threat to the integrity of the Gaming Operation or enhance the dangers of unsuitable, unfair or illegal gaming activities or pose a threat to the safety of the Tribe's patrons or employees. The Tribal Commission shall exclude persons on such list from entry into Tribal Gaming Facilities. The Tribal Commission shall also exclude persons engaging in disorderly conduct or other conduct jeopardizing public safety from the Gaming Facility.

c. Prohibition on Attendance of Minors. No person under the age of twenty-one (21) shall be admitted into Tribal Gaming Facilities, nor be permitted to place any wager, directly or indirectly; provided that notwithstanding any other provision of this Compact, a person under the age of twenty-one (21) may be employed on the Approved Site(s) if the employment is outside the Gaming Space. The Tribe shall use its best efforts to prevent minors from being admitted to the Gaming Space.

16. MISCELLANEOUS PROVISIONS.

a. Authorized Forms of Payment. All payment for wagers on games conducted by the Tribe on the Approved Site(s) or at the Temporary Facility, including the purchase of chips, plaques or tokens for use in wagering, shall be made by cash, cash equivalent, check or credit card. Credit may only be extended if the procedures meet the requirements contained in the Standards of Operation and Management referenced in this Compact.

b. Sale of Liquor. The Tribe shall enact a tribal liquor ordinance, identical to State laws relating to the sale and regulation of alcoholic beverages as set out in Chapter 138 of the General Laws and Title 204 of the Massachusetts Code of Regulations. The Tribe agrees to collect and pay to the State all applicable State liquor sales taxes on liquor which is sold to non-Indians. Notwithstanding any law or regulation to the contrary, the Tribal

Gaming Operation shall be authorized and licensed to purchase, at wholesale, alcoholic beverages for sale to the public on the Approved Site(s).

c. Compliance with Reporting Requirements. The Tribe shall comply with all applicable reporting and withholding requirements of the Internal Revenue Service and the Massachusetts Department of Revenue relating to all forms of Class III wagering conducted by the Tribe, shall maintain accurate records of all such reports and returns and shall implement policies and procedures adequate to assure compliance with such obligations in the Gaming Facility.

d. Organization of Tribal Operations. The Tribal Gaming Operation and the Tribal Commission shall disclose to the State Board or Agency its programs of instructional and on-the-job training and its system of internal organization for its Class III Gaming Operations, including a compendium of all supervisory and management positions involved in the operation of its Gaming Facilities, all supervisory and management positions involved in each type of authorized gaming activity conducted pursuant to the provisions of this Compact and all persons designated to occupy each of those positions on a full or part-time basis. The Tribal Gaming Operation shall promptly notify the State Board or Agency of any change in such training programs, in such system of internal organization or in the persons designated for any supervisory or management position. The Tribal Commission shall ensure that any person designated to occupy a supervisory or management position or members of the Tribal Law Enforcement Agency in the Gaming Facility is properly trained and qualified for such position.

17. TORT REMEDIES FOR PATRONS.

The Tribe agrees to require the Tribal Gaming Operation to maintain a general liability insurance policy with limits of not less than ten million dollars ($10,000,000) per occurrence and five million dollars ($5,000,000) per person to compensate injured patrons of its Class III Gaming Facilities. The Tribe shall, after consultation with the Board, establish procedures for the adjudication and compensation for tort and other claims by patrons of its Gaming Facilities. These procedures shall be posted at public places throughout the Temporary and Permanent Facilities, and shall be set out as an Appendix to this Compact. It is understood that the Tribe’s agreement to this provision is not intended to and does not constitute a waiver of its sovereign immunity from suit with respect to any such claim, and the Tribe’s failure to pay any such claim, in whole or in part, shall not constitute a breach of this Compact nor be grounds for dispute resolution between the Tribe and the State under this Compact. This Section does not preclude an injured party from pursuing any other remedy available under applicable law.

18. TRIBAL CONSTRUCTION OF OTHER FACILITIES ON THE SITE.

a. Entertainment Area. The Tribe will construct an entertainment component on the Approved Site(s). The Tribe currently anticipates that the facility will contain a wide variety of entertainment features.

b. Hotel. The Tribe anticipates that, within eighteen (18) months of occupancy of the Permanent Gaming Facility, it will commence construction of a hotel on the Approved Site(s).

19. TRIBAL PAYMENT OF CERTAIN STATE TAXES.

a. Hotel Taxes. The Tribe agrees to collect and pay to the State or its appropriate subdivision(s) all applicable State and local hotel, sales, excise and occupancy taxes stemming from transactions with non-Indian patrons, but said hotel facility shall remain exempt from any State or local real property tax so long as it is located on Tribal land.

b. Certain Sales and Excise Taxes. The Tribe, when selling alcoholic beverages, cigarettes and other goods and commodities on the Approved Site(s), agrees to collect and pay to the State or its appropriate subdivision(s) all applicable State and local taxes stemming from sales to non-Indians.

c. State and Federal Income Taxes. The Tribe agrees to withhold and pay all applicable State and federal income taxes for employees of all Tribal businesses located on the Approved Site(s) as required by federal law.

d. Unemployment Taxes. The Tribe agrees to withhold and pay all applicable State unemployment taxes for non-Indian employees of all Tribal businesses located on the Approved Site(s).

e. Costs of state tax collection. The Tribe shall retain one percent of all state and local taxes collected by it for remittance to the state in order to defray the costs of collecting, reporting and remitting these state and local taxes.

20. PREFERENCE IN EMPLOYMENT.

To the extent allowed by applicable law, the Tribe agrees that preference in employment at the Gaming Facility and other businesses on the Approved Site(s) shall be given first to members of the Tribe, second to other members of federally recognized Tribes, third to other Native Americans in and within the Commonwealth of Massachusetts; and fourth, to residents of Bristol and Plymouth Counties, Massachusetts, provided however, that all such persons are qualified or can be trained for the positions available.

21. LABOR RELATIONS.

The Tribe agrees that the provisions of the National Labor Relations Act, 29 U.S.C. 151 et seq., shall apply to all businesses and employees operating on the Approved Site(s).

22. TRIBAL FUNDING OF COMPULSIVE GAMBLING AWARENESS, EDUCATION AND REHABILITATION PROGRAMS.

The Tribe shall cooperate with the Board to support and fund an education, awareness and treatment program for compulsive gamblers and shall be subject to the regulations of the Board in implementing such a program.

23. TRIBAL PAYMENT FOR FACILITY RELATED COSTS.

The Tribe agrees to incur or pay to the State for actual costs of roadway and infrastructure improvements necessary at the Approved Site(s) as a result of the establishment and operation of the Gaming Facility. In the event that the State and/or the Host Community is eligible for and receives federal reimbursement in connection with such improvements, the Tribe shall be reimbursed any and all of the reimbursement received.

24. DISPUTE RESOLUTION.

a. General Terms. In recognition of the government-to-government relationship of the Tribe and the State, the Tribe and the State shall make their best efforts to resolve disputes that occur under this Gaming Compact by good faith negotiations whenever possible. All disputes concerning compliance with and interpretation of any provisions of the Compact may be resolved by first, informally meeting and conferring, second, formally meeting and conferring as described herein, and third, if necessary, by arbitration in accordance with the procedures set forth below, provided both parties consent to such alternative dispute resolution.

The State's and the Tribe's rights to bring an action pursuant to the Act or any other provision of federal law are hereby preserved. The Tribe's option to seek a judicial determination of whether activities in dispute are, or must be, permitted pursuant to this Compact is also preserved. Therefore, without prejudice to the right of either the Tribe or the State to seek injunctive relief against the other when circumstances are deemed to require immediate relief, the Tribe and the State hereby establish a threshold requirement that disputes between the Tribe and the State first be subjected to a process of informally and formally meeting and conferring in good faith in order to foster a spirit of cooperation and efficiency in the administration of this Compact.

b. Meet and Confer. The Tribe and the State shall first meet and confer informally pursuant to the following:

i. Either the Tribe or the State shall give the other, as soon as possible after the event giving rise to the concern, a written notice setting forth, with specificity, the issues to be resolved;

ii. The Tribe and the State shall meet and confer in a good faith attempt to resolve the dispute through negotiation not later than ten (10) days after receipt of the notice, unless both parties agree in writing to an extension of time;

iii. If the dispute is not resolved to the satisfaction of the Tribe and the State within thirty (30) days after the first meeting, then either party may seek to have the dispute resolved by arbitration in accordance with this section, but neither the Tribe nor the State shall be required to agree to submit to arbitration;

iv. Disagreements that are not otherwise resolved by arbitration or other mutually acceptable means as provided in 9( ) may be resolved in the United States District Court

where the Tribe's Gaming Facility is located, or is to be located, and the ( ) Circuit Court of Appeals (or, if those federal courts lack jurisdiction, in any state court of competent jurisdiction and its related courts of appeal). The disputes to be submitted to court action include, but are not limited to, claims of breach or violation of this Compact, or failure to negotiate in good faith as required by the terms of this Compact. In no event may the Tribe be precluded from pursuing any arbitration or judicial remedy against the State on the grounds that the Tribe has failed to exhaust its state administrative remedies. The parties agree that, except in the case of imminent threat to the public health or safety, reasonable efforts will be made to explore alternative dispute resolution avenues prior to resort to judicial process.

c. Notice. The party seeking arbitration shall serve upon the other a written notice of demand to arbitrate. Such notice shall be served no later than thirty (30) days after non-resolution through meet and confer or dissatisfaction with the decision under the meet and confer process, and such notice shall specify with particularity the nature of the dispute, the particular provision of this Compact or its Appendix at issue and the proposed relief sought by the party demanding the arbitration.

d. Procedures for Arbitration. If the parties elect to have the dispute determined by arbitration, such arbitration shall be conducted pursuant to the Rules of the American Arbitration Association, and shall be held on the Tribe's land or, if unreasonably inconvenient under the circumstances, at such other location as the parties may agree. The parties shall propose a mutually agreed upon arbitrator to resolve any given dispute. If the parties cannot agree on an arbitrator, each party shall select one arbitrator and those two arbitrators shall select a third arbitrator. The arbitrator(s) shall be selected within thirty-five (35) days of the notice set forth in subsection c of this section.

e. Arbitration Costs. Each party shall bear its own costs, attorney's fees, and one-half the costs and expenses of the American Arbitration Association and the arbitrator, unless the decision of the arbitrator(s) shall specify otherwise. All arbitration proceedings shall be conducted to expedite resolution of the dispute and minimize the costs to the participants.

f. Remedies. The arbitrator(s) may impose any relief available in law or equity which is warranted under the circumstances, other than money damages.

g. Arbitration Decision. Failure to comply with the judgment and award of the arbitration within the time specified therein for compliance shall be deemed a breach of this Compact, and the prevailing party may bring an action in a Court of competent jurisdiction to enforce the judgment and award.

h. No Waiver or Preclusion of Other Means of Dispute Resolution. This Section may not be construed to waive, limit, or restrict any remedy that is otherwise available to either party, nor may this Section be construed to preclude, limit, or restrict the ability of the parties to pursue, by mutual agreement, any other method of dispute resolution, including, but not limited to, mediation or utilization of a technical advisor to the Tribal Commission or State Board or Agency; provided that neither party is under any obligation to agree to such alternative method of dispute resolution.

i. Preservation of Remedies. The option to pursue arbitration pursuant to this section is in addition to any other remedies that may be available to the parties under applicable law.

j. Judicial Enforcement. The United States District Court shall have jurisdiction over any cause of action relative to the interpretation or enforcement of this Compact, insofar as it relates to an underlying question of federal law. The Tribe and the State hereby waive any defense which they may have by virtue of their sovereign immunity from suit with respect to any such action in the United States District Court only for the limited purposes of interpreting and enforcing the provisions of this Compact or to enforce a decision of an arbitrator under this Section.

25. GRANT OF EXCLUSIVITY.

a. In recognition of unique circumstances, the Tribe has requested that its Class III gaming facility not be located on the Island of Martha's Vineyard, an ecologically and environmentally sensitive area within the Commonwealth, which would be adversely affected by the operation of a gaming facility on the Tribe's reservation, and the Commonwealth has agreed to waive any objections to the application of 25 U.S.C. §2719(b)(1)(B) and to locate the gaming facility at a site not contiguous to the Tribe's reservation.

b. Settlement of Controversies and Grant of Exclusivity. In full settlement and satisfaction of outstanding controversies between the parties hereto and in consideration of the mutual agreements set forth herein, the parties have agreed on exclusivity set forth in this Section in return for voluntary contributions to the State described in subsection (e). The Tribe agrees that so long as no other Gaming Facility offering Casino Gaming or Electronic Gaming Devices is authorized by State law except as provided in this Compact, and no other person operates such a Facility, the Tribe will make the contributions set forth in subsection (e) of this Section.

c. Absolute Exclusivity. The Tribe and the State agree that the Tribe has absolute exclusivity as follows:

i. In Massachusetts, the Tribe has the only unlimited right to operate Electronic Gaming Devices and the sole and exclusive right to operate Class III games including Slot Machines without regard to numerical restrictions; within the exterior boundaries of the Commonwealth of Massachusetts. It is expressly understood that Section C shall not be deemed to cover, and shall be deemed to exclude: a) games currently offered by the Massachusetts State Lottery, and any future games developed by the Massachusetts State Lottery in accordance with General Laws Chapter 10, section 24; and b) any gaming carried out pursuant to the provisions of General Laws Chapter 271, 7A.

d. Amount of Contribution. The Tribe has determined, after consultation with duly qualified and informed consultants, professionals, and gaming and business experts, that this Compact confers upon the Tribe substantial and significant economic advantage and benefit consistent with the goals of IGRA, and therefore, the Tribe voluntarily agrees that

the Tribal contribution shall be annually the sum of 25% of all slot machine Net Revenues.

e. Revenue Sharing. The use of the contributions of the Tribe shall include the following purposes:

i. to help fund operations of local governmental agencies of the State and its political subdivisions;

ii. to provide revenue to the State to cover the costs of licensing and regulation of gaming within the Commonwealth of Massachusetts;

iii. to provide revenue to the State to cover the costs of impacts resulting from gaming; and

iv. for any other use not specifically set forth above which is in compliance with law.

f. Length of Exclusivity. The exclusivity described in subsection (b) of this Section shall have a duration of ten years from the earlier of the date the Tribe opens the Temporary or the Permanent Gaming Facility to the public; provided, however, that such ten year period shall commence to run no later than six (6) months after a Management Contractor has been approved by the Bureau of Indian Affairs and the National Indian Gaming Tribal Commission. In the event the Tribe loses such exclusivity within such ten year period, the Tribe agrees to pay for the actual costs of regulation, licensing, and Compact oversight of the Tribe's Gaming Facility. If the Tribe loses the exclusivity described in subsection (b) of this Section after completion of the ten year period described in this sentence, the Tribe agrees to make a contribution equal to the greater of: 1) the State's actual costs for regulation, licensing and Compact oversight of the Tribe's Gaming Facility, plus eleven (11%) of the amount the Tribe would have paid under this Compact if the exclusivity had been maintained, or 2) an amount calculated at the lowest rate which is paid to the State by any other casino gaming facility operating in the Commonwealth.

g. Lottery Protection. If the growth in lottery receipts is less than the average of the prior five years, the difference in revenues will be provided to the lottery for the purpose of local aid to the municipalities in the Commonwealth, provided the lottery payout percentages do not change and the number of games remains the same, and provided further that any funds provided to the lottery for the purposes described herein shall be taken from the revenue described in Section 27d of this compact.

h. Advance Payment. Following enactment and execution of this compact, the placement of the land into trust and receipt of financing, the Tribe shall give the Commonwealth an advance payment of $100 million dollars to be credited against future obligations of the Tribe to the Commonwealth under this section.

26. AMENDMENT AND MODIFICATION.

a. Compact. The terms and conditions of this Compact may be modified or amended by written agreement of both parties, and any such amendment or modification shall be subject to the approval of the Secretary of the Interior of the United States and the Massachusetts General Court, to the extent required by law. A request to amend or modify this Compact by either party shall be in writing, specifying the manner in which a party requests this Compact to be changed, the reason(s) for the modification and the proposed language. Representatives of the parties shall meet within thirty (30) days of the request and shall expeditiously and in good faith negotiate whether and on what terms and conditions this Compact will be amended or modified.

b. New State Authorized Class III Games. Notwithstanding subsection (a) of this Section, if the State enters into a Class III Gaming Compact with any other Indian Tribe or Nation, and that Compact contains games not currently authorized in this Compact, those new games shall be added automatically to the list of authorized games of chance contained in this Compact.

27. TERMINATION.

Once effective, this Compact shall be in effect until terminated by written agreement of both parties.

28. SOVEREIGN IMMUNITY.

a. Limited Waiver of Sovereign Immunity. In the event that a dispute is to be resolved in federal court or a state court of competent jurisdiction as provided in this Compact, the State and the Tribe expressly consent to be sued therein and waive any immunity therefrom that they may have provided that:

i. The dispute is limited to issues arising under this Compact;

ii. Neither side makes any claim for monetary damages (that is, only injunctive, specific performance, including enforcement of a provision of this Compact requiring payment of money to one or another of the parties, or declaratory relief is sought);

iii. No person or entity other than the Tribe and the State is party to the action, unless failure to join a third party would deprive the court of jurisdiction; provided that nothing herein shall be construed to constitute a waiver of the sovereign immunity of either the Tribe or the State in respect to any such third party;

iv. Except as specifically provided herein, neither the State nor the Tribe by entering into this Compact waives any sovereign immunity they may have under State, federal or Tribal law.

b. Third Party. In the event of intervention by an additional party into any such action without the consent of the Tribe and the State, the waivers of either the Tribe or the State provided for herein may be revoked, unless joinder is required to preserve the court's jurisdiction; provided that nothing herein shall be construed to constitute a waiver of sovereign immunity of either the Tribe or the State in respect to any such third party.

c. Civil Actions. The waivers and consents provided for under this Section shall extend to civil actions authorized by this Compact, including, but not limited to, actions to compel arbitration, any arbitration proceeding herein, any action to confirm or enforce any judgment or arbitration award as provided herein, and any appellate proceedings emanating from a matter in which an immunity waiver has been granted. Except as stated herein or elsewhere in this Compact, no other waivers or consents to be sued, either express or implied, are granted by either party.

29. CALCULATION OF TIME.

In computing any period of time prescribed or allowed by this Compact, the day of the act, event or default from which the designated period of time begins to run shall not be included.

30. ENTIRE AGREEMENT.

This Compact is the entire agreement between the parties and supersedes all prior agreements between the parties with respect to Gaming. Neither this Compact nor any provision herein may be changed, waived, discharged or terminated orally, but only by an instrument in writing signed by both parties.

31. COUNTERPARTS.

This Compact may be executed by the parties in any number of separate counterparts with the same effect as if the signatures were upon the same instrument. All such counterparts shall together constitute one and the same document.

32. SEVERABILITY.

In the event that any Section, subsection or provision of this Compact is held invalid, or its application to any particular activity is held invalid, it is the intent of the parties that the remaining Sections, subsections and provisions of this Compact and the remaining applications of such Section, subsections or provisions shall continue in full force and effect. This Section shall not apply if Section 27, or any subsection or material provision thereof, is held invalid.

33. EFFECTIVE DATE.

This Compact shall become effective at the later of (1) the Secretary of the Interior's publication of this Compact in the Federal Register or (2) the enactment of the Compact by the Massachusetts General Court and approval of such enactment by the Governor.

34. NOTICES.

All notices and other communications required or authorized to be served in accordance with this Compact shall be served by registered or certified mail, return receipt requested, or by a courier service which provides for a record of dates of dispatch and receipt, at the following addresses:

Governor, Commonwealth of Massachusetts
Office of the Governor
State House, Executive Office
Boston, MA 02133
Chairperson

Wampanoag Tribe of Gay Head (Aquinnah)
Black Brook Road
Gay Head, MA 02535-9701

or to such other address or addresses as either the Tribe or the State may from time to time designate in writing.

35. FILING OF COMPACT WITH SECRETARY OF STATE.

Upon enactment by the Massachusetts General Court and execution by the Governor of the Commonwealth of Massachusetts and, a certified copy of this Compact shall be filed by the Governor with the Commonwealth's Secretary of State. Any subsequent amendment or modification of this Compact shall be similarly filed.

IN WITNESS WHEREOF, the Tribal Chairperson acting for the Wampanoag Tribe of Gay Head (Aquinnah), and the Governor of the Commonwealth of Massachusetts hereto set their hands and seals.

Date _____

Date _____

By _____

By _____

Beverly Wright, Chairperson Governor

APPROVAL BY THE SECRETARY OF THE INTERIOR

The Secretary of the Interior ('Secretary') is charged by the Indian Gaming Regulatory Act at 25 U.S.C. §2710(d)(8)(A) with approving certain Compacts between Indian tribes and States of the United States. The Secretary's approval of a Compact pursuant to IGRA does not make the Secretary or the United States a party to the Compact. The undersigned representative of the Secretary has reviewed that certain Compact, executed by and between the Wampanoag Tribe of Gay Head (Aquinnah) and the Commonwealth of Massachusetts dated _____ , to ensure the Compact complies with the requirements of IGRA and other applicable federal laws and regulations. The undersigned finds that the Compact complies with and satisfies the requirements of IGRA. Accordingly, pursuant to the authority delegated to me by 209 DM 8, the undersigned hereby approves said Compact.

Dated _____ , 2002

By _____

Assist. Secretary
United States Department of the Interior".
The amendment was *rejected*.

Ms. Menard and Messrs. Moore, Tarr, Knapik, Rosenberg and O'Leary moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding any general or special law to the contrary, an employee in the service of the commonwealth, or of a county, city or town that accepts this section as provided in this section, who has been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States after September 11, 2001 shall be entitled to receive pay at his regular base salary as such a public employee and shall not lose seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. An employee eligible under this section shall be paid his regular base salary as such a public employee reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or other additional compensation. For the purposes of this section, the term 'active service' shall not include active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States. This section shall take effect in a county, city or town upon its acceptance in a county, by vote of the county commissioners, and in a city or town, as provided in section 4 of chapter 4."; and by inserting after section 83 the following section:—

"SECTION 83A. Section 73A shall cease to be effective on September 11, 2003."
The amendment was *rejected*.

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

"SECTION 26A. Chapter 90 of the General Laws is hereby amended by inserting after section 17B the following section:—

Section 17C. Low speed vehicles, as defined in 49 C.F.R. §571.500, shall not be operated on roadways with speed limits in excess of 25 m.p.h., but such vehicles may cross a roadway with a speed limit of between 25 m.p.h. and 35 m.p.h. if the crossing is controlled by a traffic signal or stop signs; and operation of such vehicles shall also be prohibited on any roadway or crossing that is determined to be inappropriate for the use of such vehicles by the department, agency, or municipality with jurisdiction over such roadways or crossings."
The amendment was *rejected*.

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

“SECTION 27A. (A) Said chapter 90 of the General Laws, is hereby amended by inserting after section 20G the following 2 sections:—

Section 20H. Notwithstanding sections 20 and 20A, an armored vehicle used for the transportation of currency, valuables, jewelry, food stamps or any other high value items, may park for a period not to exceed 15 minutes in violation of any rule, order, ordinance or by-law regarding the parking of motor vehicles without being subject to a violation notice.

Section 20I. (a) The secretary of public safety shall promulgate rules and regulations relative to the licensing of armored car companies and the licensing and training of armored car guards. In such licensing, the secretary shall require the holder of a license for an armored car company to submit to background checks, to make available corporate tax returns that are filed in the commonwealth for 2 prior years, and to provide proof of all risk insurance at levels sufficient to protect the citizens of the commonwealth. Armored car companies shall submit to any and all licensing requirements established by the secretary after consultation with the armored car advisory board.

(b) The Armored Car Advisory Board shall be comprised of 5 members representing armored car companies operating within the commonwealth.

Such members shall be appointed by the secretary and shall receive no compensation for any and all services rendered under this section.

(c) In establishing a licensing program, the secretary shall require armored car guard applicants to submit to criminal history background checks, including a review of criminal records through the Federal Bureau of Investigation.

(d) The secretary shall also require armored car guard applicants to complete a training program, classroom and field, to be developed by the secretary in conjunction with the Massachusetts criminal justice training council and the armored car advisory board. Any training program established under this section shall be germane to the duties and responsibilities of armored car guards.

(e) The training and licensing programs established under this section shall be in compliance with the requirements of the federal Armored Car Reciprocity Act, 15 U.S.C. sections 5901 to 5904, inclusive.

(f) Armored car companies licensed under this section shall determine their own operational requirements.

(B) Promulgation of rules and regulations required by section 20I of chapter 90 of the General Laws shall be completed not later than 1 year from the passage of this act”.

The amendment was *rejected*.

Messrs. Glodis and Hedlund moved to amend the bill by inserting after section 11 the following section:—

“SECTION 11A. (A) Section 2 of Chapter 21 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word ‘seven’ and inserting in place thereof the following figure:— 8.

(B) Section 2A of said chapter 21, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Appalachian Mountain Club, the Massachusetts Chapter of the Sierra Club, and the Trustees of Reservations, to nominate 3 candidates for the seventh member of the board. The commissioner shall also request each of the boards of directors of the Snowmobile Association of Massachusetts, the New England Trail Riders Association, the Massachusetts All Terrain Vehicle Association and the Massachusetts Motorcycle Business Association or their successor organizations, to nominate 3 candidates for the eighth member of the board. From the nominations received from the several boards of such organizations for the seventh member of the board, the commissioner shall select 3 candidates for the seventh member of the board whom he shall recommend to the governor and from the nominations received from the several boards of such organizations for the eighth member of the board, the commissioner shall select 3 candidates for the eighth member of the board whom he shall recommend to the governor. The governor shall appoint the seventh and eighth members of the board, respectively, from among the candidates recommended by the commissioner for the seventh and eighth members of the board, respectively, which members shall be appointed without regard to the county membership restrictions outlined above.”
The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 33 the following section:—

“SECTION 33A. Chapter 118E of the General Laws is hereby amended by inserting after section 17A the following section:—

Section 17B. A decision of the drug utilization review board established by the division pursuant to 42 U.S.C. section 1396r-8, the division, or any other organization acting on behalf of a state agency limiting, authorizing in advance or otherwise restricting access to a drug shall be supported by a clinical determination that is documented in writing and available to the public upon request. Following any such decision, but before its implementation, a public hearing shall be held consistent with chapter 30A.”
The amendment was *rejected*.

Messrs. Berry, Knapik, Morrissey and Tisei moved to amend the bill by inserting after section 35, the following section:—

“SECTION 35A. Section 47A of chapter 164 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 37, the word ‘shall’ and inserting in place thereof the following word:— ‘may’.”
The amendment was *rejected*.

Messrs. Knapik and Tarr moved to amend the bill by inserting after section 40 the following section:—

“SECTION 40A. Section 1 of chapter 258 of the General Laws is hereby amended by inserting after the word ‘plant’, in line 46, the following words:— ‘the Pioneer Valley Transit Authority and its motor vehicle operator-contractors,'.”
The amendment was *rejected*.

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

“SECTION 17A. The General Laws are hereby amended by inserting after Chapter 30B the following chapter:—

CHAPTER 30C.

MASSACHUSETTS DATA SHARING REQUIREMENT.

Section 1. (a) The purposes of this chapter is to enable legislators and legislative staff to gain insight into variable data sources in a format of their choosing to support budgetary decision making. All agency systems procured or developed, exceeding $2 million in overall cost, must have a data sharing tool as a component of the whole.

Section 2. The data sharing tool shall have the following capabilities: (i) a reporting component that provides access to both scheduled reports and on-demand reporting which shall enable users to either drill into or access directly the underlying detailed information within agency systems; (ii) an ‘Ad Hoc Query’ component that provides real-time access to all data residing in all relevant agency systems which must use common english to promote ease of use; (iii) a multidimensional analysis capability to facilitate a holistic view of the data and business of the relevant agencies which must allow for combination views which can be used to expose fluctuations and patterns that often remain hidden in traditional report formats; and (iv) universal access through the world wide web that can support legislators and staff by providing entry points to shared and personal information services.”
The amendment was *rejected*.

Messrs. Hedlund and Tarr moved to amend the bill by inserting after section 18 the following section:—

“SECTION 18A. Section 29 of chapter 40B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law to the contrary, a planning board may adopt a rule or regulation that requires any dwelling qualifying as affordable be deed restricted to remain such for at least 40 years. The planning board may also negotiate a longer term if it so desires.”
The amendment was *rejected*.

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

"SECTION 18A. Section 20 of chapter 40B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word 'organizations,', in line 20, the following sentence:— Notwithstanding the foregoing, no condition or regulation imposed by a board of zoning appeals shall be deemed to render a low or moderate income housing project uneconomic if such condition or regulation: (1) in the opinion of the zoning board of appeals, imposes reasonable limitations concerning the bulk and height of structures, yard sizes, lot areas, setbacks, open space, parking and building coverage; or (2) in the opinion of the zoning board of appeals, operates to prevent the development of a parcel that is physically or environmentally unsuitable for the density of development proposed."
The amendment was *rejected*.

Messrs. Glodis and Hedlund moved to amend the bill by inserting after section 27 the following section:—

"SECTION 27A. (A) Section 20 of chapter 90B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following definition:

'Trails maintenance assessment', a resident or nonresident permit issued to snowmobiles by the nonprofit Snowmobile Association of Massachusetts or its successor organization granting use of Massachusetts snowmobile trails on public and private property for which permission has been granted, or issued to trail motorcycles by the nonprofit New England Trail Riders Association — Massachusetts Division or its successor organization or to all terrain vehicles by the nonprofit Massachusetts All Terrain Vehicle Association or its successor organization, as the case may be, granting use of Massachusetts trail motorcycle or all terrain vehicle trails, as the case may be, on public and private property for which permission has been granted.

(B) Said chapter 90B is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:—

Section 21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in accordance with the provisions of this chapter and displays a trails maintenance assessment decal for a snow vehicle, trail motorcycle or a all terrain vehicle, as the case may be, at a location on said snow vehicle, trail motorcycle or all terrain vehicle, as the case may be, as may be determined by the director in accordance with section 22, except on land owned by the owner of such vehicle.

Any properly registered snow vehicle or recreation vehicle when operated solely on privately owned property when the operator has in his possession either a document, signed by the owner or lessee of the property, or his agent, authorizing the operation of such vehicle on the property by the operator, shall not require a trail maintenance assessment decal.

(C) Section 38A of chapter 132 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 4 sentences:—

The department of environmental management shall construct and maintain trails for horseback, trail motorcycle and all terrain vehicle riding, mountain biking, dog sledding, hiking, ski touring, snowmobiling, and other uses on land within its control in accordance with a plan for each area which will minimize conflicting uses, but allow each of the aforementioned activities sufficient trail mileage to participate comfortably and safely in these legitimate recreational activities. The trails for these horseback, trail motorcycle and all terrain vehicle riding, mountain biking, dog sledding, hiking, ski touring and snowmobiling and other uses shall be open year round, except when weather or trail conditions render the trail usage unsafe or a significant threat to the condition of department resources. Snowmobiles shall operate on these trails only if covered with snow consisting of 4 inches or more of packed powder. Trail motorcycles and all terrain vehicles shall not operate on these trails covered with snow consisting of 4 inches or more of packed powder.

(D) Said section 38A of said chapter 132, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following 3 sentences:— To the extent practicable, the voluntary services of trail-using organizations and individuals shall be utilized in carrying out the work authorized by this section. The commissioner of the department of environmental management may require a trail motorcycle club which is a member of the New England Trail Rider Association or its successor organization or an all-terrain vehicle club which is a member of the Massachusetts All Terrain Vehicle Association or its successor organization, or both, to sign a memorandum of agreement for trail maintenance in each location meeting or which need to meet the standards of the first and second sentences. If the commissioner requires a memorandum of agreement to be signed for a particular location and there is no such trail motorcycle club or all terrain vehicle club available to sign that agreement, then riding of that particular type of vehicle shall be prohibited until there is such a club available to sign and the club signs such a memorandum."
The amendment was *rejected*.

Mr. Moore moved to amend the bill by inserting after section 7 the following section:—

"SECTION 7A. Chapter 10 of the General Laws is amended by striking out section 35M, as so appearing, and inserting in place thereof the following section:—

"Section 35M. There shall be established upon the books of the commonwealth a separate fund to be known as the Board of Registration in Medicine Trust Fund to be used, without prior appropriation, by the board established in section 10 of chapter 13. One hundred percent of the revenues collected by the board shall be deposited into the trust fund. All monies deposited into the fund shall be expended exclusively by the board for its operations and administration; provided, however, that any unexpended balance at the end of the fiscal year shall revert to the General Fund. The board may incur expenses, and the comptroller may certify for payment, amounts in anticipation of expected receipts but

no expenditures shall be made from the fund which shall cause it to be in deficit at the close of each fiscal year."
The amendment was *rejected*.

Messrs. Moore and Tarr moved to amend the bill by inserting after section 3 the following section:—

"SECTION 3A. Section 7 of chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out clause Forty-third and inserting in place thereof the following clause:—

'Forty-third, "veteran", (1) a person: (a) whose last discharge or release from wartime service as defined in this section, was under honorable conditions; and (b) who served in the U.S. Army, Navy, Marine Corps, Coast Guard or Air Force or full-time National Guard under Title 10 or 32 of the United States Code or section 38, 40 or 41 of chapter 33 of the General Laws for not less than 90 days of continuous active service, at least 1 day of which was for wartime service; provided, however, that a person who served in wartime and was awarded a service-connected disability or a Purple Heart or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service; (2) a member of the American Merchant Marine who served in armed conflict between December 7, 1941 and December 31, 1946 and who has received honorable discharges from the United States Coast Guard, Army or Navy; (3) a person: (a) whose last discharge from active service was under honorable conditions; and (b) who served in the United States Army, Navy, Marine Corps, Coast Guard or Air Force for not less than 180 days of active service; provided, however, that any person who so served and was awarded a service-connected disability or who died in such service under conditions other than dishonorable shall be a veteran notwithstanding his failure to complete 180 days of active service."
The amendment was *rejected*.

Mr. Moore, Ms. Walsh, Mr. Tarr, Ms. Resor, Ms. Creem, Ms. Fargo and Messrs. O'Leary, Magnani and Joyce moved to amend the bill by inserting after section 45 the following section:—

"SECTION 45A. Section 219 of chapter 127 of the acts of 1999 is hereby amended by striking out, in line 9, the word 'five' and inserting in place thereof the following figure:— 7."
The amendment was *rejected*.

Messrs. Knapik, Lees and Rosenberg, Ms. Melconian and Mr. Brewer moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. The Soldiers' Home in Holyoke may retain funds received as federal reimbursements for capital repairs and renovations. The funds shall be expended for additional capital improvements projects subject to the approval of the division of capital asset management and maintenance."
The amendment was *rejected*.

Mr. Creedon moved to amend the bill by inserting after section 40 the following section:—

"SECTION 40A. Section 39 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following subparagraph:—

For the entry of every original petition or writ and transmitting it to the recorder, when filed with an assistant recorder, $200. An additional fee of $50 shall be paid for the issuance of an injunction or restraining order."
The amendment was *rejected*.

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

"SECTION 17A. (A) Chapter 29 of the General Laws is hereby amended by inserting after section 2EEE, the following section:—

Section 2FFF. There is hereby established and set up on the books of the commonwealth, a separate fund to be known as the Commonwealth Health Care Stabilization Fund, consisting of amounts transferred to the fund in accordance with section 5C, such monies as may be appropriated to the fund by the general court and income derived from the investment of monies transferred or appropriated to the fund. The purpose of the fund shall be to provide for supplemental monies which shall be expended, subject to appropriation, to supplement existing levels of funding for the purpose of funding health-related services and programs including, but not limited to, services and programs intended to promote the public health and well-being of the citizens. Amounts credited to the fund shall be used to stabilize service and program accounts in the departments of mental health and public health and the division of medical assistance during times in which the lack of state revenues require funding at levels less than funding levels from the previous fiscal year in accounts under the jurisdiction of said division and departments.

The fund shall ensure the stabilization and fiscal solvency of health-related services and programs and shall be under the direction and control of the secretary of administration and finance, in consultation with the secretary of health and human services, and shall operate exclusively for the purpose of protecting and advancing the commonwealth's interest in maintaining the physical, mental and public health of all citizens as provided in this act.

(B) Section 5C of said chapter 29 is hereby amended by striking out clause (b), as appearing in subdivision (c) of section 13 of chapter 177 of the acts of 2001 and inserting in place thereof the following clause:—

(b) Fifty per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the General Fund, 45 per cent of any remaining amount of such consolidated net surplus shall be transferred to the Commonwealth Stabilization Fund from the Local Aid Fund and 5 per cent of any remaining amount of such consolidated net surplus shall be transferred to the

Commonwealth Health Care Stabilization Fund. The comptroller shall annually on or before the following second Wednesday in January adjust the transferred amounts to reflect the results of the single audit of the commonwealth's financial statements required by the federal government for each fiscal year."
The amendment was *rejected*.

Messrs. Creedon and Glodis and Ms. Melconian moved to amend the bill by inserting after section 40 the following 2 sections:—

"SECTION 40A. Section 87A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the figure '$50' and inserting in its place thereof the following figure:— $60.

SECTION 40B. Said section 87A of said chapter 276, as so appearing, is hereby further amended by striking out the third and fourth paragraphs and inserting in place thereof the following paragraph:—

The court may not waive payment of the probation fee but may defer payment or schedule payment at a reduced rate for a fixed period of time. "
The amendment was *rejected*.

Mr. Hart and Ms. Menard moved to amend the bill by inserting after section 3, the following section:—

"SECTION 3A. Section 7 of chapter 4 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out clause Forty-third and inserting in place thereof the following clause:—

"Forty-third, Veteran shall mean (1) any person, (a) whose last discharge or release from his wartime service as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service, provided, that any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service;

(2) a member of the American Merchant Marine who served in armed conflict between December 7, 1941 and December 31, 1946, and who has received honorable discharges from the United States Coast Guard, Army or Navy;

(3) any person (a) whose last discharge from active service was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States for not less than 180 days active service, provided, that any person who so served and was awarded a service-connected disability or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran

notwithstanding his failure to complete 180 days of active service."
The amendment was *rejected*.

Messrs. Lees, Hedlund, Knapik and Mrs. Sprague moved to amend the bill by inserting after section 38, the following section:—

"SECTION 38A. Chapter 215 of the General Laws is hereby amended by striking out section 56B and inserting in place thereof the following section:—

Section 56B. Any judge of a probate and family court may appoint a guardian ad litem to institute contempt proceedings under section 34A against any party for failure to obey judgments of the probate and family court involving care, custody or maintenance of minor children, and the guardian ad litem may personally serve throughout the commonwealth any summons or capias incidental to the enforcement of this section. The compensation, together with any expense, shall be fixed by the court and shall be paid by the commonwealth, upon certificate by the judge to the state treasurer or by the defendant, as the court may order. The state police, local police and probation officers shall assist the guardian ad litem so appointed, upon his request."
The amendment was *rejected*.

Messrs. Lees, Hedlund, Knapik and Mrs. Sprague moved to amend the bill by inserting after section 38, the following section:—

"SECTION 38A. Chapter 215 of the General Laws is hereby amended by striking out section 56A and inserting in place thereof the following section:—

Section 56A. Any judge of a probate and family court may appoint a guardian ad litem to investigate the facts of any proceeding pending in the court relating to or involving questions as to the care, custody or maintenance of minor children and as to any matter involving domestic relations except those for the investigation of which provision is made by section 16 of chapter 208. The guardian ad litem shall, before final judgement or decree in such proceeding, report in writing to the court the results of the investigation, and such report shall be open to inspection to all the parties in such proceeding or their attorneys. The compensation, together with any expense, shall be fixed by the court and shall be paid by the commonwealth, upon certificate by the judge to the state treasurer or by one or both of the parties, as the court may order. The state police, local police and probation officers shall assist the guardian ad litem so appointed, upon his request."
The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 35 the following section:—

"SECTION 35A. Section 15 of chapter 152 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the next to last sentence and inserting in place thereof the following sentence:— Nothing in this section or in section 18 or 24 shall bar an action at law for damages for personal injuries or wrongful death by an employee against any person other than (1) the insured person employing such employee and liable for the payment of the compensation provided by this chapter for the employee's personal injury or wrongful death and the persons employees, and (2) an

employee leasing company and its client company, as defined in section 14A, if each are in compliance with this chapter."
The amendment was *rejected*.

Messrs. Lees, Tisei and Knapik moved to amend the bill by inserting, after section 35, the following section:—

"SECTION 35A. The General Laws are hereby amended by inserting after chapter 128C the following chapter:

CHAPTER 128D.

THE MASSACHUSETTS GAMING COMMISSION.

Section 1. There is hereby created a body politic and corporate to be known as the Massachusetts Gaming Commission which, while within the executive office of Administration and Finance, shall not be subject to the supervision and regulation of the executive office or any other department, commission, board, bureau or agency except as specifically provided in any general or special law to the contrary. The commission may, subject to the provisions of this chapter, develop within 60 days of the passage of this chapter, a fair and equitable plan to implement, license, regulate, improve, police, administer, control and operate (a) casino gaming and related activities and services as defined herein; and (b) the gaming service industry as defined herein throughout the commonwealth. Upon or before the sixtieth day, the plan shall be submitted to the governor and the attorney general for approval. Subject to and upon the approval of the officials, the plan shall be implemented, subject to this chapter and notwithstanding any general or special law to the contrary.

The commission is hereby constituted a public instrumentality. The exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

Section 2. (a) The commission shall consist of 3 members to be appointed by the governor who shall be residents of the commonwealth, not more than 2 of whom shall be of the same political party. The governor shall designate 1 of the members as chairperson who shall serve as such during his term of office. A person shall not be eligible for appointment to the commission if he:

(1) holds elective office in state, county, or local government.

(2) is an officer or official of any political party.

(3) was formerly a licensee or an unlicensed employee of a gaming licensee within the last five years prior to an appointment to the commission.

(4) is actively engaged or has direct pecuniary interest in gaming activities.

(5) has been convicted of a felony.

The term of office of each member of the commission shall be 5 years. After the initial term, the term of office for each member of the commission is 5 years; provided that no member may serve more than 2 consecutive 5 year terms. Any vacancies shall be filled by the governor within 60 days of the occurrence of a vacancy. Any member of the commission may continue beyond the expiration date of his term until the appointment of a successor but not longer than 6 months. A commissioner may be removed by the governor for just cause. The governor shall immediately remove any commissioner who violates or acts contrary to the eligibility requirements established in subsection (a).

(b) The commission member shall devote time and attention to the business of the commission as necessary to discharge their duties. The chairman shall devote his time during normal business hours to the business of the commission. For the purposes of this chapter, the chairman shall be paid an annual salary of $130,000.

The members of the commission shall be compensated for work performed for the commission at $50,000 per annum. Commission members shall be reimbursed for travel and other costs necessarily incurred in the performance of official duties. Before entering upon the duties of the office, each member shall swear that he is not pecuniarily interested in any business or organization holding a gaming license, or doing business with any gaming service industry, and shall submit to the governor and the state ethics commission a statement of financial interest, required by chapter 268B, listing all assets and liabilities, property and business interests, and sources of income of said commissioner and spouse. 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 any person licensed or registered with the commission during his term of office. A member of the commission shall be eligible for reappointment. The commission shall elect 1 of the members as vice chairperson thereof. Two members of the commission shall constitute a quorum and the affirmative vote of 2 members shall be necessary for any action taken by the commission. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members shall be eligible to participate in any benefit plan approved by the commission. The commission may indemnify any member, officer or employee from personal expenses or damages incurred, arising out of any claim, suit, demand or judgment which arose out of any act or omission of such member, officer or employee, including the violation of the civil rights of any person under any federal law if, at the time of such act or omission such member, officer or employee was acting within the scope of his official duties or employment.

Section 3. The following words shall have the following meanings unless the context clearly requires otherwise:—

(a) ‘Gaming service industry’, any form of enterprise which provides more than $100,000 per annum in goods or services regarding the realty, construction, maintenance, or business of a proposed or existing gaming facility on a regular 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 equipment or devices; 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 provided that professional services such as accountants, auditors, attorneys, and broker dealers, or other professions which are regulated by a public agency, are exempt from the provisions of this subsection.

(b) 'Game' and 'gambling game', any game approved by the commission and played with cards, dice, equipment or any mechanical, electromechanical 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.

(c) 'Casino gaming,' 'gambling' and 'gaming operations', to deal, operate, carry on, conduct, maintain, or expose for play any games as defined by this section.

(d) 'Gaming license' or 'license', any license or work permit issued by the commission under this 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;

(e) 'Chairman', chairman of the Gaming Commission.

(f) 'Commission', the Massachusetts Gaming Commission.

(g) 'Commissioner', a member of the Gaming Commission.

Section 4. Notwithstanding this, the commission may:

(a) adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) adopt an official seal and alter the same at its pleasure;

(c) maintain offices at such places within the commonwealth as it may determine and to conduct meetings of the commission in accordance with the by-laws of the commission and the second paragraph of section 59 of chapter 156B;

(d) sue and be sued in its own name, plead and be impleaded;

(e) regulate gaming or gambling activities and services related to gaming subject to this act, and upon establishment of casino gaming or operation of electronic gaming devices or both."

The amendment was *rejected*.

Messrs. Lees, Tisei and Knapik moved to amend the bill by inserting, after section 35, the following section:—

"SECTION 35A. The General Laws are hereby amended by inserting after chapter 128C the following chapter:—

CHAPTER 128D.

THE MASSACHUSETTS GAMING COMMISSION.

Section 1. The Massachusetts Gaming Commission.

There is hereby created a body politic and corporate to be known as the Massachusetts Gaming Commission which, while within the executive office of Administration and Finance, shall not be subject to the supervision and regulation of said executive office or any other department, commission, board, bureau or agency except as specifically provided in any general or special law to the contrary. The commission is hereby authorized and empowered, subject to the provisions of this chapter, to implement, license, regulate, improve, police, administer, control and operate (a) casino gaming and related activities and services as defined herein; and (b) the gaming service industry as defined herein throughout the Commonwealth of Massachusetts.

The commission is hereby constituted a public instrumentality. The exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

Section 2. Commission Members.

(a) The commission shall consist of three members to be appointed by the governor who shall be residents of the commonwealth, not more than two of whom shall be of the same political party. The governor shall designate one of the members as chairperson who shall serve as such during his term of office. Pursuant to the following provisions, a person shall not be eligible for appointment to the commission if he or she:

(1) holds elective office in state, county, or local government.

(2) is an officer or official of any political party.

(3) was formerly a licensee or an unlicensed employee of a gaming licensee within the last five years prior to an appointment to the commission.

(4) is actively engaged or has direct pecuniary interest in gaming activities.

(5) has been convicted of a felony.

The term of office of each member of the commission shall be five years. After the initial term, no member may serve more than two consecutive five-year terms. Any vacancies shall be filled by the governor within 60 days of the occurrence of such vacancy. Any member of the commission may continue beyond the expiration date of his term until the appointment of a successor but not longer than six months. Any Commissioner may be removed by the Governor for just cause. The Governor shall immediately remove any commissioner who violates or acts contrary to the eligibility requirements established in subsection (a) of this section.

(b) The commission members shall devote time and attention to the business of the commission as necessary to discharge their duties; provided, however, the chairman shall devote his or her time during normal business hours to the business of the commission. For the purposes of this chapter, the chairman shall be paid an annual salary of one hundred and thirty thousand dollars. The members of the commission shall be compensated for work performed for the commission at fifty thousand dollars per annum. Commission members shall be reimbursed for travel and other costs necessarily incurred in the performance of official duties. Before entering upon the duties of the office, each member shall swear that he is not pecuniarily interested in any business or organization holding a gaming license under this act, or doing business with any gaming service industry, as defined by this act, and shall submit to the governor and the state ethics commission 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 said commissioner and spouse. Such 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 any person licensed or registered with the commission during his term of office. A member of the commission shall be eligible for reappointment. The commission shall elect one of the members as vice chairperson thereof. Two members of the commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by the commission. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members shall be eligible to participate in any benefit plan approved by the commission. The commission may indemnify any member, officer or employee from personal expenses or damages incurred, arising out of any claim, suit, demand or judgment which arose out of any act or omission of such member, officer or employee, including the violation of the civil rights of any person under any federal law if, at the time of such act or omission such member, officer or employee was acting within the scope of his official duties or employment.

Section 3. Definitions.

(a) ‘Gaming service industry’ means any form of enterprise which provides more than One Hundred Thousand Dollars ($100,000.00) per annum in goods or services regarding the realty, construction, maintenance, or business of a proposed or existing gaming facility on a regular 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 equipment or devices; 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 provided that professional services such as accountants, auditors, attorneys, and broker dealers, or other professions which are regulated by a public agency, are exempt from the provisions of this subsection.

(b) 'Game' and 'gambling game' means any game approved by the commission and played with cards, dice, equipment or any mechanical, electromechanical 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 ten or chapter 271 of the general laws of the Commonwealth.

(c) 'Casino gaming,' 'gambling' and 'gaming operations' means to deal, operate, carry on, conduct, maintain, or expose for play any games as defined by this section.

(d) 'Gaming license' or 'license' means any license or work permit issued by the commission under this 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;

(e) 'Chairman' means Chairman of the Gaming Commission.

(f) 'Commission,' the Massachusetts Gaming Commission.

(g) 'Commissioner' means a member of the Gaming Commission.

(h) 'Application' means a written request for permission to engage in any act or activity, which is regulated under the provisions of this act.

(i) 'Applicant,' means 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.

(j) 'Racing meeting licensee' means the horse racing meeting licensee in Suffolk County, harness horse racing meeting licensee in Norfolk County, and dog racing meeting licensees in Suffolk and Bristol Counties licensed by the State Racing Commission pursuant to G.L. c. 128A, as amended; provided, however, that the two dog racing meeting licensees in Bristol County shall be deemed one for all purposes of this act; and, further, excluding any licensees of racing meetings held or conducted in connection with a state or county fair.

(k) ‘Electronic Gaming Device’ means any game of chance mechanical, electrical or other device, contrivance or machine, including the so-called slot machine, video wagering terminal, video lottery terminal or poker machine, which, upon the 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 the 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 anything of value, whether the payoff is made automatically by the machine or in any other manner.

Section 4. Powers of the Commission.

Notwithstanding any other provision of this act, the commission is hereby authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at its pleasure;

(c) to maintain offices at such places within the commonwealth as it may determine and to conduct meetings of the commission in accordance with the by-laws of the commission and the provisions of the second paragraph of section fifty-nine of chapter one hundred and fifty-six B;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to regulate gaming or gambling activities and services related to gaming subject to the provisions of this act, and upon establishment of casino gaming in Massachusetts.

(f) to issue licenses to operate gaming establishments to any racing meeting licensee existing prior to April 1, 2002, notwithstanding the provisions of chapters 137 and 271 of the general laws, or any general or special law to the contrary, and subject to all other licensing requirements applicable provisions of this chapter; and may operate no more than one thousand and five hundred electronic gaming devices. Such racing meeting licensees shall not operate any additional games other than those allowable by law for holders of a racing meeting license, pursuant to chapters 128A and 128C of the general laws. Nothing in this section shall be construed to permit a racing meeting licensee to operate games other than electronic devices.

(g) to issue no more than one casino gaming license to the federally recognized Wampanoag Tribe (Aquinnah) for the operation of an Indian gaming facility; provided that an agreement, hereinafter referred to as a tribal-state compact, is established between the Commonwealth of Massachusetts and said Wompanoag Indian Tribe pursuant to the Indian Gaming Regulatory Act (IGRA) of 1988 (25 U.S.C. §29-2701-§29-2721). If a tribal-state compact is not established between the Wampanoag Tribe and the Commonwealth of Massachusetts by January 1, 2004, for whatever reason, the casino gaming license authorized by this section may be issued to any other persons or entities

seeking to be a licensed operator in Massachusetts, provided it be located in one of the aforementioned counties, subject to the provisions of this act.

(h) to issue said casino gaming licenses at the discretion of the commission; provided further that no such license will be issued without the approval of local community governing bodies or by way of referendum held after July 31, 2002.

(i) to design and implement an appropriate casino gaming tax structure, at the direction of the secretary of administration and finance.

Section 5. Immediate Revenue Requirements.

Notwithstanding any general or special law to the contrary, or any other provision of this act, given that the Commission will not be ready to convene and conduct its respective business and functions for some time after the enactment of this legislation and given the needs of the Commonwealth of funds in order to operate and conduct its business, each Racing Meeting Licensee shall be granted a License and deemed to be a Licensee for the purposes of this Act immediately upon the approval of any casino gaming plan submitted by the commission and the functions of the Commission shall be maintained and operated by the Executive Office of Administration and Finance, under the control of the Secretary, until such time as said Commission is operating according to the terms of this Act; provided, further, that the Commission and Bureau shall have complete authority to conduct its functions to insure compliance with this Act when it is operational. This section 12 shall be deemed null and void as of December 31, 2003."
The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 29, the following section:—

"SECTION 29A. Chapter 111 of the General Laws is hereby amended by inserting after section 57D, as so appearing, the following section:—

Section 57E. No methadone clinic shall be located or established within 1/4 mile of real property comprising a public or private accredited preschool, accredited head start facility, elementary, vocational or secondary school, whether or not in session, or a public park or playground, a house of worship, public library, day care facility, federally or state funded low or moderate or elderly housing or designated heritage river."
The amendment was *rejected.*

Mr. Baddour and Ms. Walsh moved to amend the bill by inserting after section 40, the following section:—

"SECTION 40A. Sub-paragraph (i) of paragraph (a) of subsection (1) of section 4A of chapter 1078 of the acts of 1973, as most recently amended by section 299 of chapter 159 of the acts of 2000, is hereby further amended by striking out the second and third sentence and inserting in place thereof the following 2 sentences:

The committee shall be composed of 14 members including a chairman and a vice chairman and such alternate members as the committee shall approve. Twelve committee

members shall be appointed by the governor as follows: 3 firefighters from nominations submitted by the Professional Firefighters of Massachusetts, International Association of Firefighters, AFL-CIO; 3 police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO, the Boston Patrolmen's Association IUPA, AFL-CIO; and the Massachusetts Police Association and 6 nominations submitted by the Advisory Commission on Local Government established under section 62 of chapter 3 of the General Laws."
The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 40, the following section:—

"SECTION 40A. (A) Section 117 of chapter 231 of the General Laws, as so appearing is hereby amended by inserting after the words 'superior court,', in line 2, the following words:— 'the land court'."

(B) Said section 117 of said chapter 231 is hereby further amended by inserting after the words 'or any other justice of said court, or', in line 11, the following words:— 'the justice of the land court, or'."
The amendment was *rejected*.

Ms. Tucker moved to amend the bill by inserting, after section 73, the following section:—

"SECTION 73A. (1) In this section the following words shall have the following meanings, unless the context requires otherwise:

(a) 'Community provider,' a community-based agency or program funded by the department of mental retardation to serve individuals with mental retardation.

(b) 'Community direct service worker,' an employee of a community provider that provides treatment, support, or services to those with mental retardation and/or their families.

(c) 'Disparity amount', the monetary calculation of the average difference in wages, compensation, salary, and benefits, including, but not limited to, health insurance and inclusion in the state retirement system, between community direct service workers and developmental disabilities associates or other comparable employees in the commonwealth's state operated programs for mental retardation.

(d) 'Rate,' the reimbursement rate paid by the department of mental retardation to a community provider from state or federal funds, or a combination of funds.

(2) Notwithstanding any general or special law to the contrary, the department of mental retardation shall reimburse community providers as provided in this section.

(3) The rate of reimbursement for community services providers shall be increased by an amount that:

(1) reduces the disparity amounts to 75 per cent on or before July 1, 2005;

(2) reduces the disparity amount to 50 per cent on or before July 1, 2006;

(3) reduces the disparity amount to 25 per cent on or before July 1, 2007;

(4) eliminates the disparity amount on or before July 1, 2008.

(4) All increases in the rate of reimbursement provided for in this section shall be used to increase the compensation of community direct service workers serving those with mental retardation.

(5) On or before January 1, 2005, the executive office of administration and the department of mental retardation shall report to the senate committee on ways and means, the house committee on ways and means, the joint committee on human services and elderly affairs, and the joint committee on public service their determination of:

(i) the disparity amount;

(ii) the amount of annual increase in the rate of reimbursement to community providers necessary to reduce and eliminate the disparity amount as required under subsection (3).

(6) The commissioner of the department of mental retardation shall adopt regulations to implement this section.

(7) Nothing in this section shall prohibit the elimination of the disparity amount before July 1, 2008."
The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 11, the following section:—

"SECTION 11A. Section 2 of chapter 21J of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the words 'fifty dollars' and inserting in place thereof the following figure:— '$100'."
The amendment was *rejected.*

Mr. Glodis and Ms. Chandler moved to amend the bill by inserting after section 40, the following section:—

"SECTION 40A. Sub-paragraph (i) of paragraph (a) of subsection (1) of section 4A of chapter 1078 of the Acts of 1973 as most recently amended by section 299 of chapter 159 of the acts of 2000 is hereby further amended by striking out the second and third sentence and inserting in place thereof the following 2 sentences:—

The committee shall be composed of fifteen members including a chairman and a vice chairman and such alternate members as the committee shall approve. Twelve committee members shall be appointed by the governor as follows: 3 firefighters from nominations submitted by the Professional Firefighters of Massachusetts, International Association of

Firefighters, AFL-CIO; 3 police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO, the Worcester Police Patrolmen's Union, Springfield Police Patrolmen's Union, the Lowell Police Patrolmen's Union, the Boston Patrolmen's Association IUPA, and the Massachusetts Police Association and 6 from nominations submitted by the Advisory Commission on Local Government established under section 62 of chapter 3 of the General Laws."
The amendment was *rejected*.

Mr. Glodis moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance may begin payment from the General Fund on the previously scheduled $72,000,000 rate increase to fund dispensing fees to retail pharmacies beginning July 1, 2002. The division shall fund the dispensing fee before federal approval of the funding of rates under section 54 of chapter 118E, of the General Laws, as provided for in section 35 of this act. Upon federal approval of the funding of rates under section 53 and 54 of said chapter 118E, inserted by subsection 35 of this act by the assessment on retail pharmacies established under said section 54 of said chapter 118E, any amount expended from the General Fund for the purposes of this section shall be reimbursed from the Health Care Quality Improvement Trust Fund."
The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 19 the following section:—

"SECTION 19A. Section 72 of chapter 44 of the General Laws, as so appearing, is hereby amended by inserting after the word 'revenues', in line 32, the following words:— , except that a city shall deposit in a separate account for expenditure by the school committee no less than 50 per cent of any such amount; and that no school committee shall receive a smaller percentage of such amount than it received during fiscal year 1998. A school committee may make expenditures from this separate account for any lawful educational purpose without further, appropriation. Any expenditure from this account on items qualifying as net school spending shall supplement, and not substitute for, the net school spending requirement of the district. Receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70."
The amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 25, by inserting after subsection (A) the following subsection:—

(A 1/2.) Said section 2 of said chapter 70, as so appearing, is hereby further amended by inserting after the word "Book" in line 44, the following word:— ", libraries"; and by inserting after the word "books", in line 45, the following word: — ", libraries", and by inserting after the word "book", in line 46, the following word:— ", libraries".
The amendment was *rejected*.

Ms. Resor and Ms. Menard moved to amend the bill by inserting after section 35, the following section:—

"SECTION 35A. Section 2 of chapter 166A of the General Laws, is hereby amended by striking out, in lines 1 and 2, as appearing in the 2000 Official Edition, the words 'telecommunications and energy' and inserting in place thereof the following words:— the attorney general."
The amendment was *rejected*.

Mr. Havern moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding any general or special law, rule, or regulation to the contrary, the Massachusetts Water Resources Authority Retirement System Board may grant creditable service to a present employee who is a member of the retirement system who served as an employee of the United States House of Representatives and who has completed 10 or more years of membership service; but such creditable service shall be determined by the board; the creditable service shall not be credited until such member has paid into the Massachusetts Water Resouces Authority Retirement System, in 1 sum or in installments, upon such terms and conditions as the Retirement Board may prescribe make-up payments equal to the payments made by the member while in employment of the United States House of Representatives, plus the interest accrued on the payments."
The amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill by inserting, after section 73, the following section:—

"SECTION 73A. Notwithstanding any general or special law to the contrary, if the fiscal year 2003 State Lottery Fund revenues prove inadequate to support State Lottery Fund appropriations in sections 2 and 3, the comptroller, upon direction from the secretary of administration and finance, shall transfer funds from the Stabilization Fund to the State Lottery Fund sufficient to offset any potential shortfall in fiscal year 2003 revenues to the State Lottery Fund to ensure that said fund is in balance as of June 30, 2003."
The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 31 the following section:—

"SECTION 31A. (A) 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'."

(B) The division of medical assistance shall develop a graduated system of eligibility based on levels for incomes below 200 per cent of the federal poverty level, from 201 to 225 per cent of the federal poverty level, and from 226 per cent to 250 of the federal poverty level. This system shall provide proportionally for levels of assistance, which shall decrease progressively for those categories of eligibility above 200 per cent of the federal poverty level."
The amendment was *rejected.*

Mr. Tolman moved to amend the bill in section 2, by inserting after section 84 the following sections:—

“SECTION 26. (A) Chapter 28A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. The secretary of health and human services shall convene interagency children’s services teams for determining which agencies within the jurisdiction of the secretary shall provide or contract for appropriate services to children in cases where disputes arise among agencies over the delivery of services to children or when such services are not being provided to children. For purposes of this section, ‘agency’ shall mean a department, office, commission, board, institution or other agency within the executive office of health and human services.

The secretary of his designee shall chair such local or regional teams and preside over meetings. Such teams shall also include the commissioner or chief executive officer, or his designee, of the following agencies: the department of public health, the department of social services, the department of education, the department of transitional assistance, the department of mental retardation, the department of mental health, the commission for the deaf and hard of hearing, the Massachusetts rehabilitation commission, the commission for the blind and any other agency as deemed necessary by the secretary to ensure delivery of appropriate and needed services to children.

The teams shall review cases on a local or regional basis and seek to identify the services necessary to resolve them; designate the agencies which shall provide or contract for such services; direct each designated agency or to accept responsibility for such children and provide or contract for such services; and provide opportunities to receive testimony and evidence from the children, their families, the representatives of the children or their families and the representative or other employee of such agency.

If no decision is agreed upon by a majority of the team, the secretary shall designate and require an agency to provide appropriate and needed services to any child. If a designated agency fails to provide services to the child in a manner consistent with the decision of the team, the secretary shall review the matter. If the secretary finds that a decision of the team is reasonable and within the jurisdiction of the designated agency, he shall direct such agency to provide services in accordance with the decision of the team and shall take any other action consistent with state law to ensure that appropriate services are provided to the child.

The teams shall have full access to, and the agencies shall provide all information relevant to such cases, notwithstanding chapter 66A, chapter 112, chapter 119 or any other law to the contrary related to the confidentiality of personal data. All confidential information shall be returned to its originating source upon completion of this process and shall not be retained by the team or a member thereof and no member of the team shall disseminate any confidential information revealed during this process.

For the purposes of this section, ‘child’ shall mean a person under the age of 18 or under the age of 22 if such person is disabled or has special needs.

The secretary shall issue an annual report summarizing the activities of the teams during the preceding fiscal year.

(B) Section 3 of chapter 71B of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following paragraph:—

If a student’s individual education plan hereinafter referred to as ‘IEP’, necessitates special education services in a day or residential facility or an educational collaborative, the IEP team shall consider whether the child requires special education services and supports to promote the student’s transition to placement in a less restrictive program. If the student requires such services, then the IEP shall include a statement of any special education services and supports necessary to promote the child’s transition to placement in a less restrictive program.

(C) The department of education shall develop, after consultation with the Massachusetts Association of School Superintendents, the Massachusetts Administrators for Special Education, the Massachusetts Association of 766-Approved Private Schools and Parents for Residential Reform, a model contract which may be used by districts and approved private special education schools.

(D) The department of education shall publish, after consultation with the Massachusetts Association of School Superintendents, the Massachusetts Administrators for Special Education, the Massachusetts Association of 766-Approved Private Schools and Parents for Residential Reform, guidelines for accepted business practices for use with approved private special education programs. The guidelines shall include, but not be limited to, student attendance reporting, tuition invoicing and payment and student termination.

(E) The operational services division within the executive office of administration and finance shall, after consultation with the department of education, the Massachusetts Association of School Superintendents, the Massachusetts Administrators for Special Education and the Massachusetts Association of 766-Approved Private Schools, promulgate regulations regarding prompt notification to purchasers of submission of applications for program changes. Such notification shall include the tuition price the program has requested for each student from the sending district.

The department of education shall review and take action on applications for program changes with due diligence and without undue delay. The department shall give priority first to applications that address health and safety issues, second to applications that address noncompliance with state or federal special education requirements, and third to all other applications. The approved tuition price shall, except if it is required for extraordinary relief, take effect during the next fiscal year following approval by the department of education, in accordance with regulations promulgated by the operational services division. In requests for tuition increases, except for those pursuant to extraordinary relief, the applicant shall notify relevant public schools and other public

purchasers of the requested tuition prior to December 1 of the fiscal year in which the application is filed. No program shall be required to implement program changes until the effective date of the tuition increases; provided, however, that the program shall be required to implement all students' individual education plans.

(F) The state advisory commission for special education may investigate and study exit measurements for students with disabilities, accommodations for students with disabilities for the MCAS exam and the alternate assessment to MCAS for students with disabilities, chapter 71B private school tuition pricing and the feasibility of training and partnership grants for disseminating best practices, training staff in use of assistive technology and collaboration on programs and services in the delivery of special education services. For the purposes of this section, the state advisory council shall consult with the operational services division within the executive office of administration and finance, the department of education, school superintendents, school committee members, special education administrators, collaborative directors, parents and consumers and representatives of approved private schools. The state advisory commission for special education shall report to the board of education and to the general court the result of its investigation and study, if conducted, and its recommendations, as well as any minority report, by filing the same with the clerks of the senate and house of representatives on or before May 1, 2003 but may issue interim reports from time to time.

(G) The ninth paragraph of section 274 of chapter 110 of the acts of 1993 is hereby amended by adding the following sentence:— The division shall also notify superintendents of the estimated rate of inflation by December 1.

(H) The department of education shall collect data on the number of students whose special education costs meet the criteria of item 7061-0012 of section 2, shall analyze the fiscal impact of the item on districts and the commonwealth and shall report its findings, along with any proposed recommendations, to the house and senate committees on ways and means and the joint committee on education, arts and humanities not later than March 1, 2003.

(I) The operational service division within the executive office of administration and finance and the department of education shall jointly study issues related to cost increases for matters of health and safety, as defined by state and federal regulations and as required by the department of education where the department of education has determined that certain cost increases shall be implemented prior to the effective date of the tuition increase resulting from program reconstruction. In conducting their study, the agencies shall seek input from the Massachusetts Association of Approved Private Schools, the Massachusetts Administrators for Special Education, the Massachusetts Association of School Superintendents and parent consumers. The operational service division and the department of education shall report to the general court the results of their investigation and study and their recommendations, if any, by filing the same with the clerks of the senate and house of representatives on or before January 31, 2003."
The amendment was *rejected*.

Mr. Berry moved to amend the bill by inserting after section 32 the following section:—

"SECTION 32A. Section 12 of chapter 118E of the General Laws, as appearing in the 2000 Official Edition is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law, rule or regulation to the contrary, the division shall not require prior authorization or impose any other restriction on medications used to treat HIV or mental illnesses, including, but not limited to, schizophrenia, severe depression, or bipolar disorder. The division shall make available medications for persons with mental illnesses, including atypical antipsychotic medications, conventional antipsychotic medications, and other medications used for the treatment of mental illnesses without restriction or without preference for one medication over another or one class of medications over another."
The amendment was *rejected*.

Messrs. Hart, Tarr and O'Leary moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. (A) Notwithstanding any general or special law to the contrary and in order to promote the public good, any employee of the city of Boston whose employment was terminated in 1981 or 1982 due to a reduction in force and subsequently was reinstated to his or her former position on or before July 1, 1984, shall be credited with active service for such period of employment. Such credited service shall be included as part of his length of service, and shall be applied to his seniority, promotional examinations and retirement. However, such employees shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable had he or she remained an active member in service during said period of unemployment at the rate of compensation he or she was receiving at the time of aforesaid termination of employment together with the regular interest thereon, and said employee shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn, if any, with the regular interest.

(B) Subsection (A) shall take effect upon passage of this act."
The amendment was *rejected*.

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

"SECTION 4A. (A) Chapter 6A of the General Laws is hereby amended by inserting after section 18H as inserted by section 6 of chapter 61 of the acts of 2002, the following section:—

Section 18I. The department of telecommunications and energy shall promulgate rules providing for the recovery by telecommunication companies of expenses that have been, are, or will be until December 31, 2007 incurred that are associated with the services pursuant to sections 18A to 18F, inclusive, and sections 14A and 15E of chapter 166.

(B) With respect to any deficit incurred by the telephone companies before the effective date of this act, pursuant to section 18I of chapter 6A of the General Laws, the department of telecommunications and energy shall determine the portion of directory assistance revenues that will be used to offset that deficit, including any interest the department may determine should be applied.

Additionally, the rules shall provide for the funding of the prudently incurred expenses by means of a charge on each voice grade exchange telephone line of business and residence customers within the commonwealth. However, the surcharge applicable to centrex service shall be based on an equivalency provided to each private branch exchange trunk. In the development of the charge, all telephone companies shall submit to the department historical data verifying their participation in the statutory funding mechanism. The department of telecommunications and energy shall annually report to the general court concerning the financial condition of the fund and shall address in the report the reasonableness of the capital expenditures and related expenses of the statewide emergency telecommunications board incurred in complying with sections 14A and 15E of chapter 166.

(C) Chapter 291 of the acts of 1990 is hereby amended by striking out section 7.

(D) The department of telecommunications and energy shall develop a long term plan for funding enhanced 911 services. The department shall consider, among any and all the issues affecting the enhanced 911 system, including (1) equitable payment of the costs of the system by all its beneficiaries and (2) the changes and projected changes in technology comprising the enhanced 911 system. The department shall submit its recommendations and assessments to the committee on government regulations not later than December 31, 2006."
The amendment was *rejected*.

As previously stated, the above amendments were considered as one, and *rejected.*

Recess.

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

Ms. Creem, Ms. Wilkerson and Mr. Travaglini moved to amend the bill in section 2, in item 4513-1002 by adding the following words:— "; and provided further, that $25,000 be provided to the Nutrition Resource Center at the Boston Medical Center for purposes of supplementing the operation of the Preventative Food Pantry and Demonstration Kitchen".
The amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 4590-0250, by striking out, in line 36, the word "enhanced".
After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 4590-0250, by striking out the figure "$37,867,379" and inserting in place thereof the following figure:— "$36,737,133".
After remarks, the amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 4590-0300, by striking out, in line 15, the word "enhanced".
After remarks, the amendment was adopted.

Messrs. Lees and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 4590-0300 by striking out the figure "$50,370,293" and inserting in place thereof the following figure:— "$19,106,919".
After remarks, the amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2, in item 4800-0015, by inserting after the word "area;", in line 7, the following words:— "provided further, that an office presence shall be maintained on Martha's Vineyard;".

After remarks, Ms. Murray moved that the amendment be amended by adding the following words:— ; and in said section 2, in said item 4800-0015, by inserting after the words "provided further, that the department shall pursue the development of a comprehensive program for education and training of social workers and other department employees;" the following words:— "provided further, that said program shall be developed in collaboration with the Center for Adoption Research and Policy at the University of Massachusetts Medical School;".
After further remarks, the further amendment (Murray) was adopted.

The pending amendment (O'Leary) was then further considered; and it was adopted, as amended (Murray).

Messrs. Antonioni and Travaglini moved to amend the bill in section 2, in item 4800-0038, by striking out the words "provided further, that the department shall collaborate with the departments of education, mental health, youth services, the operational services division and any other interested agencies to consider available options for increasing consistency among and imposing uniform controls upon reimbursement rates for special education programs authorized under chapter 71B of the general laws" and inserting in place thereof the following words:— "provided further, that the department shall collaborate with the departments of education, mental health, youth services, the operational services division and any other interested agencies and the massachusetts association of chapter 766 approved private schools to consider available options for increasing program capacity to decrease department referral admission waiting lists, consistency in staff compensation and retention and imposing uniform controls upon contract reimbursement rates for special education programs authorized under chapter 71B of the General Laws".
After remarks, the amendment was adopted.

Ms. Fargo moved to amend the bill in section 2, in item 4800-0038 by adding the following words:— "; and provided further, that not less than $300,000 shall be expended for the center for family connections in the city of Cambridge".
The amendment was *rejected*.

Mr. Antonioni, Ms. Walsh and Messrs. Tolman and Tisei moved to amend the bill in section 2, by inserting after item 5920-2000 the following item:

"5920-2010 For state-operated community-based residential services for adults, including community-based health services for adults; provided, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item 107,929,376.";
and in item 5920-2000, by striking out the figure "$536,656,477" and inserting in place thereof the following figure:— "$428,727,101".
After remarks, the amendment was adopted.

Mr. Brewer moved to amend the bill in section 2, in item 5982-1000, by inserting after the word "related", in line 3, the following words:— "and forestry".
After remarks, the amendment was adopted.

Mr. Travaglini moved to amend the bill in section 2, by inserting in item 6010-0001 after the words "quarterly report of repairs requiring said secretary's approval;" the following words:— "provided further, that notwithstanding any general or special law to the contrary, the department of highways, in furthering cost effective management of the commonwealth's infrastructure, may implement a statewide corrosion mitigation program utilizing electrochemical corrosion passivation or chloride extraction treatment of steel reinforced concrete structures, as a means of stopping existing corrosion and monitoring and preventing the initiation of new corrosion; provided further, that the electrochemical corrosion passivation or chloride extraction treatment method that may be utilized, which uses an anode system temporarily installed on the surface of the concrete, to facilitate the passing of a continuously monitored, and unequally adjusted, low voltage DC current to the steel reinforcement for the purpose of eliminating differentials in the surface potentials on the steel reinforcement; provided further, that the department of highways may amend its contractor prequalification program to include a new class of work for this specialty infrastructure repair process; provided further, that the department shall report to the joint committee on transportation and the chairmen of the house and senate committees on ways and means on the program method's safety to structures and the environment, cost effectiveness, effectiveness in eliminating new corrosion, and effectiveness in stopping existing corrosion; and provided further, that said report shall be due no later than February 1, 2003".
After remarks, the amendment was adopted.

Ms. Resor, Ms. Tucker, Messrs. Antonioni and Tarr, Ms. Walsh, Messrs. Tolman and Tisei, Ms. Fargo and Mr. Shannon moved to amend the bill in section 2, by striking out item 5930-1000 and inserting in place thereof the following item:

"5930-1000 For the operation of facilities for the mentally retarded, including the maintenance and operation of the Glavin regional center; provided, that in order to enhance care within available resources to clients served by the department, the department shall study the feasibility of consolidating intermediate care facilities for the mentally retarded, called ICF/MR, managed by the department and shall determine if community placement is appropriate if the following criteria are met: 1) the Commonwealth's treatment professionals have determined that community placement is appropriate; 2) the transfer from institutional care to a less restrictive setting is not opposed by the affected individual; and 3) the placement can be reasonably accommodated, taking into account the resources available to the Commonwealth and the needs of others with mental disabilities; provided further, that the department shall report to the joint committee on human services and the house and senate committees on ways and means on the progress of this initiative; provided further, that the report shall include: (1) the number of clients transferred from facility care into the community; (2) the community supports provided to clients discharged from facility care into the community and (3) the current facility bed capacity relative to the number of clients in ICF/MR managed by the department; provided further, that the department shall submit the report not later than February 15, 2003; provided further, that the commissioner of mental retardation shall transfer funds from this item to items 5920-2000 and 5920-2025, as necessary, pursuant to an allocation plan, which shall detail by subsidiary and contract the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days prior to any such transfer; provided further, that not more than $3,000,000 shall be transferred from this item in fiscal year 2003; provided further, that the department shall provide an appropriate level of campus security at the Dever developmental center in Taunton, as well as maintaining the buildings of the core campus to prevent deterioration and ensure preservation of the buildings, until such time as the property is declared surplus to its needs or is transferred from the department's control in accordance with the Dever reuse plan as approved by the Dever reuse commission and on file with the house and senate committees on ways and means; and provided further, that the department shall maximize federal reimbursement, whenever possible under federal regulation, for the direct and indirect costs of services provided by the employees funded in this item 162,581,181."
After remarks, the amendment was adopted.

Messrs. Lees and Tisei and Mrs. Sprague moved to amend the bill in section 2, in item 7002-0100, by striking out, in line 14, the word "less" and inserting in place thereof the following word:— "more".
After remarks, the amendment was *rejected.*

Mr. Pacheco moved to amend the bill in section 2, in item 7002-0101, by striking out the following wording:— "For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws." and inserting in place thereof the following words:— "For the operation of the apprentice training program; provided, that no position in the apprentice training division shall be subject to chapter 31 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, the deputy director shall require each apprentice entering into a written agreement to submit an application to the

division for an apprentice identification card; provided further, that the application shall be accompanied by a fee of $35 and paid by the apprentice or the program sponsor, together with photographic prints as required by the deputy director; provided further, that all revenues from fees charged for this identification card shall be deposited into the General Fund; provided further that, an apprentice identification card shall contain the photograph of the apprentice, the apprentice registration number or such other number as the deputy director requires, the name and business address of the appropriate apprenticeship committee or single employer sponsor, the steps of progression and related dates applicable to the apprentice, and the projected date on which the apprentice is projected to complete the apprenticeship; provided further, that as a condition of his apprenticeship the apprentice shall keep the apprentice identification card on his person during his hours of employment during the apprenticeship; provided further, that any apprentice performing work on a project or projects subject to this item shall maintain in his possession an apprentice identification card; provided further, that any apprentice who is determined by the deputy director to be un-enrolled in related classroom instruction classes shall be paid at the journey level rate for the duration of the public works project or projects; provided further, that for every week in which an apprentice is employed by a contractor, subcontractor, or public body subject to this section, a photocopy of said apprentice's apprentice identification card, shall be attached to the records submitted under this item"; and by striking out the figure "$319,589" and inserting in place thereof the following figure:— "$420,000".
The amendment was adopted.

Mr. McGee moved to amend the bill in section 2, in item 7002-0500, by striking out the words "provided, that $800,000 shall be expended for occupational safety training grants;" and inserting in place thereof the following words:— "provided, that not less than $800,000 shall be expended for occupational safety training grants".
After remarks, the amendment was adopted.

Messrs. Lees, Tisei and Mrs. Sprague moved to amend the bill in section 2, in item 7003-0700, by striking out, in line 5, the word "less" and inserting in place thereof the following word:— "more".
The amendment was *rejected.*

Mr. Pacheco moved to amend the bill in section 2, in item 7003-0701, by adding the following words:— "; provided, that the division may use surplus funds, accumulated in years when workforce training fund contributions exceeded the authorization amount or the division appropriated less funds than the authorization amount, if contributions do not meet the authorization amount"; and by striking out the figure "$18,000,000" and inserting in place thereof the following figure: "$21,000,000".
The amendment was adopted.

Mr. O'Leary, Ms. Murray, Ms. Resor, Ms. Menard, Ms. Tucker, Ms. Creem and Messrs. Morrissey and McGee moved to amend the bill in section 2, in item 7003-1000, by striking out the figure "$70,000" and inserting in place thereof the following figure:— "$95,000"; by adding the following words:— "; provided further, that not less than $150,000 shall be provided to the Massachusetts Workforce Board Association to support

the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems"; and by striking out the figure "$1,395,000" and inserting in place thereof the following figure:— "$1,945,000".
The amendment was *rejected.*

Mr. Panagiotakos moved to amend the bill in section 2, in item 7004-0099, by inserting after the words "Citizens Housing and Planning Association", the following words:— "Massachusetts National Association of Housing and Redevelopment Officials".
The amendment was adopted.

Ms. Fargo and Messrs. O'Leary and Joyce moved to amend the bill in section 2, by inserting after item 7004-0099 the following item:

"7004-1000 For the purpose of providing advance funding to the Low Income Home Energy Assistance Program described in 42 U.S.C. section 8621 et seq. or any successor act; provided, that such advance funding shall be made to the department of housing and community development no later than September 1, 2002; provided further, that notwithstanding section 62 of chapter 10 of the General Laws, such advance funding shall be appropriated from the Ratepayer Parity Trust Fund maintained on the books of the commonwealth; and provided further, that the department, upon the receipt of fedeal funds for the fiscal year 2003 Low Income Home Energy Assistance Program, shall reimburse the Ratepayer Parity Trust Fund for any forward funding received 5,000,000."
The amendment was *rejected.*

Mr. Morrissey moved to amend the bill in section 2, in item 7006-0070, by striking out the figure "$7,747,353" and inserting in place thereof the following figure:— "8,051,927".
The amendment was *rejected.*

Mr. Lees moved to amend the bill in section 2, in item 7007-0300, by adding the following words:— "and this office shall be operated by an individual to be known as the MCM Rapid Response Center Coordinator".
After debate, the amendment was *rejected.*

Ms. Fargo moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— "; and provided further, that not less than $75,000 shall be expended for the Route 128 Regional Planning Project".
After remarks, the amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Mrs. Sprague moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— "; and provided further, that not more than 5 per cent of the funds appropriated in this item for each regional planning commission shall be used for administrative costs".
After debate, the amendment was *rejected.*

Mr. McGee moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— "; and provided further, that $30,000 shall be expended for the Saugus Senior Center"; and by striking out the figure "$1,485,000" and inserting in place

thereof the following figure:— "$1,515,000".
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.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. McGee moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— "; provided further, that $100,000 shall be expended for the restoration of the Memorial Auditorium in the city of Lynn".
The amendment was *rejected.*

Mr. McGee moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for the Russian Community Association of Massachusetts in the city of Boston".
The amendment was *rejected.*

Messrs. Knapik, Brewer, Baddour and Panagiotakos moved to amend the bill in section 2, in item 7007-0950, by striking out the figure "$3,992,335" and inserting in place thereof the following figure:— "$3,074,829"; and in item 7007-0300, by striking out the figure "$1,408,320" and inserting in place thereof the following figure:— "$2,325,826"

General Fund 60.55%

Tourism Fund 39.45% ."

The amendment was *rejected.*

Mr. Baddour moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— "and provided further, that $25,000 shall be expended as a grant to the town of Salisbury to maximize the town's tourism industry;".
The amendment was *rejected.*

Messrs. Tarr, Antonioni and Tolman moved to amend the bill by inserting after item 7007-0950 the following item:

“7007-0970 For the administration of the Massachusetts Film Office to be funded through the office of travel and tourism 396,672.”
The amendment was *rejected.*

Mr. Lees moved to amend the bill in section 2, in item 7007-1300, by inserting after the word “Bedford”, in line 5, the following words:— “and shall be known as the GRB specialist”.
After remqarks, the amendment was *rejected.*

Messrs. Lees and Knapik moved to amend the bill in section 2, by striking out item 7010-0012.
After debate, the amendment was *rejected.*

Mr. O’Leary and Ms. Melconian moved to amend the bill in section 2, in item 7027-0016, by striking out the figure “$596,883” and inserting in place thereof the following figure:— “$615,927”; and by striking out the figure “$1,587,000” and inserting in place thereof the following figure:— ‘$1,606,044”.
The amendment was *rejected.*

Mr. Tisei moved to amend the bill in section 2, in item 7030-1002, by inserting after the words “per classroom in subsequent fiscal years” the following words:— “; provided further, that ongoing programs previously funded through this grant program shall be given priority over new applicants; and provided further, that among new grant applicants preference shall be given to those applicants with high percentages of students scoring in level 1 or 2 of the MCAS”.
After remarks, the amendment was *rejected.*

Messrs. Antonioni and Knapik moved to amend the bill in section 2, in item 7030-1003, by striking out the words:— “provided further, that funds shall be expended for early intervention individual tutorial literacy programs designed as a prespecial education referral and short term intervention for children who are at risk of failing to read in the first grade;” and inserting in place thereof the following words:— “provided further, that $2,791,800 shall be expended for early intervention individual tutorial literacy programs designed as a pre-special education referral and short term intervention for children who are at risk of failing to read in the first grade;”.
After remarks, the amendment was adopted.

Messrs. Hedlund and Tisei moved to amend the bill in section 2, in item 7052-0004, by striking out the figure “$12,948,960” and inserting in place thereof the following figure:— “$22,948,960”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-nine minutes past eight o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 27):

YEAS.

Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Lees, Brian P.
Pacheco, Marc R.
Resor, Pamela
Tarr, Bruce E.
Tisei, Richard R.
Tucker, Susan C. — 9.

NAYS.

Antonioni, Robert A.
Baddour, Steven A.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Jacques, Cheryl A.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Panagiotakos, Steven C.
Rosenberg, Stanley C.
Sprague, Jo Ann
Tolman, Steven A.
Travaglini, Robert E.
Walsh, Marian
Wilkerson, Dianne — 27.

PAIRED.

YEAS.	NAYS.
Therese Murray (present),	Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Shannon, Charles E. — 1.

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

Messrs. Lees and Tisei moved to amend the bill in section 2, in item 7061-0008, by adding the following words:— "; provided further, that a school district that grants diplomas to students failing to meet the competency determination as a condition for high school graduation, defined in clause (i) of the fourth paragraph of section 1D of chapter 69 of the General Laws, and determined by the passing score on the tenth grade English language arts and mathematics sections of the Massachusetts Comprehensive Assessment System exam, shall be excluded from receiving any funds appropriated in this item". After remarks, the amendment was *rejected*.

Messrs. Nuciforo and Brewer moved to amend the bill in section 2, in item 7061-9010, by striking out the figure "$48,401,013" and inserting in place thereof the following figure:— "$43,456,043"; and in item 7035-0006, by striking out the figure "$42,000,000"

and inserting in place thereof the following figure:— "$46,944,970".
The amendment was *rejected.*

Messrs. Brewer and Nuciforo moved to amend the bill in section 2, in item 7061-9010, by striking out the figure "$48,401,013" and inserting in place thereof the following figure:— "$37,532,985"; and by inserting after item 6000-0010 the following item:

"6005-0017 For certain payments to cities and towns as authorized by clause c of section 13 of chapter 64A, section 13 of chapter 64E, and section 14 of chapter 64F of the General Laws; provided, that the amounts appropriated in this item are in full satisfaction of the amounts payable under said clauses for fiscal year 2003; provided further, that funds in this item may be used for the lease, purchase and maintenance of vehicles for use in road maintenance, and for costs incurred for the removal of snow and ice; and provided further, that notwithstanding section 31 of chapter 81 of the General Laws or any other general or special law to the contrary, the portion of the highway fund allocated for reimbursements to cities and towns for costs actually incurred in constructing, maintaining and policing city or town streets or roads, shall be distributed in fiscal year 2003 in the same proportion as the fiscal year 2002 distribution of these highway fund reimbursements 10,868,028."
After debate, the amendment was *rejected*.

Ms. Creem, Ms. Resor and Ms. Fargo moved to amend the bill in section 2, by striking out item 7061-9400 and inserting in place thereof the following item:

"7061-9400 To develop authentic student and school assessments in order to replace the current Massachusetts Comprehensive Assessment System; provided that as required by section 1I of chapter 69 of the General Laws, the assessment system to be developed shall employ a variety of assessment instruments on either a comprehensive or statistically valid sampling basis; provided further, that, as much as is practicable, especially in the case of student whose performance is difficult to assess using conventional methods, such instruments shall include consideration of work samples, projects and portfolios, and shall facilitate authentic and direct gauges of student performance 1,659,043.";

by striking out item 7061-0012 and inserting in place thereof the following item:

"7061-0012 For the reimbursement of extraordinary special education costs pursuant to section 5A of chapter 71B of the General Laws; provided, that notwithstanding said section 5A or any other general or special law, rule or regulation to the contrary, the reimbursement rate for students who have no parent, or guardian living in the commonwealth, shall be 100 per cent of all said approved instructional costs that exceed 4 times the state average per pupil foundation budget; provided further, that not more than $8,750,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $8,750,000 not less than $7,500,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department;

provided further, that the amount expended for a particular student shall not exceed the amount of tuition funds allocated for the student at the time of transition into such community-based support services; provided further, that funding provided herein may reimburse private schools for prior fiscal year's tuition; and provided further that not more than $500,000 shall be expended by the department of education to administer this account 127,000.";

and by striking out section 50.
After debate, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7061-9404, by striking out the words "provided, that preference shall be given to those districts with a high percentage of such students" and inserting in place thereof the following words:— "provided, that preference shall be given to those districts with a high percentage of high school students scoring in level 1".
After remarks, the amendment as adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7061-9404, by striking out the words "provided further, that none of the funds appropriated in this item shall be spent for services provided by institutions of higher education through interagency agreements between the department of education and these institutions" and inserting in place thereof the following words: "provided further, funds shall be expended for a competitive grant program to fund developmental programs to be implemented in the summer of 2003 operated by public institutions of higher education for students who have completed high school but not yet met the MCAS graduation standard and are working to pass MCAS, earn a high school diploma and prepare for college-level studies".
The amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7061-9404, by striking out the 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 January 15, 2003; 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" and inserting in place thereof the following words:— "provided further, that up to $5,000,000 shall be expended for a competitive grant program, guidelines for which shall be developed by the department, for intensive remediation programs in communities with students in the graduating class of 2003 who have not achieved a score of 216 or higher on either the tenth grade English Language Arts or math MCAS exams, such programs to be in place by October 1, 2002; and 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".
The amendment was adopted.

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; and provided further, that funds appropriated herein may be expended through August 31, 2002 50,000,000."
After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 7061-9626, by inserting after the words "New Bedford", the following word:— ", Quincy".
After remarks, the amendment was adopted.

Mr. O'Leary moved to amend the bill in section 2, by inserting after item 7066-0000, the following item:

"7066-0001 For additional funding for state colleges and community colleges 11,000,000."
After remarks, the amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, by striking out item 7100-0200 and inserting in the place thereof the following item:

"7100-0200 For the operation of the university of Massachusetts and the commonwealth college; provided, that notwithstanding any general or special law to the contrary, the board of trustees shall develop an allocation plan for the amount appropriated in this item and shall notify the house and senate committees on ways and means of this plan within 45 days after the effective date of this act; provided further, that the board of trustees in conjunction with the state health education center at the University of Massachusetts Medical Center shall maintain learning contracts for students admitted on or after the fall of 1978 which shall include provisions for payback service or monetary payback to the commonwealth for a period after such students have fulfilled all internship and residency requirements; provided further, that the sum expended for UMass Extension in fiscal year 2003 shall not be reduced except in proportion to adjustments consistent with university budget adjustments and policies affecting comparable academic outreach programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMass Extension Board of Public Overseers; 460,599,228."
The amendment was *rejected*.

Ms. Chandler and Messrs. Glodis and Moore moved to amend the bill in section 2, in item 7100-0200, by striking out the following wording:— "provided further, that not

more 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;"; and by striking out the words "provided further, that $350,000 shall be expended for a satellite medical examiners office;"; and by striking out the figure "$460,599,228" and inserting in place thereof the following figure:— "$459,818,228"; in item 0340-0400, by inserting after the word "sessions", in line 6, the following words:— "; 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, the state police and municipal police departments"; and by striking out the figure "$6,844,763" and inserting in place thereof the following figure:— "$7,275,763"; and in item 8000-0105, by adding the following words:— "; provided, that $350,000 shall be expended for toxicology testing and results"; and by striking out the figure "$3,237,469" and inserting in place thereof the following figure:— "$3,587,469".
After remarks, the amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 7100-0200, by striking out the words "not less than $480,200 shall be expended for the cranberry experiment station" and inserting in place thereof the following words:— "the sum expended for the University of Massachusetts at Amherst Cranberry Experiment Station at Wareham in fiscal year 2003 shall not be reduced from fiscal year 2002 levels, except in proportion to adjustments consistent with university budget adjustments; and provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the University of Massachusetts Cranberry Experiment Station Board of Oversight".
After remarks, the amendment was adopted.

Ms. Murray moved to amend the bill, in section 2, in item 7118-0100, by striking out the words:— "; provided, that not more than $228,000 shall be expended for the aquaculture program".
After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 7505-0100, by striking out the words "; provided, that not less than $195,000 shall be obligated for the Heritage Bank building acquired by the Greenfield College Foundation".
After remarks, the amendment was adopted.

There being no objection, during consideration of the orders of the Day, the following matters were considered, as follows, to wit:

PAPERS FROM THE HOUSE.

Engrossed Bill — State Loan.

An engrossed Bill authorizing additional borrowing for the Massachusetts Bay Transportation Authority and the Central Artery/ Ted Williams Tunnel Project (see House, No. 5123) (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 borrowing of money, in accordance with the provisions of Section 3 of Article LXII 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 twenty-four minutes past nine o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Jacques, Cheryl A.
Baddour, Steven A.	Joyce, Brian A.
Brewer, Stephen M.	Knapik, Michael R.
Chandler, Harriette L.	Lees, Brian P.
Creedon, Robert S., Jr.	Magnani, David P.
Creem, Cynthia Stone	McGee, Thomas M.
Fargo, Susan C.	Melconian, Linda J.
Glodis, Guy W.	Menard, Joan M.
Hart, John A., Jr.	Montigny, Mark C.
Havern, Robert A.	Moore, Richard T.
Hedlund, Robert L.	Morrissey, Michael W.
Murray, Therese	Sprague, Jo Ann
Nuciforo, Andrea F., Jr.	Tarr, Bruce E.
O'Leary, Robert A.	Tisei, Richard R.
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Travaglini, Robert E.
Resor, Pamela	Tucker, Susan C.
Rosenberg, Stanley C.	Walsh, Marian
Shannon, Charles E.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-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 for her approbation.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the town of North Andover to grant a certain conservation restriction (see House, No. 4830, changed) (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 a half past nine o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at twenty-eight minutes before ten 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 for her approbation.

At twenty-seven minutes before ten o'clock P. M. (Tuesday, June 12), on motion of Mr. Tarr, the President declared a recess until the following day at ten o'clock A.M.

Wednesday, June 12, 2002.
[being the legislative session of Tuesday, June 11, 2002.]

Met at twenty-two minutes past ten o'clock A.M. (The President in the Chair).

Distinguished Guest.

There being no objection, the President introduced Right Honourable Councillor Donal Lyons, Mayor of Galway, Republic of Ireland. Mayor Lyons briefly addressed the Senate, signed the guest book and withdrew from the Chamber.

Communications.

A communication from Senator Steven A. Baddour in compliance with Massachusetts General Laws, Chapter 268A (received Wednesday, June 12, 2002); and

A communication from Senator Dianne Wilkerson in compliance with Massachusetts General Laws, Chapter 268A (received Wednesday, June 12, 2002),— **were severally placed on file.**

The Clerk read the following communication:

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

June 11, 2002.

Patrick F. Scanlan
Clerk of the Senate
State House, Room 335
Bostn, Massachusetts 02133

Dear Mr. Clerk:

Due to the fact that I was detained in another part of the building, I was absent from the Senate Chambers for the roll call taken on budget amendment 295, relative to School Building Assistance temporary borrowing. Had I been present, I would have voted in the negative on this particular amendment.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for June 11, 2002. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Mr. Rosenberg, the above communicationwas ordered printed in the Senate Journal.

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Havern, Ms. Fargo and Mr. Travaglini moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Amesbury", in line 73, the following word:— "Arlington"; by inserting after the word "Canton", in line 76, the following word:— "Chelmsford"; and by inserting after the word "Chicopee", in line 76, the following word:— "Concord".
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Chicopee" the following word:— "Clarksburg,".
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Holyoke" the following word:— ", Lee".
The amendment was *rejected.*

Messrs. Hedlund and Morrissey moved to amend the bill in section 2, in item 8000-0100 by inserting after the word "Northfield," the word "Norwell,".
The amendment was *rejected*.

Ms. Wilkerson and Mr. Rosenberg moved to amend the bill in section 2, in item 8000-0060, by striking out the figure "$196,663" and inserting in place thereof the following figure:— "$525,000".
After remarks, the amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Georgetown" the following word:— ", Goshen".
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 8000-0010, by inserting after the word "Amesbury" the following word:— ", Ashfield".
The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 8000-0105 by striking out the figure "$3,237,469" and inserting in place thereof the following figure:— "$3,751,659".
After remarks, the amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 8100-0000, by adding the following words:— "; and provided further, that not less than $125,000 shall be expended for patrols by the state police along the Charles river esplanade and the Charlesgate area of the city of Boston; provided further, that not less than $65,000 shall be expended for

state police patrols of properties of the metropolitan district commission along Day boulevard in the South Boston section of the city of Boston; and provided further, that not less than $130,000 shall be expended for the cost of state police patrols for the Neponset river bicycle path in the town of Milton and the Dorchester section of the city of Boston". The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 8100-0007, by striking out the figure "$11,060,782" and inserting in place thereof the following figure:— "$11,700,281".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at four minutes past eleven o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 11 — nays 20):

YEAS.

Brewer, Stephen M.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A. — 11.
Morrissey, Michael W.	

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Shannon, Charles E.
Hart, John A., Jr.	Sprague, Jo Ann
Jacques, Cheryl A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 20.

PAIRED.

YEAS.	NAYS.
Joan M. Menard (prese	Robert E. Travaglini
Therese Murray (prese	Frederick E. Berry
Stanley C. Rosenberg	Robert A. O'Leary — 6.

ABSENT OR NOT VOTING.

Havern, Robert A.	Joyce, Brian A. — 2.

Ms. Melconian in the Chair, the yeas and nays having been completed at thirteen minutes past eleven o'clock A.M., the amendment was *rejected*.

Mr. McGee moved to amend the bill in section 2, by inserting after item 8100-0020 the following item:

"8100-0301 For the payroll costs of the state police directed patrols; provided, that $49,860 shall be expended for the costs of state police patrols at Lynn Shore Drive, Lynn beach, Kings beach, Nahant causeway and Nahant beach; provided further, that $116,500 shall be expended for the costs associated with the state police mounted patrols on Lynn beach, Kings beach, and Red Rock park; and provided further, that $30,000 shall be expended for the costs associated with providing state police services at Breakheart Reservation 196,360."
The amendment was *rejected*.

Mr. Glodis and Ms. Menard moved to amend the bill in section 2, in item 8200-0200, by striking out, in lines 3 and 4, the words "not more than"; and by inserting after the words "chiefs of police", in lines 5 and 6, the following words:— "and command staff".
After remarks, the amendment was adopted.

Mr. Glodis moved to amend the bill in section 2, in item 8324-1500, by adding the following words:— "; and provided further, that not less than $100,000 shall be expended for the Tiered Training Program for Call and Volunteer Firefighters"; and by striking out the figure "$3,416,205" and inserting in place thereof the following figure:— "$3,516,205".
The amendment was adopted.

Messrs. Glodis, Havern and Moore, Ms. Menard, Mr. Baddour, Ms. Resor and Messrs. Knapik, McGee and Nuciforo moved to amend the bill in section 2, in item 8400-0001, by striking out the figure "$47,656,972" and inserting in place thereof the following figure:— "$50,005,000".
The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 8900-0001, by adding the following words:— "; and provided further, that the number of Unit 4 positions funded from this item in fiscal year 2003 shall be not less than the number funded from this item in fiscal year 2002".
The amendment was *rejected*.

Mr. Hart moved to amend the bill in section 2, in item 4510-0600, by striking out the figure "$3,882,045" and inserting in place thereof the following figure:— $4,274,690".
The amendment was *rejected*.

Ms. Creem and Messrs. Knapik, McGee, Havern and Tolman moved to amend the bill in section 2, by inserting after item 4000-0100 the following item:

"4000-0112 For matching grants to municipalities, boys' and girls' clubs, YMCA and YWCA organizations, Girls' Inc., and non-profit community centers, for a program to

prevent high rates of juvenile delinquency, teen pregnancy and high school drop-out rates for youths at-risk; provided, that the program shall be structured to require collaboration in each such neighborhood between agencies of the executive office of health and human services and the department of human services, education, the county sheriff s office, public safety departments, boys' and girls' clubs, YMCA and YWCA organizations and non-profit community centers of each participating municipality; provided further, that youths-at-risk shall include, but need not be limited to, those teenagers and pre-teenagers identified with histories of court involvement, significant or continuous exposure to criminal behavior in their household, truancy, homelessness, children-in-need-of-services status, or involvement with the departments of social services or youth services; provided further, that funds from this item may be expended to provide after-school programs that include parental accountability and training, court-based assessments, mentoring, substance abuse prevention and recreational programs; provided further, that the executive office shall work in conjunction with public and private organizations for the purposes of securing new matching funds for expenditures made from this item; provided further, that the secretary of health and human services shall award the full amount of each grant to each organization upon commitment of matching funds from the organization; provided further, that the secretary shall report to the house and senate committees on ways and means on the types of services, the cost of each such service, the exact amounts matched by each program, the names of vendors contracted by each program, the number of children to be served by each program, the goals of each program, expected outcomes for fiscal year 2003 and actual outcomes for fiscal year 2003; provided further, that $60,000 shall be expended for the Billerica Boys and Girls Club; provided further, that an additional $25,000 shall be expended for the Boys and Girls Club of Brockton; provided further, that $100,000 shall be expended for the Taunton Boys and Girls Club; provided further, that not less than $90,000 shall be expended for the Russian Teens-at-Risk program operated by the Jewish Family and Children's Service in the cities of Boston and Lynn and the town of Brookline; provided further, that $40,000 shall be expended for the Boys and Girls Club of Greater Westfield; provided further, that $40,000 shall be expended for the YMCA of Greater Westfield; provided further, that $40,000 shall be expended for the public partnership program between the Greater Lynn YMCA and YWCA and the town of Saugus and the public partnership program between the Saugus YMCA and YWCA and the town of Saugus; and provided further, that not less than $555,000 shall be expended for after-school programs operated by public and non-public entities including, but not limited to, members of the Massachusetts alliance of boys and girls clubs 1,000,000."
The amendment was *rejected*.

Mr. Berry moved to amend the bill in section 2, by inserting after item 1599-6901, the following item:

"1599-6902 For a special commission to study the fiscal, economic and social implications of the proposed expansion of legalized gaming in the commonwealth; provided, that the general court finds that such proposed expansion in various forms and scope warrants particularly careful consideration in order to protect the short and long term interests of all of the citizens of the commonwealth, that it is also that the research conducted about the effects of casino gaming and other forms of gaming on the

economic, social, cultural and fiscal well-being of host states and localities has yielded conflicting results, and that it is in the interest of the commonwealth, its political subdivisions and its citizens to investigate this issue thoroughly in order to ensure that any potential expansion of legalized gaming be effectuated through legislation that first and foremost protects the interests of the citizens of the commonwealth; provided further, that the commission established and funded in this item shall research comprehensively and identify specifically the potential effects, positive and negative, of gaming expansion on the economic, social, cultural and fiscal well-being of the commonwealth, its localities and citizens; provided further, that the commission's evaluation shall include, but not be limited to, consideration of the commonwealth's potential duties and obligations relative to the federal Indian Gaming Regulatory Act of 1988, 25 U.S.C. sections 2701 to 2721; provided further, that the commission shall consist of 17 voting members; 3 appointed by the governor; 3 appointed by the speaker of the house of representatives; 1 appointed by the minority leader of the house of representatives; 3 appointed by the president of the senate; l appointed by the minority leader of the senate; 3 appointed by the attorney general, 1 of whom shall represent the Massachusetts district attorneys association, 1 of whom shall represent the Massachusetts Municipal Association, and 1 of whom shall represent the Associated Industries of Massachusetts; 3 appointed by the treasurer and receiver-general, 1 of whom shall represent the Massachusetts state lottery; and provided further, that the commission shall submit a report of its findings and recommendations to the clerks of the house and the senate not later than December 1, 2002 100,000.

Massachusetts Tourism Fund
100.0% ."

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 0332-9000, by adding the following words:— "; and provided further, that notwithstanding any general or special law to the contrary, the Newton district court shall retain jurisdiction over juvenile matters".
After remarks, the amendment was adopted.

Ms. Resor, Ms. Jacques, Messrs. Lees and Glodis, Ms. Murray, Ms. Fargo and Mr. Antonioni moved to amend the bill in section 2, in item 8900-0001, by striking out the words "may provide local relief funding to the cities and towns hosting facilities;" and inserting in place thereof the following words:— "shall expend not less than $997,000 to cities and towns hosting facilities".
After remarks, the amendment was adopted.

Mr. Glodis and Ms. Chandler moved to amend the bill in section 2, by inserting after item 8900-0011 the following item:

"8900-0015 For correctional residential services; provided, that not less than $40,000 shall be provided for the Dismas House in the city of Worcester 40,000."
The amendment was adopted.

Ms. Chandler moved to amend the bill in section 2, in item 9110-0100, by striking out, in the last line, the date “January 1, 2003” and inserting in place thereof the following date:— “July 31, 2003”.
After remarks, the amendment was adopted.

Messrs. Shannon and Moore, Ms. Fargo, Ms. Creem and Mr. Tolman moved to amend the bill in section 2, in item 9110-1630, by striking out the figure “$94,158,158” and inserting in place thereof the following figure:— “$94,716,884”.
The amendment was *rejected*.

Messrs. Moore and Montigny moved to amend the bill in section 8, in subsection (A), by inserting, after the words “chapter 13” in the second sentence of paragraph (a), the following words:— “excluding the board of registration in medicine”; by inserting after the second sentence of paragraph (b) the following sentence:— “A board that has increased its fees pursuant to subsection (b) of section 35V shall not be required to increase fees pursuant to this subsection.”; in subsection (G), by striking out, in lines 8 and 9, the words “the board of registration in medicine”; by adding the following paragraph:—

“The commissioner of public health shall consult with the chair of the board of registration in medicine concerning the operations of the board.”; and by inserting after subsection (E) the following subsection:—

“(E½) Section 1 of chapter 24A of the General Laws, as so appearing, is hereby amended by striking out, in lines 25 to 28, inclusive, the words ', the board of registration in medicine and the approving authority established by section two of chapter one hundred and twelve, and the functions established by section two’.”
After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill in section 8, in subsection (B), by inserting after the word “administrators”, in line 6, the following words:— “, the board of registration in dentistry”; and in subsection (G), by inserting after the word “administrators”, in line 11, the following words:— “, the board of registration in dentistry”.; in section 2, by striking out item 4510-0725 and inserting in place thereof the following item:

“4510-0725 For the costs of personnel, administration, public information advertising and other expenses of certain health boards of registration, including the boards of registration in dentistry, nursing home administrators, physician assistants, perfusionists and respiratory care; provided, that employees of the board transferred from the division of professional licensure to the department of public health shall suffer no impairment of civil service status, seniority or other employment rights 439,556.”;

and in item 7006-0040, by striking out the figure “$5,145,800” and inserting in place thereof the following figure:— “$4,959,007”.
After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill by striking out section 10 and inserting in place thereof the following section:—

“SECTION 10. (A) Chapter 12 of the General Laws is hereby amended by inserting after section 11L the following section:—

Section 11M. There shall be in the department of the attorney general a bureau of special investigations, headed by a director, who shall be appointed by the attorney general. The director shall be a person of appropriate ability and experience who shall devote his full time to the duties of the office. The attorney general may appoint such other experts and officers as he deems necessary to carry out the work of the bureau. Appointments to the positions of director, legal counsel and confidential administrative secretary shall not be subject to chapter 31 or section 9A of chapter 30. The director may expend for legal, investigative, clerical and other assistance and expenses such sums as may be appropriated for those purposes.

The director shall initiate investigations and investigate complaints, including complaints initiated by recipients, which indicate the possibility of either a fraudulent claim for payment or services under any assistance program administered by the department of transitional assistance or the department of social services or any other program administered by those departments or the receipt of payment or services by a person not entitled to payment or services, or with respect to the division of medical assistance, fraud by applicants or recipients or individuals or entities acting on their behalf The director, in conformity with the rules and regulations of the attorney general, shall:

(1) initiate investigations and review procedures to discover any fraudulent claim or wrongful receipt under any assistance program administered by the department of transitional assistance or the department of social services, or with the exception of the investigation of provider fraud, the division of medical assistance;

(2) examine the records and accounts of the department of transitional assistance, the department of social services, the division of medical assistance, the division of industrial accidents, the state retirement board, the division of employment and training and the department of veterans’ services and, for such purposes, shall have access to those records and accounts at reasonable times and may require the production of books, documents and vouchers relating to any matter within the scope of the investigation;

(3) examine, upon written request to the commissioner of revenue, the tax wage reports, papers and other documents on file with the commissioner, including information which appears in child support enforcement files maintained by the IV-D agency, as set forth in chapter 119A, concerning dates and amounts of income received, employer, last known address and other information relevant to the investigation of fraud concerning any person who there is reason to believe has committed fraud under any assistance program administered by the department of transitional assistance or the department of social services, or, with the exception of the investigation of provider fraud, the division of medical assistance. The director may require the commissioner to produce the returns, papers and other documents of any person under investigation. Nothing in this section shall authorize the examination or disclosure, directly or indirectly, of any information, returns or records received from the Internal Revenue Service;

(4) examine the records and accounts of any vendor claiming or receiving payment for services rendered under any program administered by the department of transitional assistance or the department of social services insofar as such records and accounts relate to any matter within the scope of the investigation;

(5) examine any information contained on the warrant management system established by section 23A of chapter 276 and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section 2 of chapter 18;

(6) report to the attorney general, the district attorney, the department of state police or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e) of said last paragraph of said subsection (D) of said section 2 of said chapter 18 and arrange for a proper place and time for the arrest of the applicant or beneficiary and refer any dependents of the applicant or beneficiary to the department of social services for appropriate action pursuant to chapter 18B and section 23A of chapter 119. The bureau shall not report any information other than the information referred to in this clause or on the warrant management system;

(7) report to the attorney general or the district attorney, for such action as he may deem proper, any case in which, after investigation, the director finds there is probable cause to believe that a fraudulent claim or payment has been made;

(8) report in writing to the governor and the general court the nature and extent of the director's activities for each month of the fiscal year, such report to be made not later than 30 days after the expiration of each month, which report shall be made available to the public;

(9) examine the records and accounts of a person domiciled or doing business in the commonwealth or in any state, county or municipal department, agency, office, bureau, board, commission or division which employs or employed an individual who is the subject matter of an investigation insofar as those records and accounts pertain to the dates, hours and nature of employment or services rendered and the amounts of salary, wages or other things of value paid and any deductions therefrom, including information concerning the prior employment history of the individual who is the subject matter of the investigation;

(10) examine the records and accounts of a bank, as defined in section 1 of chapter 167, national bank, federal savings and loan association, benefit association, insurance company, safe deposit company or loan company authorized to do business in the commonwealth relative to an individual who is the subject matter of an investigation insofar as the records and accounts pertain to deposits, withdrawals, loans, insurance transactions, claims settlements and payments;

(11) examine the records of a school or institution of higher education within the commonwealth relative to a student who is the subject matter of an investigation or the

child, ward or dependent of the subject matter of an investigation insofar as those records pertain to enrollment, attendance and family history but excluding academic, medical and evaluative records; and

(12) require that the director's, or his authorized representative's, written request to examine information, records or accounts, as provided in clauses (4), (9), (10) and (11), be complied with within a reasonable period of time.

(B) Sections 10 and 11 of chapter 14 of the General Laws are hereby repealed.

After remarks, the amendment was adopted.

Mr. Nuciforo, Ms. Creem, Ms. Resor, Ms. Melconian, Messrs. Joyce, Moore, Knapik and Tisei, Mrs. Sprague and Messrs. Tarr, Lees, Hedlund, Brewer and O'Leary moved to amend the bill by striking out section 17 and inserting in place thereof the following section:—

"SECTION 17. (C) There shall be a special commission on school construction financing to make recommendations concerning legislation necessary for maximizing the efficient use of the Commonwealth's resources in the implementation of chapter 70B of the General Laws. The commission shall consist of the following members: the chairs of the house and senate committees on ways and means or their designees, the senate and house chairs of the joint committee on education, arts and humanities, the state treasurer or her designee, the secretary of administration and finance or his designee, the commissioner of education or his designee and 1 member appointed by each of the following organizations: Massachusetts Municipal Association, Massachusetts Collectors and Treasurers Association and the Massachusetts Bankers Association. The commission shall submit a report to the house and senate committees on ways and means and to the secretary of administration and finance by December 31, 2002. The report shall make recommendations concerning the use of a bond bank for issuance of bonds for school construction projects; make recommendations concerning appropriate opt out or opt in provisions for municipalities which can show that issuing bonds locally would be less expensive than or otherwise preferable to borrowing through the bond bank; make recommendations on whether and how municipalities should be able to use the school building assistance fund for non-school borrowing which is not reimbursable by the state; make recommendations on what if any additional provisions would be advisable with regard to pooled borrowing for temporary borrowing in anticipation of reimbursement under chapter 70B prior to project authorization by the Board of Education; make recommendations on what if any additional provisions would be advisable with regard to pooled borrowing for charter school construction under chapter 70B; identify any federal funds which may be available for school construction in the coming years; and make recommendations on how best to maximize the efficient use of any such federal funds.

(B) The board of education shall identify a list of major reconstruction projects approved under chapter 70B of the General Laws after July 1, 2000. Subject to appropriation, and commencing on or after July 1, 2003, projects shall be eligible for state reimbursement with moneys appropriated by the general court for this purpose.

(A) Section 13 of chapter 70B of the General Laws is hereby amended by striking out, in line 11, as appearing in the 2000 Official Edition, the words “five years” and inserting in place thereof the following words:— 7 years; but the total period from the date of issue of the original temporary loan to the final maturity of all school construction project financing shall not exceed 25 years.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before twelve o’clock noon, on motion of Mr. Tisei, as follows, to wit (yeas 36 — nays 0):

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 36.

NAYS — 0.

PAIRED.

YEA.	**NAY.**
Therese Murray (present),	Frederick E. Berry — 2.

ABSENT OR NOT VOTING.

Travaglini, Robert E. — 1.

The yeas and nays having been completed at seven minutes before twelve o’clock noon, the amendment was adopted.

The President in the Chair, Messrs. Glodis and Baddour moved to amend the bill in section 2, by striking out item 8100-0011 and inserting in place thereof the following item:

“8100-0011 The department of state police may expend an amount not to exceed $3,600,000 for certain police activities provided pursuant to agreements authorized in this item; provided, that for fiscal year 2003, the colonel of the state police may enter into service agreements with the commanding officer or other person in charge of a military reservation of the United States located in the commonwealth or the Massachusetts Development Finance Agency, established under chapter 23G of the General Laws; provided further, that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (1) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (2) provisions governing payment to the department for the cost of furnishings and equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of such services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the colonel may enter into service agreements as may be necessary to enhance the protection of persons, as well as assets and infrastructure located within the commonwealth, from possible external threat or activity, provided that such agreements shall establish the responsibilities pertaining to the operation and maintenance of police services including, but not limited to: (a) provisions governing payment to the department for the cost of regular salaries, overtime, retirement and other employee benefits; and (b) provisions governing payment to the department for the cost of equipment necessary to provide such police services; provided further, that the department may charge any recipients of police services for the cost of the services, as authorized by this item; provided further, that the department may retain the revenue so received and expend such revenue as necessary pursuant to this item to provide the agreed level of services; provided further, that the colonel may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received therefor; and provided further, that notwithstanding any general or special law to the contrary, for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate 3,600,000.

Highway Fund 100.0%.”

The amendment was adopted.

Recess.

At a half past twelve o’clock noon, at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at seven minutes before two o’clock P.M., the Senate reassembled, the President in the Chair.

Ms. Jacques moved to amend the bill in section 2, in item 4512-0200, by inserting after the words “Framingham Coalition for the Prevention of Alcohol and Drug Abuse;” the following words:— “provided further, that not less than $615,000 shall be expended for

the Celeste House in Plainville;".
The amendment was adopted.

Mr. McGee moved to amend the bill in section 2, in item 7002-0800 by striking out the figure "$629,329" and inserting in its place the following figure:— "$717,387".
The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7061-9614, by striking out the figure "$489,483" and inserting in place thereof the following figure:— $558,360".The amendment was *rejected*.

Messrs. Tarr and Baddour moved to amend the bill in section 22, in subsection (J), in paragraph (b), by striking out clauses (i) and (ii) and inserting in place thereof the following 2 clauses:—

"(i) the rate in effect for the prior taxable year minus 0.1 per cent for each 2.5 per cent of cumulative inflation-adjusted growth in baseline taxes, provided that the inflation-adjusted change in baseline taxes for the preceding 6 months, over the corresponding period 12 twelve months prior, is greater than zero; or

(ii) the rate in effect for the prior year".
The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 22, by striking out subsections (G), (H) and (I).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-two minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 27):

YEAS.

Baddour, Steven A.	Murray, Therese
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 9.
Lees, Brian P.	

NAYS.

Antonioni, Robert A.	Moore, Richard T.
Birmingham, Thomas F.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.

McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 27.
Montigny, Mark C.	

PAIRED.

YEAS.	NAYS.
Brian A. Joyce (present),	Frederick E. Berry
Robert S. Creedon, Jr.,	Michael W. Morrissey (present) — 4.

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

Mr. Hedlund moved to amend the bill by striking out section 22 and inserting in place thereof the following section:—

"SECTION 22. (A) Paragraph (m) of section 1 of chapter 62 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The term 'capital gain income' shall mean gain from the sale or exchange of a capital asset. The terms 'short-term capital gain', 'short-term capital loss', 'long-term capital gain', 'long-term capital loss', 'net short-term capital gain', 'net short-term capital loss', 'net long-term capital gain' and 'net long-term capital loss' shall have the meanings as provided in section 1222 of the Code, as amended and in effect for the taxable year. In determining the amount of gain or loss on any sale, exchange or other disposition of property, section 6F shall be taken into account and in determining the amount of long-term capital loss or short-term capital loss for any year, clause (2) of subsection (c) of section 2 shall be taken into account; provided, however, that losses from the sale or exchange of capital assets shall not include any item the deduction of which is or, but for some other section, would be prohibited by section 165(c), section 262 or section 267 of the Code.

(B) Paragraph (3) of subsection (a) of section 2 of said chapter 62 is hereby amended by adding the following subparagraph:—

(C) Notwithstanding this chapter, the amount of gain from the sale of a principal residence excluded from Massachusetts adjusted gross income shall not be less than the exclusion allowed under section 121 of the Code in effect on January 1, 2002.

(C) Subsection (b) of section 2 of said chapter 62, as so appearing, is hereby amended by striking out subparagraph (3) and inserting in place thereof the following subparagraph:—

(3) Part C gross income shall be capital gain income which equals the gains from the sale or exchange of capital assets held for more than 1 year.

(D) Said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:—

(c) Part A adjusted gross income shall be the Part A gross income less the following deductions and including the following class of gain income:

(1) Any excess of the deductions allowable under subsection (d) over the Part B gross income, but the amount deductible under this paragraph shall not exceed the amount of Part A gross income which is effectively connected with the active conduct of a trade or business of the taxpayer.

(2)(a) Losses from the sale or exchange of capital assets held for 1 year or less, provided that the excess of the Part A net capital loss for the year over the Part A net capital gain for the year, but not more than $2000, shall be applied against Part A interest and dividends; provided, however, that any remaining excess of the Part A net capital loss for the year shall be applied against capital gains included in Part C gross income. If Part A net capital loss for the year exceeds the Part C net capital gain for the year, then the excess of Part A net capital loss shall be a Part A capital loss under this paragraph in the succeeding taxable year.

(b) The excess of the Part C net capital losses for the year over the Part C net capital gains for the year shall be applied against capital gains included in Part A gross income. If Part C net capital losses for the year exceed the Part A net capital gain for the year, then the excess of Part C net capital losses over Part A net capital gain, but not more than $2000, shall be applied against any interest and dividends included in Part A gross income; provided that the aggregate amount of the deduction allowed in this subparagraph against any interest and dividends shall not be more than $2000. The excess of the Part C net capital loss over the Part A net capital gain shall be a Part C capital loss in the succeeding taxable year.

(3) A deduction equal to 50 per cent of the gain income from the sale or exchange of property defined under section 408 (m)(2) of the Code, as amended and in effect for the taxable year, and held for more than 1 year after reduction by any losses in paragraph (2).

(E) Said section 2 of said chapter 62, as so appearing, is hereby further amended by striking out subsection (e) and inserting in place thereof the following subsection:—

(e) Part C adjusted gross income shall be the Part C gross income less the following deductions and including the following class of gain income:

(1) Losses from the sale or exchange of capital assets held for more than 1 year. The amount of any class of net capital loss reduced by the amount of such loss that is deducted under subparagraph (b) of paragraph (2) of subsection (c), shall be Part C capital loss within the same class in the succeeding taxable year.

(2) Part C net gains shall be reduced by any remaining excess of the deductions allowable under subsection (d) over the Part B gross income after applying such excess Part B deductions against Part A gross income in accordance with paragraph (1) of subsection

(c). The amount deductible under this paragraph shall not exceed the amount of Part C gross income which is effectively connected with the active conduct of a trade or business of the taxpayer. Excess Part B deductions shall not be applied to increase the amount of any net capital losses and may not reduce the amount of any net capital gain below 0. The resulting amount of net capital gain or net capital loss shall comprise Part C adjusted gross income.

(F) Section 4 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) Part C taxable income shall be taxed at a rate of 5.3 per cent.

(G) Section 7A of chapter 64C of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 12, the words 'twelve and one-half' and inserting in place thereof the following figure:— 50.

(H) Said section 7A of said chapter 64C, as so appearing, is hereby further amended by striking out, in line 17, the words 'twenty-five per cent' and inserting in place thereof the following words:— 40 per cent.

(I) Section 7B of said chapter 64C, as so appearing, is hereby amended by striking out, in line 5, the words 'fifteen per cent' and inserting in place thereof the following words:— 30 per cent.

(J) Section 2A of chapter 65C of the General Laws, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A tax is hereby imposed upon the transfer of the estate of every person dying on or after January 1, 1997 who, at the time of death, was a resident of the commonwealth. The amount of the tax shall be the sum equal to the amount by which the credit for state death taxes that would have been allowable to a decedent's estate as computed under Code section 2011, as in effect on December 31, 2000, hereinafter referred to as the 'credit', exceeds the lesser of:

(i) the aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to the several states of the United States, other than the commonwealth, in respect to any property owned by that decedent or subject to those taxes as part of or in connection with his estate; or

(ii) an amount equal to the proportion of such allowable credit as the value of properties taxable by other states bears to the value of the entire federal gross estate wherever situated.

(K) Notwithstanding any general or special law to the contrary, the commissioner of revenue may establish a tax amnesty program during which all penalties that could be assessed by the commissioner for the failure of the taxpayer: (i) to timely file any proper return for any tax types and for any tax periods; (ii) to file proper returns which report the full amount of the taxpayer's liability for any tax types and for any tax periods; (iii) to

timely pay any tax liability; or (iv) to pay the proper amount of any required estimated payment toward a tax liability shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect, if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns for all tax types for all periods for which the taxpayer has or had a filing obligation and pays, or at the commissioner's discretion provides security for, the full amount of tax shown on the taxpayer's returns or upon the commissioner's assessments, together with all interest due thereon. The amnesty program shall be established for a period of 2 consecutive months within fiscal year 2003 to be determined by the commissioner, such period to expire not later than June 30, 2003.

The commissioner's authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the start date of the amnesty program selected by the commissioner, is or has been the subject of a tax-related criminal investigation or prosecution. The amnesty program shall not apply to a tax liability of any tax type for a period commencing on or after January 1, 2001 and shall not authorize the waiver of any interest or amount treated as interest. The commissioner may offer amnesty to those taxpayers who have either any unpaid self-assessed liability or who have been assessed a tax liability, whether before or after their filing of a return, which assessed liability remains unpaid.

To the extent that a taxpayer wishing to participate in the amnesty program has postponed the payment of an assessment of tax, interest and penalty under the authority of subsection (e) of section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights under said subsection (e) to further delay the payment of the tax and interest portions of the assessment. The tax and interest portions of the assessment shall be payable in full from the date of the commissioner's notice of assessment. Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the commissioner shall waive all penalties associated with that assessment. Thereafter, the taxpayer and the commissioner shall proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

Amnesty shall not apply to those penalties which the commissioner would not have the sole authority to waive including, but not limited to, fuel taxes administered under the International Fuel Tax Agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

(L) Notwithstanding any general or special law to the contrary, the state lottery commission shall structure the prize payouts for all lottery games in order to ensure that the aggregate lottery prize payout ratio, as defined by total prize payout as a percentage of total sales revenue, does not exceed the average prize payout ratio of the 10 highest payout ratio state lotteries for the most recent fiscal year for which data is available.

(M) Notwithstanding any general or special law to the contrary, video gaming machines may be placed at the 4 existing racetracks provided that not more than 20 per cent of all revenue generated shall revert to these establishments as profit.

(N) Notwithstanding any general or special law to the contrary, if the fiscal year 2003 State Lottery Fund revenues prove inadequate to support State Lottery Fund appropriations in sections 2 and 3, the comptroller, upon direction from the secretary of administration and finance, shall transfer funds from the Stabilization Fund to the State Lottery Fund sufficient to offset any potential shortfall in fiscal year 2003 revenues to the State Lottery Fund to ensure that said fund is in balance as of June 30, 2003.

(O) Subsections (G), (H), (I), (K), (L), (M) and (N) shall take effect upon their passage.

(P) Subsection (J) shall be effective with respect to estates of decedents dying on or after January 1, 2003.

(Q) The remaining provisions of this section shall be effective for tax years beginning on or after January 1, 2002."

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

Mrs. Sprague moved to amend the bill by striking out section 22 and inserting after section 73 the following section:—

"SECTION 73A. (A) Notwithstanding any general or special law to the contrary, the commissioner of revenue may establish a tax amnesty program during which all penalties that could be assessed by the commissioner for the failure of the taxpayer: (i) to timely file any proper return for any tax types and for any tax periods; (ii) to file proper returns which report the full amount of the taxpayer's liability for any tax types and for any tax periods; (iii) to timely pay any tax liability; or (iv) to pay the proper amount of any required estimated payment toward a tax liability shall be waived without the need for any showing by the taxpayer of reasonable cause or the absence of willful neglect, if the taxpayer, prior to the expiration of the amnesty period, voluntarily files proper returns for all tax types for all periods for which the taxpayer has or had a filing obligation and pays, or at the commissioner's discretion provides security for, the full amount of tax shown on the taxpayer's returns or upon the commissioner's assessments, together with all interest due thereon. The amnesty program shall be established for a period of 2 consecutive months within fiscal year 2003 to be determined by the commissioner, such period to expire not later than June 30, 2003.

The commissioner's authority to waive penalties during the amnesty period shall not apply to any taxpayer who, before the start date of the amnesty program selected by the commissioner, is or has been the subject of a tax-related criminal investigation or prosecution. The amnesty program shall not apply to a tax liability of any tax type for a period commencing on or after January 1, 2001 and shall not authorize the waiver of any interest or amount treated as interest. The commissioner may offer amnesty to those taxpayers who have either any unpaid self-assessed liability or who have been assessed a tax liability, whether before or after their filing of a return, which assessed liability remains unpaid.

To the extent that a taxpayer wishing to participate in the amnesty program has postponed the payment of an assessment of tax, interest and penalty under the authority of

subsection (e) of section 32 of chapter 62C of the General Laws, the taxpayer shall waive in writing all rights under said subsection (e) to further delay the payment of the tax and interest portions of the assessment. The tax and interest portions of the assessment shall be payable in full from the date of the commissioner's notice of assessment. Upon payment by the taxpayer of the tax and interest of the outstanding assessment, the commissioner shall waive all penalties associated with that assessment. Thereafter, the taxpayer and the commissioner shall proceed with all administrative appeal rights that the taxpayer wishes to pursue with respect to the assessment.

Amnesty shall not apply to those penalties which the commissioner would not have the sole authority to waive including, but not limited to, fuel taxes administered under the International Fuel Tax Agreement or under the local option portions of taxes or excises collected for the benefit of cities, towns or state governmental authorities.

(B) This section shall take effect upon passage of this act."
After remarks, the amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 22 by striking out subsections (A), (C), (D), (E) and (K).
After remarks, the amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 22 by striking out subsection (F).

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 10 — nays 27):

YEAS.

Baddour, Steven A.	Knapik, Michael R.
Creem, Cynthia Stone	Lees, Brian P.
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R. — 10.

NAYS.

Antonioni, Robert A.	Jacques, Cheryl A.
Brewer, Stephen M.	Magnani, David P.
Chandler, Harriette L.	McGee, Thomas M.
Creedon, Robert S., Jr.	Melconian, Linda J.
Fargo, Susan C.	Menard, Joan M.
Hart, John A., Jr.	Montigny, Mark C.
Havern, Robert A.	Moore, Richard T..
Morrissey, Michael W.	Shannon, Charles E.
Nuciforo, Andrea F., Jr.	Tolman, Steven A.
O'Leary, Robert A.	Travaglini, Robert E.

Pacheco, Marc R.	Tucker, Susan C.
Panagiotakos, Steven C.	Walsh, Marian
Resor, Pamela	Wilkerson, Dianne — 27.
Rosenberg, Stanley C.	

PAIRED.

YEA.	**NAY.**
Therese Murray (present),	Frederick E. Berry — 2.

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

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 22 by striking out subsection (S) and inserting in place thereof the following new subsections:—

"(S) Subsections (A), (C), (D), (E) and (K) shall be effective for tax years beginning on or after January 1, 2003.

(T) The remaining provisions of this section shall be effective for tax years beginning on or after January 1, 2002."

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 ten minutes before four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 12 — nays 25):

YEAS.

Baddour, Steven A.	Lees, Brian P.
Brewer, Stephen M.	Resor, Pamela
Glodis, Guy W.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 12.

NAYS.

Antonioni, Robert A.	
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Rosenberg, Stanley C.
Magnani, David P.	Shannon, Charles E.
McGee, Thomas M.	Tolman, Steven A.
Melconian, Linda J.	Travaglini, Robert E.
Menard, Joan M.	Walsh, Marian

Montigny, Mark C. Wilkerson, Dianne — 25.

PAIRED.

YEA.	**NAY.**
Therese Murray (present),	Frederick E. Berry — 2.

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

Mr. Travaglini in the Chair, Messrs. Baddour and Travaglini, Ms. Resor and Mr. Magnani moved to amend the bill in section 2, in item 7061-9404, by inserting after the words "weekend and school vacation programs," the following words:— "comprehensive after-school programs with a structured academic component as approved by the board of education,".
After remarks, the amendment was adopted.

Messrs. Nuciforo and Panagiotakos moved to amend the bill in section 2, by striking out item 1599-0036 and inserting in place thereof the following item:

"1599-0036 For the expenses of the Convention Center Authority; provided, that none of the funds appropriated in this item shall be used to fund either directly or indirectly through a contractual relationship, marketing and promotional offices that are not located in the commonwealth; provided further, that not less than $400,000 be made available for a meeting and convention marketing program to be administered by the Regional Tourist Council 13,733,770."
After remarks, the amendment was adopted.

Messrs. Joyce, Rosenberg, Tarr and Knapik, Ms. Chandler, Mr. Moore, Ms. Tucker, Ms. Fargo, Messrs. Travaglini and Hedlund, Ms. Creem, Messrs. Tisei and Tolman, Ms. Wilkerson and Messrs. O'Leary, Nuciforo, Montigny and Baddour moved to amend the bill in section 2, in item 4000-0600, in line 7, by inserting after the word "finance;" the following words:— "provided further, that expenditures from this item shall include a demonstration project known as the community choices initiative; provided further, that under this demonstration project, eligible MassHealth enrollees in the section 2176 elder care waiver shall be provided additional community services from among those services covered under the waiver or under the commonwealth's Title XIX state plan for the purpose of delaying or preventing an imminent nursing home placement; provided further, that elders at risk of imminent nursing home placement enrolled in the waiver shall be provided information about the availability of such additional services; provided further, that the criteria for determining whether an elder is at imminent risk of nursing home placement shall be defined in an interagency agreement between the division and the executive office of elder affairs and such determination may be delegated to a third party under the terms of the agreement; provided further, that for elders who under the aforementioned interagency agreement have been determined to be at such imminent risk, have chosen to remain in the community and for whom community care is medically appropriate, the division shall establish a benefit level that on a monthly average basis is equal to 50 per cent of the median monthly per capita expenditure made by the division for nursing facility services provided to elders; provided further, that such benefits may

include needed waiver services or other needed community services available to those elders under the state plan; provided further, that the interagency agreement shall be amended to implement the demonstration project; provided further, that the agreement shall describe how adequate levels of funding will be made available, either through division payments to providers or through funds transfers to the executive office, to reimburse the benefit levels described herein; provided further, that the division, the executive office of elder affairs and each aging services access point shall enter into a three-party agreement, which shall describe a system to be followed by each aging services access point for authorizing and managing the delivery and utilization of both waiver and non-waiver community services needed by those elders at risk of imminent placement in a nursing home; provided further, that each aging services access point receiving funds under the demonstration project shall submit to the division of medical assistance and to the executive office of elder affairs monthly reports on the services provided and the expenditures made to those elders served under the 2176 elder care waiver; provided further, that the division and the executive office of elder affairs shall each prepare a report on all relevant costs and savings associated with the demonstration project; and provided further, that the report shall be submitted to the senate and house committees on ways and means by April 1, 2003;".

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

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

Mr. Joyce moved to amend the bill in section 2, in item 2440-0010, by inserting after the word "Somerville", in line 14, the following words:— "; provided further, that $75,000 shall be expended for irrigation of the Houghton's pond ball fields".
The amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows, to wit:

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill authorizing the city of Worcester to place a conservation restriction on Green Hill Park (see House, No. 4939) (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 four o'clock P.M., as follows, to wit (yeas 38 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at fourteen minutes past four 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 Acting President on Wednesday, June 12, 2002, and was laid before the Acting Governor on Thursday, June 13, 2002, for her approbation.

Report of a Committee.

Ms. Resor, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill designating the Merrimack Valley Regional Transit Authority Transportation Center/Lawrence as the Senator Patricia McGovern Transportation Center (Senate, No. 2359).

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act designating the Merrimack Valley Regional Transit Authority Transportation Center in Lawrence as the Senator Patricia McGovern Transportation Center."

Bill Recalled from the Acting Governor.

On motion of Mr. Panagiotakos, it was voted that a messenger be appointed to wait upon Her Honor the Lieutenant-Governor, Acting Governor, requesting the return to the Senate of the engrossed Bill relative to gun ranges (see House, No. 313, changed and amended).

Mr. Panagiotakos was appointed the messenger. Subsequently, the bill was returned to the Senate.

Engrossed Bill.

An engrossed Bill designating certain bridges in the town of Saugus and the city of Woburn (see House, No. 4612, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, — was placed before the Senate.

On motion of Ms. Jacques, the Senate reconsidered the vote by which it had passed the bill to be engrossed.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. McGee presented an amendment, striking out section 2 and inserting in place thereof the following section:—

"SECTION 2. Chapter 474 of the acts of 1996 is hereby amended by striking out section 2 and inserting in place thereof the following section:—

Section 2. The bridge located on Main street and spanning United States highway route 1 in the town of Saugus shall be designated and known as the Saugus Veterans of Foreign Wars S/Sgt. Arthur F. DeFranzo Post 2346 Bridge. The department of highways shall erect and maintain a suitable marker on the bridge bearing the designation in compliance with the standards of the department."

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Pacheco moved to amend the bill in section 2, in item 0810-0612 by adding the following words:— "provided further, that all investigator positions funded by this item shall be filled with the current investigators of the bureau, and all additional investigator positions that may be filled by this item, shall first be offered to investigators of the bureau who were either laid off or retired between February 15, 2002 and March 31, 2002; and provided further, that no such offer shall be made to an eligible laid-off or retired investigator until all eligible laid-off or retired investigators with more years of creditable service have received an offer".

The amendment was adopted.

Mr. Pacheco moved to amend the bill by inserting, after section 73, the following new section:—

"SECTION 73A. Notwithstanding any general or special law to the contrary, the retirement allowance being received by any investigator from the bureau of special investigations who retired between February 15, 2002 and March 31, 2002 and who accepts an offer for an investigator position between the effective date of this act and June 30, 2003 shall cease immediately upon acceptance of the position. Any years of creditable service, years of age, or combination of years of creditable service and age that were credited to the employee under chapter 219 of the acts of 2001 or other early retirement incentive program shall be removed from the credit of the employee. Any

eligible retired investigator from the bureau of special investigations who accepts an offer for an investigator position under this section shall become a contributing member in service of the retirement system as of the date of returning to work as if his employment was never interrupted. No creditable service shall be credited for any time spent laid off or retired."

The amendment was adopted.

Mr. Morrissey moved to amend the bill in section 23, in subsection (A), by striking out the proposed subclause (20) to subsection (b) of section 21 of chapter 62C of the General Laws and inserting in place thereof the following subclause:—

"(20) The disclosure to the attorney general of such information as the attorney general may require for use in enforcing clause (b) of section 2 of chapter 94E."

The amendment was adopted.

Mr. Tisei moved to amend the bill by striking out section 31 and inserting in place thereof the following section:—

"SECTION 31. Chapter 111H of the General Laws is hereby repealed."

The amendment was adopted.

Ms. Menard moved to amend the bill by inserting after section 73A (inserted by amendment), the following section:—

"SECTION 73B. The department of medical assistance shall study the feasibility and legality of mandating pharmacy co-payments for MassHealth recipients. The conclusions of these findings are to be reported to the clerks of the house of representatives and the senate."

The amendment was adopted.

Mr. Glodis moved to amend the bill in section 35, in subsection (B), by inserting after clause (f) the following clause:—

"(g) payment for services provided to MassHealth members by pharmacies participating in MassHealth."

The amendment was adopted.

Mr. Moore, Ms. Fargo, Mr. O'Leary, Ms. Walsh and Mr. Joyce moved to amend the bill in section 35, by adding the following subsection:—

"(D) The division of health care finance and policy, in conjunction with the division of medical assistance, shall conduct 2 studies of the effectiveness and finances of the nursing homes and pharmacy user fee programs including, but not limited to, the effect

on the number of recipients of medicaid-funded long-term care, the long-term need for the fee programs, effect of the user fee on nonmedicaid facilities, use of the funds in each program, the additional costs, if any, incurred by the residents of the nursing homes as the result of the fee assessed on nursing homes and the additional costs, if any, incurred by prescription drug consumers as the result of the fee assessed on pharmacies. The division of health care finance and policy shall consult with the nursing home industry on the nursing home fee and shall consult with the pharmacy industry on the pharmacy fee. The findings of the studies shall be filed with the house and senate committees on ways and means and the chairs of the joint committee on health care on or before October 15, 2004."

After remarks, the amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill by striking out section 66 and inserting in place thereof the following section:—

"SECTION 66. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, the comptroller shall transfer $750,000,000 from the Commonwealth Stabilization Fund to the General Fund."

After remarks, the amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 73 by striking out paragraph (b) and inserting in place thereof the following paragraph:—

"(b) The president of the Commonwealth Corporation shall establish an advisory board to advise the Corporation on all matters relating to the development of a self-sufficiency standard and future revisions to it. The advisory board shall be composed of 18 members, each of whom shall serve a term of 2 years. The following shall be members of the board: the director of labor and workforce development or his designee; the secretary of health and human services or his designee; the director of housing and community development or her designee; 2 members of the senate, 1 of whom shall be appointed by the president of the senate and 1 by the senate minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker and 1 by the house minority leader; the chairman of the board of higher education or his designee; 1 faculty member of a Massachusetts university or college with research expertise in the areas of demographics, living costs and labor markets to be selected by the Commonwealth Corporation; and representatives of the following 9 organizations to be nominated by their respective organizations and selected by the Commonwealth Corporation: the Massachusetts Family Economic Self-Sufficiency Project; the Massachusetts AFL-CIO; the Associated Industries of Massachusetts; the Massachusetts Association of Community Colleges; the Massachusetts Taxpayers Foundation; the Massachusetts Workforce Boards Association; the Massachusetts Community Action Program Directors' Association; the Citizens' Housing and Planning Association; and the Massachusetts Association of Day Care Agencies. Members of the advisory board shall serve without compensation. The Commonwealth Corporation shall reimburse the

members for necessary expenses incurred in furtherance of their duties, and shall provide adequate staff to the advisory board so that it can perform its functions effectively."

The amendment was adopted.

Mr. Hart moved to amend the bill in section 76, in subsection (b), in lines 10 and 11, by striking out the words "a representative of community health centers" and inserting in place thereof the following words:— "a representative of the Massachusetts League of Community Health Centers".

The amendment was adopted.

Ms. Murray and Ms. Chandler moved to amend the bill in section 76, in subsection (b), by inserting after the words "the dean of a school of veterinarian medicine located within the commonwealth", the following words:— "a representative of the Massachusetts Association of Health Plans, a representative of the Home Health Care Association of Massachusetts, Inc.".

The amendment was adopted.

Mr. Lees moved to amend the bill in section 76, in paragraph (b), by inserting after the word "commonwealth," the first time it appears, in line 24, the following words:— "the executive director of the Massachusetts Pharmacists Association or his designee,".

The amendment was adopted.

Ms. Menard moved to amend the bill in section 76, subsection b, by inserting after the word "Association", in line 14, the following words:— ", a representative of the Massachusetts Association of Physician Assistants".

The amendment was adopted.

Messrs. Moore, Tarr and Tisei moved to amend the bill in section 79, in subsection (a), by inserting after the word "league", in line 7, the following words:— ", the Massachusetts Hospital Association, the Massachusetts Association of Behavioral Health Systems, the Massachusetts People/Patients Organized for Wellness, Empowerment and Rights".

The amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill in section 80, by striking out paragraph (b) and inserting in place thereof the following new paragraph:—

"(b) The special commission shall consist of 16 members. Eight members shall be appointed by the governor, including the chair of the department of telecommunications and energy, or his designee; the commissioner of energy resources, or his designee; the commissioner of the division of capital asset management and maintenance, or his

designee; the secretary of the executive office of administration and finance, or his designee; the secretary of the department of transportation, or his designee; the president of the University of Massachusetts or his designee; the superintendent of state office buildings or his designee; and a representative from the Massachusetts Technology Park Collaborative. Three members shall be appointed by the senate president, including the senate chair of the joint committee on energy; a representative from the International Brotherhood of Electrical Workers; and a representative from an organization that addresses energy conservation issues. One member shall be appointed by the senate minority leader. Three members shall be appointed by the speaker of the house of representatives, including the house chair of the joint committee on energy; a representative from the National Association of Government Employees; and a representative from an organization that addresses energy conservation issues. One member shall be appointed by the house minority leader. Such members shall serve on a special commission for a term of 270 days or until the commission's report is filed with the clerks of the senate and the house of representatives."
The amendment was adopted.

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

"SECTION 17A. Paragraph (g1/2) of section 4 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following:—

"A member of the teachers' retirement system who is eligible for credit for out-of-state service under subsection 4 of section 3 of chapter 32 shall be eligible for the maternity leave provision under this paragraph, provided that the member shall have resigned for the purposes of maternity leave prior to 1975 in the state for which she claims creditable out-of-state service; provided further, that the member has not already received credit for maternity leave; and provided further, that the member shall pay into the Annuity Savings Fund of the system by December 31, 2003."
The amendment was adopted.

Ms. Fargo, Ms. Creem, Messrs. Hart and Hedlund, Ms. Resor and Ms. Walsh moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. 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 adopted.

Mr. Glodis moved to amend the bill by inserting after section 73B (inserted by amendment), the following section:—

"SECTION 73C. Chapter 1078 of the acts of 1973 is hereby amended by striking out section 8A."
After remarks, the amendment was adopted.

Mr. Moore moved to amend the bill by inserting after section 10 the following section:—

"SECTION 10A. (A) Section 13 of chapter 13 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) The governor shall appoint 17 members to a board of registration in nursing, hereinafter called the board. When making such appointments the governor shall consider persons suggested by nursing organizations in the commonwealth. Members shall be residents of the commonwealth. The composition of the board shall be as follows: 9 registered nurses; 4 licensed practical nurses; 1 physician registered pursuant to chapter 112; 1 pharmacist registered under section 24 of chapter 112 and 2 consumers."

Said chapter 13, as so appearing, is hereby amended by striking out section 22 and inserting in place thereof the following section:—

"SECTION 22. There shall be a board of registration in pharmacy, in the 3 following sections called the board, consisting of 11 persons, who shall be residents of the commonwealth. Five of these persons shall be registered pharmacists and shall have had at least 10 consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions, and shall actually be engaged in the drug business. At the time of appointment to the board, at least 1 of such 5 members shall be an independent pharmacist employed in the independent pharmacy setting and at least 1 of 5 members shall be a chain pharmacist employed in the chain pharmacy setting, but not more than 2 pharmacists in any 1 practice setting may serve on the board at any one time. For the purposes of this section 'independent pharmacist' shall mean a pharmacist actively engaged in the business of retail pharmacy and employed in an organization of 9 or fewer registered retail drugstores in the commonwealth under the provisions of section 39 of chapter 112 and employing not more than 20 full-time pharmacists, and 'chain pharmacist' shall mean a pharmacist in the employ of a retail drug organization operating 10 or more retail drug stores within the commonwealth under the provisions of said section 39; but an independent pharmacist and a chain pharmacist shall represent two distinct practice settings. One person shall be a registered pharmacist and shall have had at least 10 years of experience in the compounding and dispensing of physicians' prescriptions, and shall actually be engaged as a pharmacist in a non-profit hospital in the commonwealth. One person shall be a registered pharmacist and shall have had at least 10 years of experience employed in a long-term care pharmacy setting. Two members shall be representatives of the public, subject to the provisions of section 9B. One member shall be a physician registered pursuant to chapter 112 and 1 member shall be a nurse registered pursuant to chapter 112. No more than 1 member shall reside in the same senatorial district. One member shall annually in November be appointed by the governor, for 5 years from December first following.

(B) Section 10 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be a board of registration in medicine, in this section and section 11 called the board, consisting of 9 persons appointed by the governor, who shall be residents of the commonwealth, 5 of whom shall be physicians registered under section 2 of chapter 112, or corresponding provisions of earlier laws, 1 who shall be a nurse registered under chapter 112, 1 who shall be a pharmacist registered under section 24 of chapter 112 and 2 of whom shall be representatives of the public, subject to section 9B. Each member of the board shall serve for a term of 3 years.

(C) Section 11B of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be a board of respiratory care, hereinafter called the board, which shall consist of 7 members to be appointed by the governor and the appointments may be from among a list of nominations submitted by the Massachusetts Society for Respiratory Therapy or its successor. Members of the board shall be residents of the commonwealth and citizens of the United States. Two of such members shall be respiratory therapists licensed in accordance with section 23S of chapter 112 except that such members constituting the first board shall be persons eligible for licensing as practitioners of respiratory care; 2 of such members shall be physicians with pulmonary related specialties licensed in accordance with the provisions of section 2 of said chapter 112, 1 such member shall be a nurse with pulmonary related experience licensed in accordance with said chapter 112, and 2 of such members shall be consumers of respiratory care services selected from and representing the general public.

(E) Section 19 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be a board of registration in dentistry in the following 2 sections called the board, consisting of 9 persons, each of whom shall be a legal resident of the commonwealth, to be appointed by the governor, 6 of whom shall be graduates of a reputable dental college and be reputable dentists who have maintained a license to practice dentistry in the commonwealth for the 8 years next preceding his appointment, 2 of whom shall be representatives of the public, subject to the provisions of section 9B, 1 of whom shall be a graduate of a reputable school of dental hygiene and a reputable dental hygienist who has maintained a license to practice dental hygiene in the commonwealth for the 5 years next preceding his appointment. No more than 1 member of the board who is a dentist may be a full time member of the faculty or a trustee of any institution engaged in educating dentists or having power to confer degrees in dentistry. The governor shall appoint annually in April, for a term of 5 years, a successor to those members of the board whose terms are expiring in that month. No member shall serve more than 2 full terms.

(F) Section 73 of said chapter 13, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

There shall be a board of nursing home administrators, in this section and in sections 74 and 75 called the board, consisting of the commissioner of public health or his designee,

the commissioner of public welfare or his designee, the secretary of elder affairs or his designee, and 11 members appointed by the governor. One member shall be an educator actively engaged in the field of health care administration, 1 shall be a medical doctor, 1 shall be a registered nurse, 1 shall be a hospital administrator actively engaged in long term health care administration, and 2 shall be representatives of the public, subject to section 9B. Five members shall be nursing home administrators who shall have been practicing for at least 5 years and who shall be eligible for licensure; and 1 of the 5 shall be the administrator of a nonproprietary nursing home. Not more than 5 members shall be administrators of nursing homes. Each appointive member of the board shall serve for a term of 3 years. Any vacancy shall be filled by the governor for the unexpired term. Members may be removed by the governor for cause after due notice and hearing."
After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill by inserting after section 45 the following section:—

"SECTION 45A. Item 7004-0089 in section 2 of chapter 127 of the acts of 1999 is hereby amended by striking out, in line 31, the words 'or structural reinforcement of the Bolivar street' and inserting in place thereof the following words:— of the Bolivar street public works garage in the town of Canton and to purchase land or buildings, to prepare land and to erect or remodel existing buildings or other structures for the construction and equipping of."
The amendment was adopted.

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

"SECTION 18A. Chapter 40 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 5B and inserting in place thereof the following section:—

Section 5B. For the purpose of creating one or more stabilization funds, cities, towns and districts may appropriate in any year an amount not exceeding, in the aggregate, 10 per cent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property or such larger amount as may be approved by the emergency finance board established under section 47 of chapter 10. The aggregate amount in such funds at any time shall not exceed 10 per cent of the equalized valuation of the city or town as defined in section 1 of chapter 44. Any interest shall be added to or become a part of such applicable funds.

The treasurer shall be the custodian of all such funds and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, co-operative banks or trust companies organized under the laws of the commonwealth, or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth or in federal savings and loans associations situated in the commonwealth.

At the time of creating any such fund the city, town or district shall specify, and at any later time may alter, the purpose or purposes of the fund, which may be for any lawful purpose, including without limitation an approved school project under chapter 70B or any other purpose for which the city, town or district may lawfully borrow money. Such specification and any such alteration of purpose, and any appropriation of funds into or out of any such fund, shall be approved by 2/3 vote, except as provided in paragraph (g) of section 21C of chapter 59 for a majority referendum vote. Subject to said section 21C, in a town or district any such vote shall be taken at an annual or special town meeting, and in a city any such vote shall be taken by city council.

SECTION 2. Paragraph (g) of section 21C of chapter 59, as so appearing, is hereby amended by adding the following paragraph:—

If a question as aforesaid shall provide for assessing taxes for the purpose of funding 1 or more stabilization funds established pursuant to section 5B of chapter 40, the assessors shall in each successive fiscal year assess property taxes for the same purpose in an amount equal to 102 1/2 percent of the amount assessed in the next preceding year in which additional taxes were assessed for such purpose, but only if the local appropriating authority votes by a 2/3 vote to appropriate such increased amount in such year for such purpose; but the voters of the city or town, by majority vote at a referendum, may alter the purpose of the stabilization fund or authorize the assessment of such additional property taxes for another purpose. In any year in which the local appropriating authority does not vote to appropriate such amount as aforesaid, the total property tax levy for such year shall be reduced by the amount that could otherwise have been assessed, so that such additional taxes may not be assessed for any other purpose. The maximum levy limit under paragraph (f) shall not be affected by any such reduction in the levy for such year." After remarks, the amendment was *rejected.*

Mr. O'Leary, Ms. Walsh, Ms. Creem, Messrs. Lees, Pacheco, Knapik, Hedlund and Tarr and Ms. Tucker moved to amend the bill by inserting after section 21 the following section:—

"SECTION 21A. (A) Section 1 of chapter 62 of the General Laws, as most recently amended by chapter 96 of the acts of 2002, is hereby further amended by striking out the definition of 'Code' and inserting in place thereof the following definition:—

(c) 'Code', the Internal Revenue Code of the United States, as amended on January 1, 1998 and in effect for the taxable year; provided, however, that references in this chapter to sections 62(a), 72, 274(m), 274(n), 401 through 420, inclusive, but excluding 402A and 408(q), 457, 529, 3401 and 3405 of the Internal Revenue Code of the United States, shall refer to the Internal Revenue Code, as amended and in effect for the taxable year.

(B) Paragraph (2) of subsection (a) of section 2 of said chapter 62, is hereby amended by inserting at the end thereof the following subparagraph:—

(L) Any amount of Massachusetts gross income attributable to earnings or distributions from a qualified tuition program, as defined in section 529 of the Code, provided that any

distributions are used to pay for qualified educational expenses, as defined in said section 529.

(c) Said subsection (a) is hereby further amended by striking out paragraph (3) and inserting in place thereof the following paragraph:—

(3) Notwithstanding any other provision of this chapter:

(A) In the case of a distribution within the meaning of subsection (d)(3) of section 408A of the Code any amount included as income for federal tax purposes under said section 408A by reason of such distribution shall be included in gross income and, to the extent such distribution is included in adjusted gross income under subsection (c), shall be taken into account in determining taxable income under this chapter in the same manner as under subparagraph (A) of said subsection (d)(3) of said section 408A of said Code.

(B) Gain from the sale of a principal residence included in federal gross income under section 121 of the Code in effect on January 1, 1988, but excluded from federal gross income under section 121 of the Internal Revenue Code in effect for the taxable year, shall not be included in Massachusetts adjusted gross income. For the purposes of recognizing gain on the sale of a principal residence, the provisions of section 1034 of said Code shall not apply.

(C) Effective on and after January 1, 2002, any contributions (including employer contributions, employee deferrals and rollover contributions) allocations under, or distributions from, stock bonus, pension, profit-sharing, annuity or deferred payment plans or contracts or employee stock ownership plans described in sections 401(a), 402, 403, 404, 409 or 457 of the Code, or simplified employee pensions under section 408(k) of the Code, shall be included in gross income of any taxpayer only to the extent includible in such taxpayer’s gross income for federal income tax purposes under the Code.

(D) This section shall take effect for tax years beginning on or after January 1, 2002."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes before five o’clock P.M., on motion of Mr. O’Leary, as follows, to wit (yeas 38 — nays 0):

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“SECTION 73H. (a) The International Emergency Management Assistance Compact, hereinafter referred to as the ‘compact’, is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as ‘party jurisdictions.’ For the purposes of this agreement, the term ‘jurisdiction’ may include any or all of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut and the provinces of Québec, New Brunswick, Prince Edward Island, Nova

Scotia and Newfoundland and such other states and provinces as may hereafter become a party to this compact.

The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the governor or premier of an affected jurisdiction asks for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation including, if necessary, emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

(b) Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care and welfare of the people in the event of any emergency or disaster declared by a party jurisdiction, shall be the underlying principle on which all articles of this compact are understood.

On behalf of the governor of each state or premier of each province participating in the compact, the legally designated official who is assigned responsibility for emergency management shall be responsible for formulation of the appropriate interjurisdictional mutual aid plans and procedures necessary to implement this compact and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations or ordinances required for that purpose.

(1) It shall be the responsibility of each party jurisdiction to formulate procedural plans and programs for interjurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall:

(A) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

(B) initiate a process to review party jurisdictions' individual emergency plans and develop a plan to determine the mechanism for the interjurisdictional cooperation;

(C) develop interjurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

(D) assist in warning communities adjacent to or crossing jurisdictional boundaries;

(E) protect and ensure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

(F) inventory and agree upon procedures for the interjurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

(G) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances over which the province or state has jurisdiction that impede the implementation of the responsibilities described in this subsection.

(2) The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 30 days of the verbal request. Requests shall provide the following information:

(A) a description of the emergency service function for which assistance is needed and of the mission including, but not limited to, fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services and search and rescue;

(B) the amount and type of personnel, equipment, materials and supplies necessary and a reasonable estimate of the length of time they will be needed; and

(C) the specific place and time for staging of the assisting party's response and a point of contact at the location.

(3) There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans and resource records relating to emergency capabilities to the extent authorized by law.

(d) A party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent

necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction shall be responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

(e) Whenever a person holds a license, certificate or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party jurisdiction, such person shall be deemed to be licensed, certified or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by executive order or otherwise.

(f) A person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall be agents of the requesting jurisdiction for tort liability and immunity purposes. A person or entity rendering aid in another jurisdiction pursuant to this compact shall not be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

For the purposes of this subsection, good faith shall not include willful misconduct, gross negligence or recklessness.

(g) Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact shall preclude any jurisdiction from entering into supplementary agreements with another jurisdiction or affect any other agreements already in force among jurisdictions. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

(h) Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those

forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

(i) A party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under subsection (h) shall not be reimbursable under this section.

(j) Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees and, after the termination of the emergency or disaster, for the repatriation of such evacuees.

(k)(1) This compact is effective upon its execution or adoption by any 2 state or province jurisdictions and is effective as to any other jurisdiction upon its execution or adoption thereby, subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or state legislation that may be required for the effectiveness of the compact.

(2) A party jurisdiction may withdraw from this compact but the withdrawal shall not take effect until 30 days after the governor or premier of the withdrawing party jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions.

The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

(3) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

(l) This compact shall be construed to effectuate the purposes stated in subsection (a). If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstance shall not be not affected.

(m) The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

(n) This compact may be amended by agreement of the party jurisdictions.
After remarks, the amendment was adopted, by a vote of 12-7.

Ms. Melconian in the Chair, Mr. Moore moved to amend the bill by inserting after section 82C (inserted by amendment), the following section:—

"SECTION 82D. There shall be a special commission consisting of the house and senate chairs of the committees on housing and urban development, public safety, 1 member of the minority from the house appointed by the minority leader of the house of representatives and 1 member of the minority party in the senate appointed by the minority leader, the commissioners of housing and urban development and public safety, the administrator of the school building assistance bureau, the chairman of the state board of buildings regulations and standards and the following persons to be appointed by the governor, a representative of the building trades, a representative from the Boston Society of Architects, an individual representing licensed building inspectors and an individual representing general contractors.

The commission shall make an investigation and study of the enforcement and application of the state building code where state funds, grants, bonds or other sources of finance are involved in the construction, planning or design of a building which will have a municipal function or purpose. The commission shall focus its investigation on determining whether the state building code is being properly adhered to in such construction and design, whether any buildings are currently occupied in violation of the state building code and whether licensed building inspectors are properly certified in accordance with state law. The commission shall report its findings and recommendations, together with drafts of legislation, necessary to implement such recommendations, by filing the same with the clerks of the house of representatives and the senate on or before the last Wednesday in December, 2003.
The amendment was adop`ted.

Mr. Moore moved to amend the bill by inserting after section 51A (inserted by amendment) the following section:—

"SECTION 51B. The last sentence of section 74 of chapter 177 of the acts of 2001 is hereby amended by striking out the word 'August' and inserting in place thereof the following word:— December."
The amendment was adopted.

Mr. Creedon moved to amend the bill by inserting after section 40, the following 2 sections:—

"SECTION 40A. Section 12 of chapter 254 of the General Laws, as so appearing, is hereby amended by striking out, in lines 70 and 71, the words 'last performed or

furnished labor or labor materials' and inserting in place thereof the following words:— filed the statement required by section 8,.

SECTION 40B. Section 14 of said chapter 254, as so appearing, is hereby amended by inserting after the word 'after', in line 12, the following words:— the later of the filing of the statement required by section eight or".
The amendment was adopted.

Mr. Tisei moved to amend the bill by inserting after section 73H (inserted by amendment) the following section:—

"SECTION 73I. Notwithstanding any general or special law, rule or regulation to the contrary, the division of medical assistance may expend any money received from a Robert Wood Johnson Foundation's State Coverage Initiatives Demonstration Grant to provide benefits, including administrative costs, described in section 9C of chapter 118E of the General Laws to employees and employers who are further described under the terms of the program set forth in the Demonstration Grant, and may expend additional monies, if needed, from any appropriation for benefits provided under said section 9C to also provide benefits specified in the Demonstration Grant without regard to the income limits set forth in section 9C. But the division shall seek to obtain a modification of its Demonstration Project, as defined in subsection (1) of section 9A of chapter 118E, that would allow for federal reimbursement for some or all of the expenditures for providing the benefits specified in the Demonstration Grant. Sections 3 to 8, inclusive, of chapter 176J, and 211 CMR 66.00 shall not apply to health coverage provided by carriers under this section."
The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 20, the following section:—

"SECTION 20A. Chapter 58A of the General Laws is hereby amended by striking out section 5."
The amendment was *rejected*.

Mr. Lees moved to amend the bill by inserting after section 82D (inserted by amendment), the following section:—

"SECTION 82E. There shall be a special commission to make an investigation and study relative to the funding of the current waiting list for major reconstruction projects, as established under the school building assistance program. The commission shall consist of 3 members of the senate, 1 of whom shall be the minority leader or his designee, 3 members of the house of representatives, 1 of whom shall be the minority leader or his designee, the treasurer of the commonwealth, the commissioner of education, the secretary of administration and finance and 3 persons appointed by the governor. In addition, the special commission shall investigate and study the feasibility of converting the funding program for major reconstruction projects to a low interest loan program.

The commission may call upon officials of the commonwealth or its various subdivisions for such information as it may desire in the course of its investigation and study. The

commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives on or before December 31, 2002."
The amendment was adopted.

Messrs. Lees and Hedlund moved to amend the bill by inserting after section 73, the following section:—

"SECTION 73A. 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 5.6 percent income tax on Part A taxable income and Part B taxable income;

b) all state personal income tax schedules and instructions booklets shall contain a table providing the tax at various incomes calculated at the voluntary rate of tax of 5.6 percent;

c) the department of revenue shall maintain a record of the number of taxpayers who choose to elect the 5.6 percent rate;

d) The department of revenue shall maintain a record of the amount of revenue collected from taxpayers who have elected to pay the 5.6 percent rate".
The amendment was *rejected*.

Ms. Fargo and Messrs. Lees, O'Leary, Joyce and Moore moved to amend the bill by inserting after section 73I (inserted by amendment) the following section:—

"SECTION 73J. The department of revenue, in consultation with the department of public health and the division of health care finance and policy, shall study the feasibility and cost of tax provisions which provide incentives for individuals to provide for their own long term care through savings, through a life-care or continuing care contract with a continuing care retirement community or the purchase of long term care insurance policies. The department shall consider alternatives such as, but not limited to, tax credits for individuals who receive benefits under a long term care policy in the commonwealth or who reside in a continuing care retirement community or a residential care facility, or a rental deduction for the occupancy portion of fees paid to continuing care retirement communities, residential care facilities and nursing facilities. The department shall submit the report of the study to the house and senate committees on ways and means and the joint committee on taxation not later than November 30, 2002."
The amendment was adopted.

Ms. Fargo and Mr. O'Leary moved to amend the bill by inserting, after section 22, the following section:

“SECTION 22A. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following subsection:—

(1)(l) A credit shall be allowed against tax liability imposed by this chapter in the amount of $1,250 for any taxpayer who:

(i) is receiving benefits under the terms of a contract of insurance for long term care;

(ii) has entered into a life care or continuing care contract with a continuing care retirement community; or

(iii) is paying privately for nursing home or rest home care in a facility licensed by the department of public health under section 72 of chapter 111.

(2) No taxpayer shall be entitled to more than 1 credit under the terms of this subsection, but a husband and wife shall each be entitled to the credit whether they file a joint or separate return."
The amendment was *rejected*.

Messrs. Lees, Tisei and Knapik moved to amend the bill by inserting after section 35, the following section:—

“SECTION 35A. (A) The General Laws are hereby amended by inserting after chapter 128C the following chapter:—

CHAPTER 128D.

THE MASSACHUSETTS GAMING COMMISSION.

Section 1. There is hereby created a body politic and corporate to be known as the Massachusetts Gaming Commission which, while within the executive office of Administration and Finance, shall not be subject to the supervision and regulation of the executive office or any other department, commission, board, bureau or agency except as specifically provided in any general or special law to the contrary. The commission may, subject to this chapter, implement, license, regulate, improve, police, administer, control and operate (a) casino gaming and related activities and services as defined herein; and (b) the gaming service industry as defined herein throughout the commonwealth.

The commission is hereby constituted a public instrumentality. The exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

Section 2. (a) The commission shall consist of 3 members to be appointed by the governor who shall be residents of the commonwealth, not more than 2 of whom shall be of the same political party. The governor shall designate 1 of the members as chairperson who shall serve as such during his term of office. Pursuant to the following provisions, a person shall not be eligible for appointment to the commission if he:

(1) holds elective office in state, county, or local government.

(2) is an officer or official of any political party.

(3) was formerly a licensee or an unlicensed employee of a gaming licensee within the last five years prior to an appointment to the commission.

(4) is actively engaged or has direct pecuniary interest in gaming activities.

(5) has been convicted of a felony.

The term of office of each member of the commission shall be 5 years. After the initial term, no member may serve more than 2 consecutive 5 year terms. Any vacancies shall be filled by the governor within 60 days of the occurrence of a vacancy. Any member of the commission may continue beyond the expiration date of his term until the appointment of a successor but not longer than 6 months. Any commissioner may be removed by the governor for just cause. The governor shall immediately remove any commissioner who violates or acts contrary to the eligibility requirements established in subsection (a) of this section.

(b) The commission members shall devote time and attention to the business of the commission as necessary to discharge their duties. The chairman shall devote his time during normal business hours to the business of the commission. For the purposes of this chapter, the chairman shall be paid an annual salary of $130,000. The members of the commission shall be compensated for work performed for the commission at $50,000 per annum. Commission members shall be reimbursed for travel and other costs necessarily incurred in the performance of official duties. Before entering upon the duties of the office, each member shall swear that he is not pecuniarily interested in any business or organization holding a gaming license under this act, or doing business with any gaming service industry, as defined by this act and shall submit to the governor and the state ethics commission 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 spouse. Such 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 any person licensed or registered with the commission during his term of office. A member of the commission shall be eligible for reappointment. The commission shall elect 1 of the members as vice chairperson thereof. Two members of the commission shall constitute a quorum and the affirmative vote of 2 members shall be necessary for any action taken by the commission. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members shall be eligible to participate in any benefit plan approved by the commission. The commission may indemnify any member, officer or employee from personal expenses or damages incurred, arising out of any claim, suit, demand or judgment which arose out of any act or omission of such member, officer or employee, including the violation of the civil rights of any person under any federal law if, at the

time of such act or omission such member, officer or employee was acting within the scope of his official duties or employment.

Section 3. The following words shall have the following meanings unless the context clearly requires otherwise:—

(a) ‘Gaming service industry’, any form of enterprise which provides more than $100,000 per annum in goods or services regarding the realty, construction, maintenance, or business of a proposed or existing gaming facility on a regular 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 equipment or devices; 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 provided that professional services such as accountants, auditors, attorneys, and broker dealers, or other professions which are regulated by a public agency, are exempt from the provisions of this subsection.

(b) ‘Game’ and ‘gambling game’, any game approved by the commission and played with cards, dice, equipment or any mechanical, electromechanical 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 ten or chapter 271 of the General Laws of the Commonwealth.

(c) ‘Casino gaming,’ ‘gambling’ and ‘gaming operations’, means to deal, operate, carry on, conduct, maintain, or expose for play any games as defined by this section.

(d) ‘Gaming license’ or ‘license’, any license or work permit issued by the commission under this 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;

(e) ‘Chairman’, Chairman of the Gaming Commission.

(f) ‘Commission’, the Massachusetts Gaming Commission.

(g) ‘Commissioner’, a member of the Gaming Commission.

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

(i) ‘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.

(j) ‘Racing meeting licensee’, the horse racing meeting licensee in Suffolk County, harness horse racing meeting licensee in Norfolk County, and dog racing meeting licensees in Suffolk and Bristol counties licensed by the State Racing Commission under chapter 128 but the two dog racing meeting licensees in Bristol county shall be deemed 1 for all purposes; and, further, excluding any licensees of racing meetings held or conducted in connection with a state or county fair.

(k) ‘Electronic Gaming Device’, any game of chance mechanical, electrical or other device, contrivance or machine, including the so-called slot machine, video wagering terminal, video lottery terminal or poker machine, which, upon the 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 the 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 anything of value, whether the payoff is made automatically by the machine or in any other manner.

Section 4. Notwithstanding, the commission may:

(a) adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) adopt an official seal and alter the same at its pleasure;

(c) maintain offices at such places within the commonwealth as it may determine and to conduct meetings of the commission in accordance with the by-laws of the commission and the second paragraph of section 59 of chapter 156B;

(d) sue and be sued in its own name, plead and be impleaded;

(e) regulate gaming, or gambling activities and services related to gaming subject to the provisions of this chapter, and upon establishment of casino gaming in the commonwealth.

(f) issue not more than 4 licenses to operate gaming establishments to any racing meeting licensee existing prior to April 1, 2002, notwithstanding chapters 137 and 271, or any general or special law to the contrary, and subject to all other licensing requirements of this chapter; and may operate no more than 1,500 electronic gaming devices. Such racing meeting licensees shall not operate any additional games other than those allowable by law for holders of a racing meeting license, under chapters 128A and 128C. Nothing in this section shall be construed to permit a racing meeting licensee to operate games other than electronic devices.

(g) issue no more than one casino gaming license from among all persons or entities seeking to be a licensed operator in the commonwealth; provided no casino gaming

licensee shall be allowed to operate in the same county as another casino gaming licensee; such operator shall hold a full casino gaming license for all approved controlled games and electronic gaming devices to be conducted in a licensed casino gaming facility.

The commission shall submit to each applicant a request for proposal, which shall be designed to maximize the initial and annual revenue potential for the state. Those applicants submitting the highest bid in order to maximize revenue potential for the commonwealth, and approved by the commission shall be selected; provided they comply with the licensing provisions of this chapter and agree to submit to the commonwealth a payment of not less than $100,000, for the privilege of holding a gaming license.

(h) issue no more than 1 additional casino gaming license to the federally recognized Wampanoag Tribe, Aquinnah, for the operation of an Indian gaming facility. No other casino gambling licensee shall operate in Barnstable county, Bristol county, Dukes county, Nantucket county, or Plymouth county; but an agreement, hereinafter referred to as a tribal-state compact, is established between the commonwealth and said Wampanoag Indian Tribe under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. §29-2701-§29-2721). If a tribal-state compact is not established between the Wampanoag Tribe and the commonwealth by January 1, 2004, for whatever reason, the casino gaming license authorized by this section may be issued to any other persons or entities seeking to be a licensed operator in the commonwealth, but it shall be located in 1 of the aforementioned counties, subject to this chapter.

(i) issue said casino gaming licenses at the discretion of the commission; but no license will be issued without the approval of local community governing bodies or by way of referendum held after July 31, 2002.

(j) design and implement an appropriate casino gaming tax structure, at the direction of the secretary of administration and finance.

(B) Notwithstanding any general or special law to the contrary, or any other provision of this chapter, given that the commission will not be ready to convene and conduct its respective business and functions for some time after the enactment of legislation and given the needs of the commonwealth of funds in order to operate and conduct its business, each racing meeting licensee shall be granted a license and deemed to be a licensee for the purposes of this chapter immediately upon the approval of any casino gaming plan submitted by the commission and the functions of the commission shall be maintained and operated by the executive office of administration and finance, under the control of the secretary, until such time as the commission is operating according to the terms of this chapter; but the commission and bureau shall have complete authority to conduct its functions to insure compliance when it is operational. This shall be deemed null and void on December 31, 2003."

After debate, the amendment was *rejected.*

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik moved to amend the bill by inserting after section 35, the following section:—

"SECTION 35A. The General Laws are hereby amended by inserting after chapter 128C the following chapter:—

Chapter 128D.

THE MASSACHUSETTS GAMING COMMISSION.

Section 1. The Massachusetts Gaming Commission.

There is hereby created a body politic and corporate to be known as the Massachusetts Gaming Commission which, while within the executive office of Administration and Finance, shall not be subject to the supervision and regulation of said executive office or any other department, commission, board, bureau or agency except as specifically provided in any general or special law to the contrary. The commission is hereby authorized and empowered, subject to the provisions of this chapter, to issue not more than four licenses to operate electronic gaming devices.

The commission is hereby constituted a public instrumentality. The exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

Section 2. Commission Members.

(a) The commission shall consist of three members to be appointed by the governor who shall be residents of the commonwealth, not more than two of whom shall be of the same political party. The governor shall designate one of the members as chairperson who shall serve as such during his term of office. Pursuant to the following provisions, a person shall not be eligible for appointment to the commission if he or she:

(1) holds elective office in state, county, or local government.

(2) is an officer or official of any political party.

(3) was formerly a licensee or an unlicensed employee of a gaming licensee within the last five years prior to an appointment to the commission.

(4) is actively engaged or has direct pecuniary interest in gaming activities.

(5) has been convicted of a felony.

The term of office of each member of the commission shall be five years. After the initial term, the term of office for each member of the commission is five years; provided that no member may serve more than two consecutive five-year terms. Any vacancies shall be filled by the governor within 60 days of the occurrence of such vacancy. Any member of the commission may continue beyond the expiration date of his term until the

appointment of a successor but not longer than six months. Any Commissioner may be removed by the Governor for just cause. The Governor shall immediately remove any commissioner who violates or acts contrary to the eligibility requirements established in subsection (a) of this section.

(b) The commission members shall devote time and attention to the business of the commission as necessary to discharge their duties; provided, however, the chairman shall devote his or her time during normal business hours to the business of the commission. For the purposes of this chapter, the chairman shall be paid an annual salary of one hundred and thirty thousand dollars. The members of the commission shall be compensated for work performed for the commission at fifty thousand dollars per annum. Commission members shall be reimbursed for travel and other costs necessarily incurred in the performance of official duties. Before entering upon the duties of the office, each member shall swear that he is not pecuniarily interested in any business or organization holding a gaming license under this act, or doing business with any gaming service industry, as defined by this act and shall submit to the governor and the state ethics commission 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 said commissioner and spouse. Such 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 any person licensed or registered with the commission during his term of office. A member of the commission shall be eligible for reappointment. The commission shall elect one of the members as vice chairperson thereof. Two members of the commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by the commission. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

The members shall be eligible to participate in any benefit plan approved by the commission. The commission may indemnify any member, officer or employee from personal expenses or damages incurred, arising out of any claim, suit, demand or judgment which arose out of any act or omission of such member, officer or employee, including the violation of the civil rights of any person under any federal law if, at the time of such act or omission such member, officer or employee was acting within the scope of his official duties or employment.

Section 3. Definitions.

(a) ‘Electronic Gaming Device’, means any game of chance mechanical, electrical or other device, contrivance or machine, including the so-called slot machine, video wagering terminal, video lottery terminal or poker machine, which, upon the 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 the 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 anything of value, whether the payoff is made automatically by the machine or in any other manner.

(b) ‘Gaming’, means to operate, carry on, conduct, maintain, or expose for play any electronic gaming devices.

(c) ‘Chairman’, means Chairman of the Gaming Commission.

(d) ‘Commission’, the Massachusetts Gaming Commission.

(e) ‘Commissioner’, means a member of the Gaming Commission.

(f) ‘Racing meeting licensee’, means the horse racing meeting licensee in Suffolk County, harness horse racing meeting licensee in Norfolk County, and dog racing meeting licensees in Suffolk and Bristol Counties licensed by the State Racing Commission pursuant to G.L. c. 128A, as amended; provided, however, that the two dog racing meeting licensees in Bristol County shall be deemed one for all purposes of this act; and, further, excluding any licensees of racing meetings held or conducted in connection with a state or county fair.

Section 4. Authority of the Commission.

Notwithstanding any other provision of this act, the commission is hereby authorized and empowered:

(a) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(b) to adopt an official seal and alter the same at its pleasure;

(c) to maintain offices at such places within the commonwealth as it may determine and to conduct meetings of the commission in accordance with the by-laws of the commission and the provisions of the second paragraph of section fifty-nine of chapter one hundred and fifty-six B;

(d) to sue and be sued in its own name, plead and be impleaded;

(e) to regulate gaming activities and services related to gaming subject to the provisions of this act.

(f) to grant licenses to each racing meeting licensee licensed as of April 1, 2002 eligible to be licensed under the provisions of this chapter, notwithstanding the provisions of G.L. c. 137, G.L. c. 271, or any other general or special law to the contrary, subject to all terms and conditions imposed by the Commission, to operate a gaming establishment; and shall have the right to operate one thousand five hundred (1,500) electronic gaming devices, at a racing meeting licensee’s premises only; and, provided, further, that each of said licensees shall have the right to operate an equal number of electronic gaming devices. Said licensees shall pay weekly, to the Commission on behalf of the Commonwealth a sum equal to fifty-one (51%) percent of net gaming revenues, provided, further, that from said sums the Commission shall allocate percentages (i) to be paid to the city or town in which each establishment is located and (ii) to the purse accounts at each of the respective licensees race tracks. The remaining sums shall be retained by each licensee as

its commissions and, provided, further, that each such licensee shall in addition pay all taxes otherwise due and payable.

(g) A person may apply to be a licensed operator by filing an application with the commission, the form and any 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 the 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 five percent 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."
The amendment was *rejected.*

Messrs. Lees and Hedlund moved to amend the bill by inserting after section 43 the following section:—

"SECTION 43A. The last sentence of section 103 of chapter 205 of the acts of 1996 is hereby amended by striking out the words 'June thirtieth two thousand and one' and inserting in place thereof the following words:— June 30, 2006."
The amendment was adopted.

Mr. Baddour moved to amend the bill by inserting after section 73J (inserted by amendment), the following section:—

"SECTION 73K. Notwithstanding any general or special law to the contrary, the division of medical assistance may expend an amount not to exceed $4,000,000 from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund for the Title XIX disproportionate share and service rate payments to the city of Haverhill, as successor-in-interest to the Hale Hospital for this purpose. The payments shall be established under Title XIX of the federal Social Security Act, or any successor federal statute, any regulations promulgated thereunder, the Massachusetts Title XIX state plan and the terms and conditions of an agreement reached with the division for such payments. No funds shall be expended unless the city of Haverhill is legally obligated to make an intergovernmental funds transfer in an amount specified in an agreement with such entity, which amount shall not be less than 50 per cent of the Title XIX payment. The agreement shall require the city of Haverhill to reimburse the commonwealth such amount, the state comptroller shall interpret cherry sheet payments due the city of Haverhill from the commonwealth upon certification by the secretary of administration and finance that the city has failed to pay such amount. All revenues generated under this section shall be credited to the medical assistance intergovernmental transfer account and administered in accordance with the provisions of subsection (o) of section 18 of chapter 118G of the General Laws.".
The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 82E (inserted by amendment), the following section:—

"SECTION 82F. (a) There shall be a special commission charged with studying the feasibility, costs and benefits of closing various state-owned human service facilities and utilizing alternative private sector outpatient and group home facilities for those individuals displaced by closure. In addition to the aforementioned data, the report of the commission shall include an assessment of the impact of displacement on the number of clients served, a discussion on any long-term consequences for the overall quality of human services in the commonwealth, and recommendations for any action deemed appropriate. This report shall be submitted to the clerks of the senate and the house of representatives within 180 days after the effective date of this act.

(b) This commission shall consist of 9 members. Three members shall be appointed by the governor. Two members shall be appointed by the speaker of the house of representatives. One member shall be appointed by the minority leader of the house of representatives. Two members shall be appointed by the president of the senate. One member shall be appointed by the senate minority leader."
The amendment was adopted.

Ms. Tucker moved to amend the bill in section 17, by adding the following subsection:—

"(F) Notwithstanding any general or special law to the contrary, the list of school building assistance capital construction projects authorized for funding shall include school projects needed for a school to re-acquire accreditation by the New England Association of Schools and Colleges within 2 years."
The amendment was *rejected.*

Mr. Lees moved to amend the bill by inserting after section 22 the following section:—

"SECTION 22A. (A) Chapter 62C of the General Laws, as so appearing, is hereby amended by striking out section 5 and inserting in place thereof the following section:—

Section 5. Any return, document or tax payment required or permitted to be filed under this chapter shall be filed with or transmitted to the commissioner in such manner, format and medium as the commissioner shall from time to time prescribe; shall contain such information as the commissioner deems pertinent; and shall contain or be accompanied by a declaration, in such form as prescribed by the commissioner, that such return or document is made under the penalties of perjury. Any return, document or payment submitted in a manner or medium other than that prescribed by the commissioner shall not be deemed to have been filed.

(B) Subsection (A) shall be effective for tax years beginning on or after January 1, 2003."
The amendment was adopted.

Ms. Tucker moved to amend the bill by inserting after section 73K (inserted by amendment), the following section:—

"SECTION 73L. Notwithstanding the provisions of sections 6 and 11 of chapter 70 of the General Laws or any other general or special law to the contrary, a city or town that has entered into an agreement with the board of education and commissioner of education to avoid appointment of a receiver under section 1K of chapter 69 of the General Laws and, in the judgment of the commissioner of education: (1) does not have adequate school facilities to meet the educational needs of its public school students, and (2) does not have the fiscal capacity to raise the funds needed to finance the municipal share of essential school construction, renovation or repair projects, may establish a school construction reserve account and may, at the close of each fiscal year through the year 2007, transfer into such account all or a portion of any unexpended funds appropriated in any such year to fund school department operating expenses; but (1) the amount transferred to the school construction reserve account in any year shall not exceed 5 per cent of the school department's required net school spending budget for such fiscal year; (2) no such transfer shall be made without the prior written approval of the commissioner of education; (3) funds deposited in such accounts, together with any interest or earnings on such deposits, shall be held in reserve by such city or town for the sole purpose of financing the direct costs of department of education approved school construction, renovation or repair projects; (4) any funds held in a school construction reserve account that shows no activity other than earnings on deposits for a period of 5 years shall, in the following year, be transferred back to the school department as an amount in addition to city or town's required annual net school spending appropriation. Funds transferred back to a school department from an inactive school construction reserve account may be expended by the school committee for any undertaking the committee determines to be in furtherance of efforts to improve the educational programs and services provided to public school students. A city or town that establishes a school construction reserve account in accordance with this section may use funds held in such account to directly finance or to pay debt service on borrowing to finance approved school construction projects. Funds from the reserve fund may be used only when and to the extent that the city or town lacks the fiscal capacity to meet its school construction financing obligations from other revenue sources. No withdrawal shall be made from a school construction reserve account of a city or town without the prior review and approval of the commissioner of revenue, who shall verify that such city or town lacks the capacity to meet its school construction financing obligations from other revenues."
The amendment was adopted.

Messrs. Lees and Knapik and Mrs. Sprague moved to amend the bill by inserting after section 27, the following section:—

"SECTION 27A. (A) Sections 35, 35A, 36, 37, 49, 69, 80, 85, 88, 98 and 106 of chapter 92 are hereby repealed.

(B) The department of highways shall assume control of all properties controlled by the metropolitan district commission under sections 35, 35A, 36, 37, 49, 69, 80, 85, 88, 98 and 106 of chapter 92 of the General Laws, repealed by subsection (A). The department of highways shall establish and execute a plan for the purpose of transferring control and responsibility of properties from the metropolitan district commission to the department of highways under this section. The transfer of control and responsibility of the

metropolitan district commission properties under this section must be completed within 1 year after the effective date of this act."
The amendment was *rejected.*

Messrs. Knapik, Lees and Tisei, Mrs. Sprague and Messrs. Tarr and Hedlund moved to amend the bill by inserting after section 73L (inserted by amendment) the following section:—

"SECTION 73M. (A) Notwithstanding any general or special law to the contrary, any vehicle purchased for official use by commonwealth agencies, departments and divisions shall not exceed the manufacturer's suggested retail price of $15,000. Vehicles purchased by state agencies for the purpose of public safety, law enforcement, environmental law enforcement, and highway and roads maintenance shall be exempt from the provisions of this subsection.

(B) Any agency purchasing a vehicle exceeding the manufacturer's suggested retail price of $15,000 must submit a request of vehicle purchase to the secretary of administration and finance for his approval before the purchase. The request shall include, but not be limited to, the statement of purpose for use of vehicle, the manufacturer's suggested retail price for the vehicle, the mileage per gallon of gasoline, and the estimated annual fuel and maintenance costs. The secretary shall not approve requests for the purchase of sports utility vehicles submitted by state agencies unless it has been determined that the vehicle purchase is a necessity for the operations of the agency.

(C) The secretary of administration and finance shall require all state agencies, departments, and divisions to document purchases of vehicles for official use. The document shall be filed with the executive office of administration and finance upon completion of vehicle purchase. The secretary of administration and finance shall file a report with the clerk of the house of representatives and the clerk of the senate with the compiled results of every vehicle purchase made by March 31 of each year. The report shall include a full inventory of all vehicles currently owned or leased by the commonwealth, and shall include the make, model, and year of all such vehicles.

(D) The secretary of administration and finance shall develop a plan for the reduction of the total number of state vehicles owned by the commonwealth by 10 per cent before September 1, 2003. The secretary shall file the plan with the house committee on ways and means and the senate committee on ways and means by July 1, 2003, and shall promulgate regulations for the implementation of the plan."
The amendment was adopted.

Ms. Walsh and Messrs. Magnani and O'Leary moved to amend the bill by inserting after section 24B (inserted by amendment), the following section:—

"SECTION 24C. (A) 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 'Gross receipts,' the following definitions:—

‘Home service provider’, the facilities-based carrier or reseller with which the retail customer contracts for the provision of mobile telecommunications service.

‘Mobile telecommunications service’, commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

(B) Said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the definition of ‘Person’ the following definition:—

‘Place of primary use’, the street address representative of where the customer’s use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business address of the customer and which must be within the licensed service area of the home service provider. The place shall be determined in accordance with 4 U.S.C §§121-122.

(C) Said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word ‘services’, in line 166, the following words:— ‘other than mobile telecommunications services,’.

(D) The definition of ‘sale at retail’ in said section 1 of said chapter 64H, as so appearing, is hereby further amended by inserting after the fifth sentence the following sentence:— ‘In the case of interstate and intrastate mobile telecommunications services, the sale of such services shall be deemed to be provided by the customer’s home service provider and shall be considered a sale within the commonwealth if the customer’s place of primary use is located in the commonwealth.’

(E) This section shall apply to customer bills issued after August 1, 2002.”
The amendment was adopted.

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

“SECTION 25A. The third paragraph of section 2 of chapter 71B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following 3 sentences:— Children in public schools shall be entitled to teaching at home and in the hospital if the child’s physician determines the child will have to remain at home or in a hospital for more than 14 school days in any school year. Children in non-public schools shall be entitled to home and hospital services when deemed eligible under this chapter. An expedited evaluation, which shall be limited to a medical evaluation unless there is a clear indication of the need or unless the parents request additional evaluations, shall be conducted and services provided to eligible students by the school district within 15 calendar days of the school district’s receipt of the physician’s statement."
The amendment was adopted.

Mr. O’Leary, Ms. Menard, Messrs. Moore, Tarr, Knapik, and Rosenberg and Ms. Wilkerson moved to amend the bill by inserting after section 82F (inserted by amendment) the following section:—

“SECTION 82G. (a) There shall be a special commission to encourage medicaid efficiencies, to study, evaluate and generate recommendations regarding improvements in the efficiency of the provision of services through, and administration of, Medicaid. The commission shall consist of the commissioner of medical assistance or her designee, the commissioner of the mental retardation or his designee, the commissioner of mental health or her designee, the commissioner of health care finance and policy or her designee, the secretary of elder affairs or her designee, the house and senate chairs of the joint committee on health care or their designees, 1 representative of the Massachusetts Hospital Association, 1 representative of the Neighborhood Health Plan, 1 representative of the Massachusetts Association of Health Plans, 1 representative of Fallon Community Health Plan, 1 representative of the League of Community Health Centers, 1 representative of the Massachusetts Extended Care Federation, 1 representative of the Home Health Care Association, 1 representative of the Cape Organization for the Rights of the Disabled, 1 representative of the Latin American Health Institute, 1 representative of Health Care For All, I representative of the Parent Professional Advocacy League, 1 representative of the Massachusetts Senior Action Council and 1 representative of the Massachusetts Home Care Association.

(b) The commission shall investigate current inefficiencies in the administration of and provision of services through medicaid. The commission shall develop a report detailing current inefficiencies and making recommendations, including any necessary statutory or regulatory changes, for improvements in the provision of services, the administration of medicaid programs and the application for benefits. The report shall identify inefficiencies and make recommendations for improvements at the agency, provider and patient levels, and shall include both inpatient and outpatient services including, but not limited to:

(1) paperwork reduction and streamlining, including patient information, medical history and payment information;

(2) the filing and administration of claims made for payment of services through medicaid, including the possibility of implementing a Uniform Payment System, which shall employ a single, standardized format for the making and payment of claims between providers and payers of health care goods and services, in conformity with the procedures and requirements prescribed by the Health Insurance Portability and Accountability Act of 1996;

(3) the procedures utilized at point of access for entry into the medicaid system by consumers; and

(4) implementing the use of computer intake and processing software.

(c) In forming their recommendations, the commission may investigate Medicaid efficiency measures used in other states.

(d) The commission’s report shall include an estimate of any related costs or savings associated with the implementation of the commission’s recommendations. The estimated

costs or savings shall include, but not be limited to, those that would be incurred or realized by the commonwealth, health care providers, health care purchasing organizations and health care consumers. The report shall also include a timeframe for implementation of the commission's recommendations.

(e) The commission shall present its report, including proposed legislation and proposed rules or regulations, to the secretary of administration and finance, the joint committee on health care and the house and senate committees on ways and means not later than December 10, 2002."
The amendment was adopted.

Messrs. Lees, Tisei, Tarr, Hedlund and Knapik and Mrs. Sprague moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding any general or special law to the contrary, the state lottery commission shall structure the prize payouts for all lottery games in order to ensure that the aggregate lottery prize payout ratio, as defined by total prize payout as a percentage of total sales revenue, does not exceed 68.7 per cent."
After remarks, the amendment was *rejected.*

Ms. Resor, Ms. Menard and Mr. Tarr moved to amend the bill by inserting after section 82G (inserted by amendment), the following section:—

"SECTION 82H. There shall be a special commission to conduct an investigation and study relative to the adequacy and effectiveness of existing licensing and regulation of cable television operations by municipalities and the commonwealth in meeting the needs of consumers across the commonwealth. The commission shall consist of 3 members of the senate appointed by the senate president, 3 members of the house of representatives appointed by the speaker of the house, the Attorney General or his appointed designee, the commissioner of the department of telecommunications and energy or his designee, and 5 members to be appointed by the governor, 1 representing each of the following groups: the Massachusetts Municipal Association, the Massachusetts Technology Collaborative, and 3 members of municipal cable boards of whom 1 shall be from an urban conimunity, 1 from a rural community, and 1 from a suburban community. The committee shall report findings, along with any recommendations for legislation to the joint committee of government regulations of the general court, by no later than December 30, 2002."
The amendment was adopted.

Ms. Walsh, Ms. Menard, Mr. Tolman, Ms. Fargo, Ms. Wilkerson, Ms. Creem and Mr. Antonioni moved to amend the bill by inserting after section 16 the following section:—

"SECTION 16A. (A) Said chapter 29 is hereby further amended by inserting after section 2CCC the following two sections:—

Section 2EEE. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Substance Abuse Health Protection Fund.

Notwithstanding any general or special law to the contrary, there shall be credited to the fund from January 1, 2003 to December 31, 2005, 50 per cent of the amounts collected, and 100 per cent of the amounts collected after January 1, 2006, under section 2 of chapter 64H from the sale of alcoholic beverages for off premises consumption that are not considered to be sales of meals, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, any appropriation, grant, gift, or other contribution explicitly made to said fund at any time, and any income derived from the investment of amounts credited to said fund.

Amounts credited to the fund shall be expended, subject to appropriation, to provide funding, or supplement existing levels of funding, for the following purposes:

(a) for a comprehensive substance abuse treatment program, to be administered by the department of public health, for the treatment of individuals who are dependent on or addicted to alcohol or controlled substances, or both alcohol and controlled substances, and who lack public or private health insurance that would provide coverage for such treatment;

(b) to fund such substance abuse treatment programs that are administered by the office of community corrections, the department of corrections, the department of social services, the department of youth services, and the office of the commissioner of probation;

(c) for comprehensive school health education programs, to be administered by the department of education, provided that such programs shall incorporate information relating to the hazards of alcohol and controlled substances use; and

(d) for workplace-based and community substance abuse prevention and drinking cessation programs, for substance abuse-related public service advertising and for drug and alcohol education programs, to be administered by the department of public health.

Section 2FFF. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Homeless Shelter Assistance Fund. Notwithstanding any general or special law to the contrary, there shall be credited to the fund from January 1, 2003 to December 31, 2005, 25 per cent of the amounts collected under section 2 of chapter 64H from the sale of alcoholic beverages for off premises consumption that are not considered to be sales of meals, together with any penalties or forfeitures, interest, costs of suits and fines collected in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, any appropriation, grant, gift or other contribution made explicitly to the fund at any time, and any income derived from the investment of amounts credited to the fund.

Amounts credited to the fund shall be expended, subject to appropriation, to supplement existing levels of funding to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter,

housing search and limited related services to the homeless and indigent as administered by the department of transitional assistance.

(B) Section 6 of chapter 64H of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words 'the provisions of chapters sixty-four A, sixty-four E, sixty-four F and one hundred and thirty-eight' and inserting in place thereof the following words:— chapters 64A, 64E and 64F.

(C) Notwithstanding any general or special law to the contrary, from January 1, 2003 to December 31, 2005, 25 per cent of the amounts collected under section 2 of chapter 64H from the sale of alcoholic beverages for off premises consumption that are not considered to be sales of meals, together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, all as determined by the commissioner of revenue according to his best information and belief, shall be credited to the Children's and Seniors' Health Care Assistance Fund as established by section 2FF of said chapter 29." After debate, the amendment was *rejected.*

Mr. Berry and Ms. Menard moved to amend the bill by inserting after section 40 the following section:—

"SECTION 40A. (B) Chapter 262 of the General Laws is hereby amended by striking out section 38 and inserting in place thereof the following section:—

Section 38. The fees of registers of deeds, except as otherwise provided, to be paid when the instrument is left for recording, filing or deposit shall be as follows: for entering or recording any paper, certifying the same on the original, and indexing it and for all other duties pertaining thereto, $20; for recording a deed or conveyance, $50; for recording a mortgage, $40; for recording a declaration of homestead, $10; for recording and filming a plan, $25 per sheet; for all copies of documents, whether copied out of books or generated electronically, $1 per page; and for copies of plans, $2 per sheet. The fees of the registers of deeds shall be subject to a surcharge under section 8 of chapter 44B.

$5 SURCHARGE — $2.50 to Registries of Deeds Technology and $2.50 to Corrections Technology.

(E) Notwithstanding any special or general law to the contrary, the fees of the registers of deeds and of the assistant recorders, except as otherwise provided, to be paid when the instrument is left for recording, filing, or deposit shall be subject to a surcharge of $5. The surcharge shall be imposed for the purpose of modernization and technological improvements at the registries of deeds. All surcharges on fees collected pursuant to this subsection shall be forwarded to the Registers Technological Fund set forth in subsection (D), or, in the case of county registries and sheriffs, to the Deeds Excise Fund set forth in section 11 of chapter 64D.

(D) There shall be established and set up on the books of the commonwealth a separate fund known as the Registers Technological Fund, for the benefit of registers of deeds under the control of the office of the secretary of state. This fund shall consist of all revenues collected from the surcharge set forth in subsection (E). The state treasurer shall

deposit all monies collected under subsection (E) into the Registers Technological Fund, which shall be under the control of the secretary of state and shall be expended solely for the purposes modernization and technological advancement of the registries of deeds. Each register may petition the secretary to disburse a portion of the collected funds for the benefit of his registry.

The monies collected under subsection (E) in the registries of deeds still subject to county oversight shall be deposited into the Deeds Excise Fund established under section 11 of chapter 64D. All monies so deposited will be expended solely for the purposes of modernization and technological advancement of the registries of deeds and sheriffs. The money so deposited shall not be used as a substitute for monies received by registries of deeds under said chapter 64D as set by past practice.

Section 39 of chapter 262, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:—

The fee for filing a declaration of homestead shall be $10.

(A) Section 23 of chapter 60 of the General Laws, as so appearing, hereby amended by striking out, in line 44, the word 'four' and inserting in place thereof the following word:— 'ten'."
The amendment was *rejected.*

Ms. Walsh and Messrs. Moore and O'Leary moved to amend the bill by inserting after section 20 the following section:—

"SECTION 20A. Paragraph (f) of section 21C of chapter 59 of the General Laws, as so appearing, is hereby amended by adding the following sentence:— The total taxes assessed for the current fiscal year shall also be increased by an amount equal the product of the percentage increase from the previous school year to the present school year in student population attending the schools of the city, town or regional school district of which the city or town is a member and the approved school budget for the prior fiscal year."
The amendment was *rejected.*

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

"SECTION 18C. Section 2B of chapter 32B of the General Laws, as so appearing, 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.

Messrs. Tarr, Joyce and Hedlund moved to amend the bill by inserting after section 73 the following section:—

“SECTION 73A. (A) The department of environmental management, with assistance and support from the department of environmental protection, shall establish a water conservation and water resources protection program. The program shall be implemented to increase the efficiency of water use, mitigate the environmental impact of water withdrawals, assess the effectiveness of various water conservation and water resource protection measures in increasing efficiency of water use, and to identify effective measures to protect and conserve water resources and biological resources throughout the commonwealth. The program shall include, but not be limited to:

(1) the establishment and implementation of a program for the installation of water conserving plumbing fixtures in residential, municipal, and state-owned buildings; for conducting water audits of residential, commercial and municipal buildings; for the installation of new, highly accurate water meters in commercial, municipal, and state-owned buildings, and for the development and implementation of landscape practices that eliminate or significantly reduce outdoor water use;

(2) technical assistance to municipalities, water districts and water authorities for comprehensive system-wide water audits, water use accounting and reporting and intensive leak detection and repair programs;

(3) the preparation of model municipal bylaws/ordinances for site development, stormwater management, including stormwater infiltration and recharge, landscape and recreational facility design and irrigation and water conservation;

(4) the development of model water conserving rate structures and billing procedures that fully incorporate the cost of producing water and protecting water resources;

(5) the development of public education programs, school curricula, and supporting materials relating to water conservation and water resource protection;

(6) development of a methodology for estimating long-term water needs that considers the impact of community build-out projections and provides technical assistance to municipalities, water districts, and water authorities in developing water needs estimates; and,

(7) directing technical assistance to municipalities, water districts and water authorities in the efficient management, use and protection of water resources consistent with the purpose of this section.

Model bylaws/ordinances, educational materials, technical assistance guidance documents, and other resources generated from the program shall be made available for the benefit of all municipalities of the commonwealth, water districts, and water authorities. Participation of municipalities, water districts, and water authorities in any or all elements of the program shall be voluntary.

All elements of the water conservation and water resource protection program implemented by municipalities and water districts and water authorities shall be assessed as to their effectiveness by the Massachusetts water resources commission, with the

assistance of participating municipalities, water districts, water authorities and the department of environmental management, the department of environmental protection, and nongovernmental organizations concerned with water resources. Within 5 years of the effective date of this section the water resources commission shall file a report with the clerks of the house and senate identifying the success or failure of all measures developed and implemented under said program. The report shall include recommendations for implementation of water conservation and water resource protection measures throughout the cmmonwealth and an estimate of the funding necessary to implement such measures.

(B) A sum of $150,000 is hereby provided to the Water Resources Research Center of the University of Massachusetts to conduct a study and prepare a report on the laws, regulations, and policies of the commonwealth dealing with water conservation, water resource protection, drought preparedness, and instream flow. The report shall identify any inconsistencies or potential inconsistencies of these laws, regulations and policies with the Federal Clean Water Act. Said report shall include recommendations for legislative, regulatory, and policy changes necessary to ensure the preservation of adequate instream flows to protect the native biological communities of the rivers and streams of the commonwealth and to ensure an adequate supply of water to meet the health, safety and economic needs of the public. The report shall include recommendations regarding additional water conservation measures needed to improve the efficiency of residential, commercial, industrial, institutional and agricultural water use in the commonwealth including, but not limited to, more aggressive leak detection and repair programs, and programs or policies to reduce unaccounted for water, including water meter responsibility for water meters, and the need for tax credits or other financial incentives to encourage water conservation.

(C) The Water Resources Research Center of the University of Massachusetts, in consultation with the department of environmental protection, the department of environmental management, the department of fisheries, wildlife and environmental law enforcement, the United States Fish and Wildlife Service, and the United States Geological Survey, shall develop a methodology or methodologies for determining the level of instream flow sufficient to protect aquatic life in Massachusetts rivers and streams and other surface waters. Said methodology or methodologies shall account for natural annual variations in hydrology, including flow, depth, velocity, groundwater interaction and other relevant factors. Upon completion, said methodology or methodologies shall be submitted to the department of environmental protection, the department of environmental management, and the Water Resources Commission as a recommendation for establishing instream flow needs under the Water Management Act and Interbasin Transfer Act.

No later than 2 years following the effective date of this section, a methodology or methodologies shall be completed and adopted by the water resources commission, pursuant to the Administrative Procedures Act, and a report describing the methodology or methodologies shall be filed with the clerks of the senate and house of representatives. A sum of $250,000 is hereby authorized for the development of said methodology or methodologies. Until said methodology or methodologies are completed, all future

instream flow decisions pertaining to new or increased water withdrawals or interbasin transfers pursuant to the Water Management Act and its implementing regulations and the Interbasin Transfer Act and its implementing regulations shall consider site specific information including, but not limited to, stream flows and their variability, groundwater levels and interaction with surface water, water velocity, depth, temperature, water chemistry, native biota and habitat suitability. Insofar as site-specific information sufficient to make permitting decisions is unavailable and unobtainable during the permitting period, the stream flow guidelines of the United States Fish and Wildlife Service Interim Regional Policy for New England Stream Flow Recommendations shall be used.

(D) Notwithstanding any general or special law to the contrary, the water pollution abatement trust established under the provisions of chapter 29C shall, subject to the appropriation provided herein, provide loan and financial assistance to eligible borrowers to finance the costs of water conservation projects, or portions thereof, which have been approved by the department of environmental protection. As used in this subsection, the term 'eligible borrower' shall mean municipalities, water districts, and water authorities. As used in this subsection, the term 'water conservation project' shall mean a project of a type or category which the department has determined shall promote water conservation and increased efficiency of water usage including, but not limited to, the implementation of programs for the replacement of plumbing fixtures not meeting the 1998 federal water efficiency standards as established by the Federal Energy Act of 1992; the conducting of water audits by municipalities, water districts, and water authorities to identify opportunities to reduce water use; the installation of new, highly accurate water meters in commercial, municipal, and state-owned buildings; enhanced municipal ownership and maintenance responsibility for water meters; and the planning and design of other eligible water projects that increase water conservation and the efficiency of water usage. The trust shall provide loan and financial assistance to eligible borrowers for each water conservation project or portion thereof authorized by this subsection in such manner and under such terms and conditions as shall be determined by the board of trustees of a trust up to a maximum amount of $2,000,000 per fiscal year of the commonwealth and up to $10,000,000 in the aggregate."
The amendment was *rejected.*

Messrs. Tarr, Lees and Moore, Ms. Resor, Messrs. Magnani, Knapik, Joyce and Tisei, Mrs. Sprague and Messrs. Hedlund and Baddour moved to amend the bill by inserting after section 20 the following section:—

"SECTION 20A. Clause forty-first C of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word 'Forty-first', in line 1135, the following words:—

';(C) 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 of any age 65 years or more;

2. increasing either of both of the amounts contained in the first sentence, by not more than 100 per cent;

3. increasing the amounts contained in clause (B) whenever they appear in said clause from $13,000 to not more than $20,000 and from $15,000 dollars to not more than $30,000;

4. increasing the amounts contained in clause (C) whenever they appear in said clause from $28,000 dollars to not more than $40,000, and from $30,000 to not more than $55,000; and

5. by further excluding from the determination of whole estate up to 3 dwelling units.' " The amendment was adopted.

Messrs. Tarr and Hedlund moved to amend the bill inserting after section 4 the following section:—

"SECTION 4A. (A) It is the policy of the commonwealth to encourage the development of housing for its citizens. Consistent with that policy, it is the intent of the general court, when feasible, to expedite making available underutilized property, which is owned by the commonwealth and determined to be not needed for forseeable state or direct public use pursuant to section 40F of chapter 7 of the General Laws, for the primary purpose of creating or redeveloping housing on such property.

(B) Chapter 7 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after Section 40F1/2 the following section:—

Section 40F3/4. (a) For purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

'Affordable', with respect to 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 not more than 40 per cent of household income for homeownership expenses of principal, interest, insurance and taxes.

'Agency', the Massachusetts Development Finance Agency established pursuant to Chapter 23G.

'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.

'Agency Transfer Request', a request provided by the agency to the commissioner in response to the agency's receipt of notification from the commissioner pursuant to paragraph 2 of subsection (a) of section 40F1/2 that all or part of the surplus property which is the subject of said notification be transferred to the agency for disposition by the agency for housing development. Such request shall contain the terms and conditions upon which the agency would accept transfer of such land.

‘Commissioner’, the commissioner of the division.

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

‘Director’, the director of the department.

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

‘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.

‘Housing’, single and multi-family housing.

‘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; provided, however, that 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 said 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 pursuant to 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.

‘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.

‘Potential housing property’, state-owned land that: (i) has been determined by the commissioner, acting pursuant to Section 40F of chapter 7, 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 of the commonwealth; 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 such land is located.

(b)(1) Notwithstanding th the provisions of sections 40E to 40F1/2, inclusive, and 40H of chapter 7, 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 said property to the agency pursuant to 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 said agency reuse plan in accordance with the provisions of section 16 of chapter 23G. Said 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 such approved plan. No such agency reuse plan shall be approved unless the agency and the department find that such 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. Such 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 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.

(2) In the event that 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 pursuant to this subsection, in accordance with chapter 23G and this section. Net proceeds received by the agency from the final disposition by the agency to at third party of any potential housing property transferred to the agency pursuant to this subsection 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) notwithstanding the provisions of sections 40E to 40F1/2, inclusive, 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. In determining such reuse restrictions, the commissioner and the department shall consult with elected officials of the municipality or municipalities in which such 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 pursuant to this subsection, shall require housing development of the potential housing property, and that at least 25 per cent of the housing units of such housing development shall be affordable to low and to moderate-income households. Such 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 pursuant to 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 pursuant to 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, pursuant to this subsection, and any other public purposes, provided that, 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 said 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 this subsection shall be deposited into the Affordable Housing Trust Fund created pursuant to chapter 121D. The remainder of the proceeds shall be deposited in the General Fund."
The amendment was *rejected.*

Messrs. Tarr, Lees, Knapik, Brewer and Tisei, Mrs. Sprague and Messrs Hedlund and Antonioni moved to amend the bill by inserting after section 25A (inserted by amendment), the following section:—

"SECTION 25B. Section 2 of chapter 71 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting, after the word 'government', in line 4 the following words:— and a program relating to the flag of the United States of America, including but not limited to proper etiquette, the correct use and display of the flag, and the provisions of the federal flag code."
The amendment was adopted.

Messrs. Tarr and McGee, Ms. Resor, Messrs. Lees, Knapik, Joyce and Tisei, Mrs. Sprague and Messrs. Hedlund and Baddour moved to amend the bill by inserting after section 20A (inserted by amendment), the following section:—

"SECTION 20B. Section 5K of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the figure '$500' and inserting in place thereof the following figure:— '$750' ".
The amendment was adopted.

Mr. Berry moved to amend the bill by inserting after section 51B (inserted by amendment) the following section:—

"SECTION 51C. The first sentence of section 74 of chapter 177 of the acts of 2001 is hereby amended by striking out the words '4 nonvoting members to be appointed by the governor' and inserting in place thereof, the following words:— 5 nonvoting members to be appointed by the governor, 1 of whom shall be from the Massachusetts Council of Community Hospitals".
The amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 43A (inserted by amendment) the following section:—

"SECTION 43B. Subsection (i) of section 567 of the acts of 1996 is hereby amended by striking out the words 'The salary of such register shall be set at a sum equivalent to sixty percent of the salary of an associate justice of the land court.' and inserting the following words:— The registry shall be designated a tier 2 registry and the salary of the register

shall be consistent with the salaries of tier 2 registers."
The amendment was adopted.

Mr. Lees moved to amend the bill by inserting after section 82H (inserted by amendment) the following section:—

"SECTION 82I. (a) There shall be a special commission charged with studying the feasibility, costs and benefits of mandating that all office space procurement activities be conducted by the division of capital asset management and maintenance. The commission shall determine the costs currently being incurred through the utilization of agencies' internal personnel for the office space procurement purposes of those agencies in relation to the costs of consolidating all such activities under the authority of the division of capital asset management and maintenance. A report of the findings and recommendations of the commission shall be submitted to the clerks of the senate and the house of representatives within 180 days of the effective date of this act.

(b) This commission shall consist of 9 members. Three members shall be appointed by the Governor. Two members shall be appointed by the speaker of the house of representatives. One member shall be appointed by the minority leader of the house of representatives. Two members shall be appointed by the senate president. One member shall be appointed by the senate minority leader."
The amendment was adopted.

Ms. Creem, Mr. Travaglini, Ms. Wilkerson and Mr. O'Leary moved to amend the bill by inserting after section 29 the following section:—

"SECTION 29A. (A) Section 32H of chapter 94C of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the word 'parole,';

(B) Said section 32H of said chapter 94C, as so appearing, is hereby further amended by adding the following paragraph:—

'Notwithstanding any general or special law to the contrary, a person convicted of violating any provisions of sections 32, 32A, 32B, 32E, 32F and 32J shall be eligible for parole after serving two-thirds of the maximum term of imprisonment imposed.';

(C) Notwithstanding the provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General Laws or any other general or special law to the contrary, persons serving mandatory minimum sentences for violations of the above referenced sections as of July 1, 2002 shall be eligible for parole after serving two-thirds of their maximum sentence."
After remarks, the amendment was *rejected.*

Mr. Baddour moved to amend the bill by inserting after section 13, the following section:—

“SECTION 13A. (A) Section1 of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the definition for ‘Balanced Budget’ and inserting in place thereof the following definition:—

‘Balanced Budget’, a condition of state finance in which the following requirements are met:

(1) the consolidated net surplus at the end of the fiscal year is greater than or equal to one-half of 1 per cent of state tax revenues for such fiscal year;

(2) the amount transferred to the stabilization fund pursuant to subsection (a) of section 5C is greater than or equal to 1 per cent of state tax revenue for such fiscal year; and

(3) the total amount expended in the general appropriations act and any supplemental appropriations acts adopted subsequent to the passage of said general appropriations act shall not exceed 102 per cent of the expenditures projected in the immediately prior fiscal year plus the rate of inflation, which for the purposes of this subsection shall be defined as the per cent increase in the implicit price deflator for state and local government purchases during the most recent twelve-month period for which data is available, but shall not be less than 0%; provided further, that transfers or appropriations to the stabilization fund established by section 2H of this chapter, local aid expenditures from the state lottery fund, expenditures from intergovernmental transfers and other forms of federal financial participation which are 100 per cent reimbursable to the commonwealth and which require no expenditure of state funds shall not be subject to the provisions of this subsection.

(B) Section 5B of said chapter 29, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

On or before January tenth, the commissioner shall meet with the house and senate committees on ways and means and shall jointly develop a consensus tax revenue forecast for the budget for the ensuing fiscal year which shall be agreed to by the commissioner and said committees. In developing such a consensus tax revenue forecast, the commissioner and said committees, or subcommittees of said committees, may hold joint hearings on the economy of the commonwealth and its impact on tax revenue forecasts. The consensus tax estimate shall include an estimate of taxes collected pursuant to chapter 62 for capital gain income, as defined in that chapter. Within said estimate of taxes collected on capital gain income, there shall be identified a base amount and a growth amount. The base amount shall be the amount of capital gain income taxes collected in fiscal year 2003 as estimated by the commissioner of revenue, the base amount shall grow at the rate of inflation defined as the per cent increase in the implicit price deflator for state and local government purchases during the most recent twelve-month period for which data is available. The growth amount shall be the amount of capital gain income taxes identified by the commissioner of revenue above the base amount. The growth amount shall not be used in the tax estimate of revenues available for expenditure in the general appropriations act or any supplemental appropriations acts for the ensuing year. The consensus tax revenue forecast shall be included in a joint

resolution and placed before the members of the general court for their consideration. The joint resolution, if passed by both branches of the general court, shall establish the maximum amount of tax revenue which may be considered for the general appropriation act for the ensuing fiscal year.

(C) Section 2 of chapter 62F of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of 'Computed Maximum State Tax Revenue' the following two definitions:—

'Cumulative net state tax revenues', the sum of the net state tax revenues collected in each quarter of the fiscal year, year-to-date.

'Cumulative permissible tax revenues', the sum of the permissible tax revenues for each quarter of the fiscal year, year-to-date.

(D) Said section 2 of said chapter 62F, as so appearing, is hereby further amended by inserting after the definition of 'Net State Tax Revenues' the following two definitions:—

'Permissible revenue growth rate', growth rate of 2 per cent over the rate of inflation. For this purpose, the rate of inflation shall be the per cent increase in the implicit price deflator for state and local government purchases during the most recent twelve-month period for which data is available but shall not be less than 0%.

'Permissible tax revenue', for any quarter or year, an amount equal to the cumulative net state tax revenues of the same period in the immediately preceding fiscal year, multiplied by the sum of one plus the permissible revenue growth rate.

(E) Section 5 of said chapter 62F, as so appearing, is hereby amended by inserting after subsection (c) the following subsection:—

(d) The commissioner shall calculate the permissible tax revenue, as defined in this chapter, on a quarterly basis, in accordance with the manner and fiscal year schedule with which the commissioner calculates tax revenues. The commissioner shall calculate the year-to-date difference, if any, between cumulative net state tax revenues and cumulative permissible tax revenues. The commissioner shall report these amounts on a quarterly basis to the state comptroller, who shall, pursuant to section 6A, adjust the balance in the temporary holding fund established by the comptroller.

(F) Said chapter 62F, as so appearing, is hereby amended by inserting after section 6 the following section:—

Section 6A. (a) For any quarter of a fiscal year in which cumulative net state tax revenues exceed cumulative permissible tax revenues as defined in this chapter, the comptroller shall transfer such amounts as necessary from the General Fund to the temporary holding fund established by the comptroller to ensure that for the end of each quarter of the fiscal year, the balance of the temporary holding fund shall reflect the year-to-date difference between cumulative net state tax revenues and cumulative permissible state tax revenues. If the balance in the temporary holding fund exceeds the year-to-date difference between

cumulative net state tax revenues and cumulative permissible state tax revenues, the comptroller shall transfer the amount of the difference to the General Fund. The secretary of administration and finance may promulgate rules, regulations and guidelines to effectuate the purposes of this section.

(b) For any fiscal year when expenditure from the Commonwealth Stabilization Fund is required to pay expenses of the commonwealth, the comptroller shall reimburse the Commonwealth Stabilization Fund from the temporary holding fund the amount of all such appropriations from the Commonwealth Stabilization Fund, but the reimbursement shall not exceed the balance in the temporary holding fund. After the determination and disposition of consolidated net surplus pursuant to section 5C of chapter 29 and reimbursement of the Commonwealth Stabilization Fund pursuant to this section, any balance in the temporary holding fund after the comptroller makes any transfer to or from the General Fund required for the fourth quarter of a fiscal year shall be transferred in the following proportions: 25 per cent to the Tax Reduction Fund established in section 21 of chapter 29; 35 per cent to the One-Time Capital Projects Improvement Fund established pursuant to section 2BBB of chapter 29; and 40 per cent to the Stabilization Fund established pursuant to section 2H of chapter 29. In the event that the amount of the transfer to the Commonwealth Stabilization Fund would cause the ending balance in the Stabilization Fund to exceed the limits defined in section 2H of chapter 29, the amounts so in excess shall be transferred to the Tax Reduction Fund established pursuant to section 21 of said chapter 29.

(G) The provisions of subsections (C), (D), (E) and (F) shall take effect on July 1, 2002."
The amendment was *rejected.*

Mr. Morrissey moved to amend the bill by inserting after section 73M (inserted by amendment) the following section:—

"SECTION 73N. (a) Notwithstanding any general or special law to the contrary, the department of highways may take by eminent domain on behalf of the commonwealth under chapter 79 of the General Laws land located in the city of Quincy as necessary for the construction, operation and maintenance of retention ponds for the purpose of alleviating and preventing flooding.

(b) Upon completion of construction, the department of highways shall transfer, notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws, all property acquired under subsection (a), together with improvements constructed thereon, to the city of Quincy. The transfer shall include appropriate restrictions to ensure that the property shall be used solely for maintenance of the retention ponds and other conservation purposes consistent with this act."
The amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 24 the following section:—

"SECTION 24(A). Section 3A of chapter 64G of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word 'four' and inserting in place thereof the following figure:— '6';

(B) Said section 3A of said chapter 64G, as so appearing, is hereby further amended by striking out, in line 10, the figure '4.5' and inserting in place thereof te following figure:— '6.0'."

After remarks, the amendment was *rejected.*

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

"SECTION 26A. The first paragraph of section 7 of chapter 76 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following two sentences:— A city, town or regional school district may make a 30-day demand on the commonwealth for payment of any educational obligation under this section. If the commonwealth fails to pay as required, a city, town or regional school district may refuse to continue to enroll said school age child in the city, town or regional school district."

Mr. Morrissey moved that the amendment be amended by inserting before section 26A the following section:—

"SECTION 26½. Section 7 of chapter 76 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

For the tuition in the public schools of any city, town, or regional school district of any school age child placed in foster care or group care elsewhere than in his home town by, or there kept under the control of, the department of social services, the commonwealth or the city or town where the foster child previously resided shall fully reimburse said city, town, or regional school district for the child's tuition each day the child is enrolled in a public elementary or secondary school. The amount of said reimbursement shall be based on the average annual per pupil cost of education in the city, town, or regional school district, which shall include any special education costs, as deter-mined by the department of education."

After remarks, the further amendment was adopted.

The pending amendment (Morrissey) was further considered; and the pending amendment, as amended, was then adopted.

Mr. Moore moved to amend the bill by inserting after section 51C (inserted by amendment) the following section:—

"SECTION 51D. Section 74 of chapter 177 of the acts of 2001, is hereby amended by inserting after the words 'secretary of administration and finance,' in lines 7 and 21, each time they appear, the following words:— 'or his designee'."

The amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 6A (inserted by amendment) the following section:—

"SECTION 6B. Chapter 9 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 20A the following section:—

SECTION 20B. In order to assist in the education of citizens relating to government activities including but not limited to voter registration the department may accept gifts, contributions and bequests and in-kind contributions from individuals, corporations, foundations and from federal or state government bodies for purpose of furthering the departments' programs".
The amendment was adopted.

Ms. Murray moved to amend the bill by inserting after section 40B (inserted by amendment) the following section:—

"SECTION 40C. Section 22 of chapter 482 of the acts of 1993 is hereby amended by striking out the words 'and a twenty-five dollar annual surcharge on the licensing fee paid by property and casualty insurance brokers and property and casualty agents of direct writers registered with the division of insurance' and inserting in place thereof the following words:— 'a surcharge equal to twenty-five dollars per year on the license, payable at the time of the licensing fee paid by insurance producers licensed in property or casualty lines of insurance by the division of insurance'."
After remarks, the amendment was adopted.

Ms. Murray and Mr. Morrissey moved to amend the bill by inserting after section 35A (inserted by amendment) the following new section:—

"SECTION 35B. Section 177 of chapter 175 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— Whoever knowingly violates any provision of this section shall be punished by a fine of not less than $50 nor more than $500."
The amendment was adopted.

Mr. Morrissey moved to amend the bill by inserting after section 73N (inserted by amendment) the following section:—

"SECTION 73O. Notwithstanding any general or special law to the contrary the state secretary may charge a reduced fee for electronic filings made with the corporations division as follows: domestic corporation articles of organization, $250; foreign registration, $375; and domestic and foreign annual reports, $100.
After remarks, the amendment was adopted.

Mr. Creedon and Ms. Creem moved to amend the bill after section 82I (inserted by amendment) by adding the following new section:—

"SECTION 82J. There shall be a special commission on the trial courts to study the administrative organization and structure of the judiciary. The commission shall

investigate and make recommendations to the legislature and courts on any aspect of the management and administration of the trial courts and matters that will bring improvement of highest quality of justice to the citizens of the commonwealth and its citizens. The commission shall report its findings and recommendations within 1 year from the date it is established.

The commission shall consist of the following 3 members to be appointed by the governor, 1 of whom shall be from the Massachusetts Bar Association, 3 members to be appointed by the senate president, 1 of whom shall be the senate chairman of the committee on the judiciary and 1 of whom shall be the senate chairman of the committee on criminal justice, 3 members to be appointed by the speaker of the house, 1 of whom shall be from private business and 4 members of the courts, 1 of whom shall be the chief justice of the supreme judicial court or her designee, 1 of whom shall be the chief justice for administration and management or her designee, 2 members to be appointed by the supreme judicial court, 1 of whom shall be from the Massachusetts Judges Conference." The amendment was adopted.

Messrs. Tarr, O'Leary, Lees, Knapik, Joyce, and Tisei, Mrs. Sprague and Mr. Hedlund moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. (a) The commissioner of the division of insurance shall, in consultation with the commissioner of public health, the secretary of health and human services, the commissioner of medical security, the commissioner of consumer affairs and business regulation and the secretary of administration and finance, establish a system of uniform and standardized billing and payment to be used by every medical provider, hospital, insurer, health maintenance organization and any other entity making payment of any type for health care goods or services of any type in the commonwealth.

(b) Not later than 60 days after the passage of this act, the commissioner of insurance in this section called the commissioner, shall convene a planning group to assist in the development of the uniform payment system, in this section called 'UPS.' The planning group shall be comprised of those individuals listed in subsection (a) or their designees, together with the following: 3 representatives of the Massachusetts Hospital Association, 1 of whom shall represent a community hospital, 1 representative of a health maintenance organization doing business in the commonwealth, 1 representative of a commercial insurer doing business in the commonwealth, 1 representative of the commonwealth's insurer of last resort, 1 representative of a preferred provider organization doing business in the commonwealth, 1 representative of the Massachusetts Nurses Association, 3 representatives of the Massachusetts Medical Society, 3 members of the senate, at least 1 of whom shall represent the minority party, and 3 members of the house of representatives, at least 1 of whom shall represent the minority party. The planning group shall, in the discretion of the commissioner, assist in the development and implementation of a UPS having the characteristics prescribed by subsection (c).

(c) The UPS developed under this section shall employ a single, standardized format for the making and payment of claims between any provider and any payer of health care goods and services rendered to any citizen of the commonwealth. The system shall

include, but not be limited to, a universal format for the identification by code of particular conditions, treatments and goods, which format shall be maintained by any entity, including Medicaid, which delivers a contract for the payment of health care costs in the commonwealth. The format shall be designed so as to be usable in electronic or printed media, shall be simplified and straightforward, shall be expendable to cover future health care developments, shall be modifiable to adapt to any changing circumstances, shall facilitate the timely making, processing, and payment of claims, shall be commercially practicable, and shall be in conformity with the provisions of the Health Insurance Accountability Act of 1996.

(d) The UPS shall provide for the prompt notification of a claimant by a payer that a claim has been received, and that the information necessary to process the claim is either complete or incomplete.

(1) If the claim is incomplete, then such notification shall include any and all remaining information necessary to the payment of the claim. Such information shall, in turn, be provided on a supplementary claim form which shall bear its date of submission, which shall not be later than thirty days after the original notification of the receipt of the claim. Payment shall be issued by the payer not later than 45 days after the receipt of the supplementary claim form.

(2) If all claim information is complete, then payment shall be issued within 45 days.

(3) The planning group may develop the specific details of this notification process, including any appeals and further allowances for defective claim information.

(e) The UPS shall be developed in a state suitable for implementation and reported to the clerks of the house and senate and to the governor of the commonwealth not later than 18 months following the passage of this act. After this report, the general court shall have 90 days to make recommendations to the commissioner, or may take legislative action to delay implementation of the UPS.

(f) Not later than 24 months after the passage of this act, the commissioner shall implement the UPS developed under this section unless otherwise directed by the general court.

(g) The commissioner shall maintain the planning group prescribed by subsection 1 for the purposes of monitoring the implementation of the UPS of making recommendations to the commissioner for any necessary changes to enhance or maintain the effectiveness of the UPS, and of assisting in the issuance of reports relative to the UPS.

(h) The commissioner shall, for the 3 year period commencing upon the implementation of the UPS, issue quarterly reports relative to the operating effectiveness of the UPS, which shall include, but not be limited to:

(1) the costs of implementation and operation of the system, both to the private and public sectors;

(2) problems or difficulties encountered in implementing or operating the system;

(3) public comment received relative to the system, either in actual or summary format;

(4) average time periods for the making and payment of claims under the UPS; and

(5) any legislative recommendations.

These reports shall be delivered to the clerks of the house and senate and the governor of the commonwealth.

(i) Any insurer licensed by the division of insurance, or any health care provider practicing in the commonwealth may, in a written form approved and promulgated by the commissioner, petition for a change in the UPS, which shall be considered in a timely fashion by the commissioner.

The commissioner shall conduct a public hearing to receive public comment, in person and in writing, within 90 days of receiving such a petition, and shall issue a ruling on the proposed change within thirty days of the conclusion of the hearing. The commissioner may consolidate hearings for the purpose of promoting efficiency. Any changes so approved shall be implemented in the next semi-annual modification period following the ruling.

(j) The commissioner shall establish 2 semi-annual modification dates whereby any changes to the UPS shall be implemented. The commissioner may develop regulations to ensure that adequate notice is given of any such changes, and that prompt compliance is accomplished with regard to such changes."
The amendment was *rejected.*

Mr. Hart moved to amend the bill by inserting after section 73O the following section:—

"SECTION 73P. Notwithstanding any general or special law to the contrary, the University of Massachusetts shall cease the conveyance of the parcel required by section 39 of chapter 55 of the acts of 1999 to be conveyed for use as a permanent transfer station, or for any other purpose. The University in consultation with the Boston Water and Sewer Commission shall determine other forms of compensation for the taking other than the conveyance of any parcels of land on the campus. The University in consultation with the Boston water and sewer commission shall conduct a study of other sites for the permanent transfer station elsewhere in the city of Boston, but this study shall not consider parcels on the campus of the University of Massachusetts at Boston or on any properties adjacent thereto or on the Harbor Point peninsula."
After remarks, the amendment was adopted.

Mr. Hart moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding any general or special law to the contrary, the Massachusetts environmental policy act office and other offices within the executive office of environmental affairs, and any other state, municipal or local agency or

department having jurisdiction of such matters, shall cease and desist with the permitting and approval process for the parcel conveyed under section 39 of chapter 55 of the acts of 1999 for use as a permanent transfer station or for any other purpose. The University of Massachusetts in consultation with Boston water and sewer commission, shall determine other forms of compensation for this taking other than the conveyance of any parcels of land on the campus. The University, in consultation with and the Boston water and Sewer commission, shall conduct a study of other sites for this permanent transfer station elsewhere in the city of Boston, but this study shall not consider parcels on the campus of the University of Massachusetts at Boston or on any properties adjacent thereto or on the Harbor Point peninsula."
The amendment was *rejected*.

Mr. Magnani moved to amend the bill by inserting after section 82J (inserted by amendment), the following section:—

"SECTION 82K. (a) There shall be a special commission to study and make recommendations about financing the obligations of the Massachusetts Turnpike Authority and the Central Artery Project. The commission shall consist of 6 persons to be appointed by the governor, 4 persons appointed by the president of the senate, at least 1 of whom shall be a member of the minority party, 4 persons appointed by the speaker of the house of representatives, at least 1 of whom shall be a member of the minority party, and 1 person appointed by the chief executive officer of the Massachusetts Turnpike Authority.

(b) The commission shall examine the equity of the present funding structure with regard to financing the obligations of the Massachusetts Turnpike Authority and the Central Artery Project and shall include, among other things, an examination of the following: (1) the fairness of the proposed toll structure for private passenger vehicles using interstate highway route 90 relative to private passenger vehicles using the other highways of the commonwealth and to benefit from the intended use of the Central Artery Project; (2) the effect and practicality of instituting tolls on the commonwealth's border with neighboring states, including on the commonwealth's border with the state of New Hampshire on interstate highway routes 93 and 95 and state highway route 3; (3) the effect of providing for a more uniform and consistent toll structure on highways throughout the commonwealth, including the effect of instituting tolls on that portion of the Metropolitan Highway System, as defined in Chapter 81A of the General Laws, presently consisting of interstate highway route 93; (4) the effect of re-instituting tolls on the Boston Extension at the interchange of interstate highway route 90 and state highway route 16 and on the Turnpike from exit 1, so-called, at the commonwealth's border with the state of New York to and excluding exit 6, so-called, at the interchange of interstate highway route 90 and interstate highway route 291; (5) the effect of modifying toll discounts or free travel on the Turnpike or the Metropolitan Highway System, including consideration of frequent user and commuter discounts; (6) the effect of limiting or eliminating contributions by the Massachusetts Turnpike Authority to the Surface Artery, so-called; (7) the effect of excluding from the Metropolitan Highway System that portion constituting a section of interstate highway route 93; (8) the effect of transferring to the highway department such portion of the Turnpike extending from the commonwealth's

border with the state of New York to but excluding exit 6, so-called, at the interchange of interstate highway route 90 and interstate highway route 291; (9) the effect of redefining the Metropolitan Highway System to include the portion of the Turnpike extending from the interchange of interstate highway route 90 to and excluding the interchange of interstate highway route 90 and interstate highway route 495; (10) funding sources for the highway department to meet the expenses of operating such portion of interstate highway route 93 and other highway transferred to the highway department from the Massachusetts Turnpike Authority; (11) the effect of providing a tax credit to Massachusetts residents purchasing transponders for use on the Turnpike or the Metropolitan Highway System; (12) the effect of permitting Turnpike revenues in excess of those needed to pay operating expenses and debt service on bonds supported by Turnpike revenues available to be pledged and pay debt service on bonds issued for the Metropolitan Highway System; (13) the elimination of the Local Tourism Grant Program of the Massachusetts Turnpike Authority; (14) the effect of limiting certain liabilities of the Massachusetts Turnpike Authority, including the extent to which the provisions of chapter 258 of the General Laws should also be applicable to the Massachusetts Turnpike Authority; and (15) further cost savings that might be realized by the Massachusetts Turnpike Authority.

(c) No member of the commission shall receive any compensation for his services, nor shall any member of the commission be reimbursed for any travel expenses or actual expenses incurred in carrying out his duties as a member.

(d) The commission shall report to the joint committee on transportation of the general court the results of its study, together with its recommendations and drafts of any legislation necessary to carry the recommendations into effect, not later than March 31, 2003."
The amendment was adopted.

Mr. Hart moved to amend the bill by inserting after section 45 the following section:—

"SECTION 45A. Section 39 of chapter 55 of the acts of 1999 is hereby amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following paragraph:—

The compensation for this taking shall be the fair cash value of Parcel One as determined by an independent appraisal. Consideration for the taking shall include $1,000,000 in scholarships, including fee and tuition waivers, for residents of the city of Boston to attend the University of Massachusetts at Boston and other consideration offered to satisfy the fair cash value of Parcel One as agreed to by the parties. Such consideration shall not include the conveyance, lease or transfer of any nature or kind of any parcels of land on the campus of the University of Massachusetts at Boston. The University, in consultation with the Boston water and sewer commission, shall conduct a study of other sites for a permanent transfer station elsewhere in the city of Boston but not on the campus of the University of Massachusetts at Boston or any properties adjacent thereto or on the Harbor Point Peninsula. The eligibility criteria for the scholarships authorized in this paragraph shall be determined in accordance with the memorandum between the

University and the Commission dated January 11, 1999 and on file with the office of the chancellor of the University of Massachusetts at Boston. The scholarships shall be in addition to any other scholarships available to residents of the city of Boston and shall be administered directly by the University, notwithstanding the provisions of any other special or general law to the contrary."
The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 4000-0300, by inserting after the word "diversion", in line 18, the following words:— "; provided further, that the division may undertake a pilot program to examine the feasibility of improving the quality and efficiency of health care delivery through the use of electronic systems for medical reporting and documentation of patient information; provided further, that not moe than $50,000 may be expended for the purposes of facilitating and monitoring the use of such systems at not less than 5 health care facilities of varying size and geographic location for a period not longer than 12 months."
The amendment was adopted.

Mr. Panagiotakos moved to amend the bill by inserting, after section 26A (inserted by amendment), the following section:—

"SECTION 26B. 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, the term 'hitching mechanism' shall be defined as the lift cylinder and the lift arm. Nothing in this section shall apply to state, county or municipally owned or operated vehicles. Between May 15 and October 15 of each year, any vehicle motor 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 act may be re-equipped with the plow and any apparatus necessary for clearing snow. Vehicles will be required to abide by the provisions of this section within 72 hours of the conclusion of a snowfall.

Any individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined $250 for the second offense and $500 and revocation of the vehicle's registration for the third offense. The revocation of a vehicle's registration due to a third offense shall remain in effect until such time as 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. However, it shall be unlawful, and punishable by the same fines and revocations aforementioned, for any person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.

The registry of motor vehicles shall, within 180 calendar days of the passage of this act, develop a list of makes and models of hitching mechanisms that fold flat leaving no protruding surfaces. The registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby the registry of motor vehicles can ensure a motor vehicle's compliance with this section following a third offense."
The amendment was adopted.

Mr. Panagiotakos moved to amend the bill by inserting after section 82K (inserted by amendment), the following section:—

"SECTION 82L. (a) The general court finds that: (1) the 2000 United States census figures and other demographic data indicate that the elderly population in the commonwealth is estimated to increase by 500,000 by the year 2020; (2) the elderly represent the fastest growing homeless population in Massachusetts; and (3) the current supply of elderly public housing and affordable housing as defined by the United States Department of Housing and Urban Development is not sufficient to meet the demand.

(b) There shall be a special commission charged with determining the number of public housing and affordable units that need to be constructed in each region of the commonwealth by 2020 to meet this demand; an estimate of the total cost of meeting the demand; and an estimate of total costs to the commonwealth to meet the demand. The duties of the commission shall also include: identification of existing programs that can be used to facilitate state funding for the housing; recommendations for new state programs if existing programs are not sufficient to meet demand; recommendations on how the commonwealth can best meet the estimated state costs.

(c) The commission shall be comprised of 3 members of the senate, to be appointed by the senate president, 1 of whom shall be the senate co-chairman of the housing and urban development committee and 1 of whom shall be a member of the minority party; 3 members of the house, to be appointed by the speaker of the house, 1 of whom shall be the co-chair of the housing and urban development committee and 1 of whom shall be a member of the minority party; and 9 members, appointed by the governor, 1 of whom shall be the director of the department of housing and community development or his designee; 1 of whom shall be the secretary of elder affairs or his designee; 1 of whom shall be a representative from Massachusetts NAHRO; 1 of whom shall be a representative from the Massachusetts Association of Regional Planning Councils; 1 of whom shall be the executive director of the Massachusetts Housing Finance Agency or his designee; 1 of whom shall be a representative from the Home Builders Association of Massachusetts, Inc.; 1 of whom shall be the director of the Massachusetts Institute for Social and Economic Research or his designee; of whom shall be the executive director of Elder Services of the Merrimack Valley or his designee; 1 of whom shall be the executive director of the Committee to End Elder homelessness; and 1 of whom shall be the executive director of the Massachusetts Housing and Shelter Alliance. The commission shall be co-chaired by the senate and house co-chairs of the legislature's joint committee on housing and urban development.

(d) The commission shall file a report of its findings and recommendations with the house and senate committees on ways and means and the executive office of administration and finance not later than July 1, 2003."
The amendment was adopted.

Messrs. McGee, Antonioni, Tolman and Joyce, Ms. Menard, Ms. Fargo and Mr. O'Leary moved to amend the bill in section 2, in item 4000-0300, by adding the following words:— "; provided further, that the division shall report to the executive office of administration and finance, the joint committee on health care and the house and senate committees on ways and means not later than January 31, 2003 on the effect on dental and overall health of not providing preventative services to adult MassHealth patients, including the medical and financial impact for failing to provide restorative and preventative dental services; provided further, that the report shall compare the ability of providers to detect oral cancer and other major health conditions in adult MassHealth patients when restorative and preventative dental services are provided with the ability of providers to detect such conditions when restorative and preventative dental services are not provided; provided further, that the report shall assess increased emergency room and uncompensated care pool costs resulting from the failure to provide such restorative and preventative services; and provided further, that the report shall include the expected cost of providing restorative and preventative benefits, diagnostic exams, endodontics and periodontics to adult MassHealth patients."
After remarks, the amendment was adopted.

Messrs. Tarr and Glodis moved to amend the bill by inserting after section 35B (as inserted by amendment), the following section:—

"SECTION 35C. The General Laws are hereby amended by inserting after chapter 176H the following chapter:—

CHAPTER 176H1/2.

PREPAID LEGAL SERVICES.

Section 1. The purpose of this chapter is to provide for the rules and procedures for the establishment and operation of prepaid legal companies, their representatives and prepaid legal plans. For purposes of this chapter, prepaid legal plans shall not be considered insurance products and a prepaid legal company and their representatives shall not be considered insurers and thereby, such company and its representatives shall not be subject to the provisions of chapters 175, 175A, and 176H. The provisions of this chapter shall apply to all companies and their representatives that are selling, soliciting or negotiating prepaid legal plans as defined by this chapter to citizens of the commonwealth.

Section 2. The following words, as used in this chapter, shall have the following meanings:

'Office', the office of consumer affairs in the executive office of consumer affairs and business regulation.

‘Prepaid Legal Company’, a person or entity offering prepaid legal services to the general public or a segment of the general public.

‘Prepaid legal services’, legal services or reimbursement for legal services provided by the provider law firm or an attorney within the provider network. Such services are provided in return for a predetermined, specified, periodic fee.

‘Provider Law Firm’, the law firm the prepaid legal services company enters into a contract with to render the legal services covered by the membership contract.

‘Subscriber’, any person who has been enrolled in a prepaid legal services plan and is entitled to receive the benefits provided in the plan.

Section 3. (a) Before commencing business in the commonwealth, any prepaid legal services company must register with the office on a form prescribed by the office. The form must be accompanied by a bond or letter of credit acceptable to the office in the amount of $50,000, which must remain in force so long as the prepaid legal services company does business in the commonwealth. Every company shall be directed to provide the office with a list of all of its representatives that will be directly involved in the negotiating, soliciting and selling of prepaid plans to the general public in the commonwealth. A company must file the list not later than March first of each year commencing immediately after registration required under this subsection.

(b) A prepaid legal services company must administer a product knowledge test to all of its representatives that will be directly involved in the selling, soliciting, and negotiating of prepaid legal plans in the commonwealth. The test shall be based specifically on the company’s plan and is designed to ensure that the company’s representatives are knowledgeable about the product. The company will be responsible for conducting the examination and shall certify on a form filed with the office along with its registration and renewal application that said company has administered the examination in compliance with this chapter and section and that the representative has sufficient knowledge about the product. The company will provide individual or group test results upon the request of the office.

(c) No later than March first of each year, commencing immediately after registration required by section 2, a prepaid legal services company registered with the office must file on a form prescribed by the office an updated registration statement to include a sworn affirmation as to continuation of the bond or letter of credit and updated list of its representatives transacting business in the commonwealth as required by section 3.

(d) Contracts offering prepaid legal services must be filed with the office for approval prior to being offered to the general public or a segment of the general public. Approval will only be withheld if the contract is false, misleading, unfair, deceptive, or is in violation of this chapter or other applicable law.

(e) Every subscription contract shall be in writing and shall contain the following provisions:

(1) a statement of the amount of benefits, reimbursement or indemnity to be furnished to each consumer/subscriber, and the period during which it will be furnished; and, if there are exceptions, reductions, exclusions, limitations or restrictions of such benefits reimbursement or indemnity, a detailed statement of such exceptions, reductions, exclusions, limitations, or restrictions;

(2) a statement of the terms and conditions upon which the subscription contract may be cancelled or otherwise terminated by the sponsor or the subscriber or by his employer or group;

(3) a statement describing the applicability or nonapplicability of the benefits of the plan to the family dependents of the subscriber;

(4) a statement describing a procedure for settling disputes between or among the sponsor, participating or staff attorneys, and the subscribers.

Section 4. A consumer aggrieved by a prepaid legal company or its representative may file a complaint with the consumer complaint information section under the public protection bureau in the office of the attorney general."
The amendment was adopted.

Messrs. Tarr and Baddour moved to amend the bill in section 81, in subsection (a), by inserting after clause (11) the following clause:—

"(12) providing recommendations for the implementation of alternative budgeting methods, including, but not limited to zero-based budgeting and performance based budgeting in the commonwealth."; and

In said section 81, in subsection (c), by inserting after the second sentence the following sentence:— "The commission shall file a final report on clause (12) not later than 6 months following the passage of this act."
After remarks, the amendment was adopted.

Mr. Moore, Ms. Walsh, Messrs. Tarr and Knapik, Ms. Fargo and Messrs. O'Leary and Joyce moved to amend the bill by striking out section 78 and inserting in place thereof the following section:—

"SECTION 78. (a) There shall be a special commission on nursing workforce issues and registered nurse staffing levels to study, evaluate and generate evidence-based recommendations regarding nursing staff-to-patient ratios at acute care hospitals. The commission shall consist of the commissioner of public health or his designee, the house and senate chairs of the joint committee on health care, 2 representatives of the Massachusetts Nurses Association, 1 representative of the board of registration in nursing, 1 registered staff nurse from a large teaching hospital appointed by the Massachusetts Nurses Association, 1 registered staff nurse from a community hospital appointed by the Massachusetts Nurses Association, 1 representative of the Massachusetts Hospital Association, 1 representative of an acute care teaching hospital, 1 representative of an acute care community hospital, 1 representative of the Massachusetts

Association of Health Plans, 1 health care consumers, 1 of whom shall be a senior citizen, 1 representative from the Harvard School of Public Health, 1 representative from the board of registration in medicine, 1 representative from the Massachusetts Organization of Nurse Executives, 1 representative from the Massachusetts Association of Behavioral Health Systems, 1 nurse manager from a large teaching hospital, 1 representative of the Massachusetts AFL-CIO, 1 representative of the Massachusetts Medical Society, 1 chairperson of a department of nursing from a Massachusetts institution of higher education, 1 nurse executive from a large teaching hospital and the director from the center for health professions at Worcester State College.

(b) The commission shall investigate and report on matters affecting the acute care nursing workforce and the corresponding impact on patient care and the health care system.

(c) The commission shall file a report to include, but not be limited to: an analysis of current technology available to correlate patient need and staffing requirements; an analysis of current professional evidence-based standards of practice for staffing and the implications of those standards, including the impact of overtime on staff and patient safety and health care quality; an analysis of the data on the nursing shortage in the commonwealth, including both supply and demand data; recommendations to increase the number of nurses available to work in the health care industry; recommendations to increase the enrollment capacity and decrease the attrition rates of nurse education programs; recommendations to enhance the retention of nurses in acute care hospitals; and an evaluation of mandatory staff-to-patient ratio regulation in other states, including an analysis of the benefits, costs and implications of such systems.

(d) The commission shall develop evidence-based recommendations for rules and regulations designed to achieve sufficient registered nurse staffing at acute care hospitals including, if the commission so recommends, a daily written staffing plan specific to each unit or specialty area of practice at acute care hospitals. Daily written staffing plans shall incorporate applicable professionally recognized evidence-based standards of nurse staffing practice and shall include criteria recommended by the commission, including a patient classification system that accounts for acuity and complexity of care. The commission’s recommendations shall include an estimate of any related costs or savings associated with the implementation of such daily staffing plans. The estimated costs or savings shall include, but not be limited to, those that would be incurred or realized by the state, the acute care hospital industry, health care purchasing organizations and health care consumers. The recommendations shall include an evidence-based evaluation of the impact of current and recommended staff-to-patient ratios on the quality of patient care in acute care facilities and on the ability to recruit and retain qualified licensed nursing staff. If the commission so recommends, the recommendations shall also include a timeframe for implementation and recommendations for enforcement, implementation and adherence to a written registered nurse staffing plan within such timeframe.

(e) The commission shall present its report and recommendations, including proposed legislation and proposed rules or regulations necessary to implement any such recommendations, to the secretary of administration and finance, the joint committee on

health care and the house and senate committees on ways and means not later than December 31, 2002."
The amendment was adopted.

Messrs. Hedlund, Tarr, Knapik, Lees and Tisei and Mrs. Sprague moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. The state Housing Appeals Committee shall not grant approval of any comprehensive permit denied or issued with conditions in any Massachusetts community until the completion of a study conducted by the department of housing and community development and the executive office of environmental affairs to determine which communities have, by virtue of their current state of land development, arrived at maximum build-out given their remaining land mass and the environmental limitations extant on said properties."
The amendment was *rejected*.

Messrs. Knapik and Lees, and Ms. Melconian moved to amend the bill, by inserting after section 14A (as inserted by amendment) the following section:—

"SECTION 14B. Section 2Z of Chapter 29 of the General Laws, as amended by section 14 of chapter 177 of the acts of 2001, is hereby further amended by inserting after the word 'Tunnel', in line 19, the following:— and the Chicopee Valley Aqueduct Redundancy Project."
The amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 0340-0800, by adding the following words:— "and provided further, that not less than $125,132 shall be expended to pay rent for the building located at 32 Belmont street in the city of Brockton"; and, by striking out the figure "$5,448,155" and inserting in place thereof the following figure:— "$5,573,287".
The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting after section 73, the following section:—

"SECTION 73A. The department of education and the secretary of administration and finance, in consultation with the joint committee on education, arts and humanities, shall study and investigate inequities in the methodology by which educational aid is distributed to cities and towns under chapter 70 of the General Laws. The study shall include, but not be limited to, an examination of communities receiving less than 40 per cent of their net school spending from the commonwealth and potential methodologies for equitably increasing aid to those communities. The department shall report the findings of its study, together with any legislative recommendations, not later than 1 year following the passage of this act."
The amendment was *rejected*.

Ms. Menard and Messrs. Lees and Glodis moved to amend the bill by inserting after section 35 an amendment entitled "The Massachusetts Casino Control Act" (for text of this document see Senate, No. 393 of 2001).

Pending the adoption of this amendment, Ms. Menard moved that the amendment be amended by striking out the text contained therein and inserting after item 1599-6901 in section 2, the following item:

"1599-6903 For a commission to study the fiscal, economic and social implications of the proposed expansion of legalized gaming in the Commonwealth; provided, that it is hereby found and declared that such proposed expansion in various forms and scope warrants particularly careful consideration in order to protect the short-term and long-term interests of all of the citizens of the commonwealth; provided further, that it is also found and declared that the research conducted relative to the effects of casino gaming and other forms of gaming on the economic, social, cultural and fiscal well-being of host states and localities has yielded conflicting results; provided further, that it is in the interest of the citizens of the commonwealth and its political subdivisions to investigate this issue thoroughly in order to ensure that any potential expansion of legalized gaming shall be effectuated through legislation that protects the interests of the citizens of the commonwealth; provided further, that it shall be the purpose of the commission to research comprehensively and identify specifically the potential effects, positive and negative, of gaming expansion on the economic, social, cultural and fiscal well-being of the citizens of the commonwealth and its municipalities and localities; provided further, that the commission's evaluation shall include, but not be limited to, consideration of the commonwealth's potential duties and obligations relative to the federal Indian Gaming Regulator Act of 1988, 25 U.S.C. 29-2701 – 29-2721; provided further, that said commission shall consist of 18 voting members, 3 of whom shall be appointed by the governor, 3 of whom shall be appointed by the speaker of the house of representatives; 1 of whom shall be appointed by the minority leader of the house of representatives; 1 of whom shall be appointed by the president of the senate; 1 of whom shall be appointed by the minority leader of the senate; 3 of whom shall be appointed by the attorney general; 1 of whom shall represent the Massachusetts District Attorneys Association; 1 of whom shall represent the Massachusetts Municipal Association and 1 of whom shall represent the Associated Industries of Massachusetts; 3 members to be appointed by the treasurer; 1 of whom shall represent the state lottery and 1 of whom shall represent a federally-recognized tribe located in the commonwealth; and provided further, that the commission shall submit a report on its findings and recommendations to the clerks of the senate and house of representatives not later than December 1, 2002 100,000

Massachusetts Tourism Fund
100.0% ."

The further amendment was adopted.

The pending amendment (Menard, Lees and Glodis) was then considered; and it was adopted, as amended.

Ms. Fargo moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— "; provided further, that not less than $150,000 shall be expended for the Waltham tourism council".
The amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 7007-0950 by inserting after the words “Canton civil war statue” the following words:— “provided further, that $50,000 shall be expended for the Devens Enterprise Commission;”.
The amendment was adopted.

Ms. Creem and Messrs. McGee and Tolman moved to amend the bill in section 2, in item 4512-0200 by inserting after the words “Great Barrington” the following words:— “; provided further, that not less than $90,000 shall be expended for the Russian Teens-at-risk program operated by the Jewish Family and Children’s Service in the cities of Boston and Lynn and the town of Brookline”.
The amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 0332-9000, by adding the following words:— “; provided further, that funds expended in this item or any other item for the construction of a permanent or temporary courthouse in Hampshire county shall be for the construction or rent of that courthouse in the town of Belchertown, and no funds shall be expended from this item for the construction or rent of a courthouse in Hampshire county unless the site for the courthouse is located in the town of Belchertown”.
The amendment was adopted.

Messrs. Tolman and Pacheco moved to amend the bill in section 2, in item 4400-1000, by inserting after the word “item”, in line 10, the following words:— “; provided further, that the associated expenses of employees whose AA subsidiary payroll costs are paid from this item shall be paid from this item”; and in section 2, in item 4400-1000, by striking out the figure “$132,531,127” and inserting in place thereof the following figure “$73,566,497”; and by inserting after item 4400-1000 the following item:

“4400-1100 For the AA subsidiary payroll costs of the department caseworkers; provided, that only employees of bargaining unit 8 shall be paid from this item; and provided further, that any other expenses associated with these employees shall be paid from item 4400-1000 58,964,630

General Fund 83.00%

Transitional Aid to Needy Families Fund 17.00% ”.

The amendment was adopted.

Mr. Creedon moved to amend the bill by inserting after section 73 the following section:—

“SECTION 73A. Notwithstanding paragraph (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, the chief justice for administration and management may, from the effective date of this act to June 30, 2003, inclusive, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the trial court department; provided, that transfers shall be made in

accordance with schedules submitted to the house and senate committees on ways and means. No transfer shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means." The amendment was *rejected*.

Recess.

There being no objection, at twelve minutes past seven o'clock P.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and at four minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

Suspension of Senate Rule 38A.

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

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Mr. Magnani and Ms. Chandler, Ms. Creem, Ms. Fargo, Ms. Jacques, Messrs. McGee and Moore, Ms. Resor, Messrs. Tarr, Tolman and Travaglini moved to amend the bill by inserting after section 26 the following section:—

"SECTION 26A. (A) Section 3 of Chapter 81A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the definition of 'central artery north area' the following 2 definitions:—

'Frequent user', a motorist who completes a roundtrip transit over any portion of the metropolitan highway system or of the turnpike any 80 days within a calendar year and participates in the FastLane program.

'Frequent user toll discount program', the program whereby, following an increase in toll rates from the rate in place on January 1, 2002, all frequent users shall receive a credit to their FastLane account in an amount not less than 50 per cent of the rate increase for each toll paid at that increased rate.

(B) Section 4 of said chapter 81A, as so appearing, is hereby amended by inserting after the word 'turnpike;', in line 35, the following words:— 'provided, that the tolls shall be

fixed at the rate in place as of January 1, 2002 until the implementation of the frequent user toll discount program';

(C) Said section 4 of said chapter 81A, as so appearing, is hereby amended by inserting after the word 'system;', in line 45, the following words:— 'provided, that the tolls shall be fixed at the rate in place as of January 1, 2002 until the implementation of the frequent user toll discount program;'

(D) Subsection (a) of section 10 of said chapter 81A, as so appearing, is hereby amended by inserting after the first sentence the following sentence:— 'The authority shall implement the frequent user toll discount program.' "
After remarks, the amendment was adopted.

Mr. Tolman moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding any general or special law or rule or regulation to the contrary, the Massachusetts Turnpike Authority shall not charge and collect tolls for transit through the Allston-Brighton exit and entrance on the turnpike by private passenger vehicles registered in the Allston and Brighton sections of the city of Boston, as the Boston transportation department has determined the geographical boundaries of said sections, that are greater than the tolls in effect for such Allston and Brighton vehicles at that exit as of January 1, 2001."
The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 4403-2119, by adding the following words:— "; and provided further, that not less than $400,000 be expended for Brigid's Crossing, a Lowell residential program for homeless pregnant teens and their children."
The amendment was adopted.

Mr. McGee moved that the bill be amended in section 2, in item 7052-0003, by adding after the word "projects", in line 10, the following words:— "; and provided further, that in fiscal year 2004, the department of education shall complete school building assistance project audits for eligible school building assistance projects in the city of Lynn for which audit materials have been submitted and shall pay to the city of Lynn from funds appropriated in this item in fiscal year 2004 an amount equal to the positive difference between the final actual total project costs eligible for reimbursement and the preliminary approved project costs eligible for reimbursement".
The amendment was adopted.

Ms. Creem, Mr. Tarr, Ms. Fargo and Mr. Magnani moved to amend the bill by inserting after section 20B (as inserted by amendment) the following section:—

"SECTION 20C. (A) Paragraph (g) of section 21C of chapter 59, as so appearing, is hereby amended by adding the following three paragraphs:—

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, if the taxpayer's total income together with the total income of taxpayer's spouse shall not exceed $60,000. For the purposes of this paragraph 'residence' and 'taxpayer's total income' shall have the same meaning as used in paragraph (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1st of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

(B) Paragraph (h) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following three paragraphs:—

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 yeas of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayer's total income, if the taxpayer's total income together with the total income of the taxpayer's spouse shall not exceed $60,000. For the purposes of this paragraph 'residence' and 'taxpayer's total income' shall have the same meaning as used in paragraph (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1st of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

(C) Paragraph (i½) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following three paragraphs:—

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayer's total income, if the taxpayer's total income together with the total income of the taxpayer's spouse shall not exceed $60,000. For the purposes of this paragraph 'residence' and 'taxpayers total income' shall have the same meaning as used in paragraph (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1st of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

(D) Paragraph (j) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following three paragraphs:—

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, provided however, that the taxpayer's total income together with the total income of taxpayer's spouse shall not exceed $60,000. For the purposes of this paragraph 'residence' and 'taxpayer's total income' shall have the same meaning as used in paragraph (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1st of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year.

(E) Paragraph (k) of said section 21C of said chapter 59, as so appearing, is hereby amended by adding the following three paragraphs:—

The local appropriating authority may vote to adopt the following exemption to the question:

For residential property whose owner is 65 years of age or older and who occupies said property as his principal residence and whose real estate tax payment exceeds 10 per cent of the taxpayers total income, provided however, that the taxpayer's total income together with the total income of taxpayer's spouse shall not exceed $60,000. For the purposes of this paragraph 'residence' and 'taxpayer's total income' shall have the same meaning as used in paragraph (k) of section 6 of chapter 62.

Any person qualifying for the exemption shall apply for the same on or before July 1st of the fiscal year in question on a form provided by the assessors. In determining eligibility for an exemption the assessors shall review the income tax forms for the preceding year." The amendment was adopted.

Mr. Travaglini moved to amend the bill by inserting after section 73 the following section:—

"SECTION 73A. The retirement board of the Massachusetts Port Authority shall establish a retirement benefit fund for retired employees and the eligible surviving spouse or dependents of deceased employees. The funds shall be credited to a special fund to be known as the Retiree Benefit Trust Fund. The funding for such fund shall be initiated by appropriating and transferring all funds presently in the Massachusetts Port Authority Retirement System which exceed 120 per cent of the required funding for that system as established by the annual report of the system. Any interest or other income shall be added to and become part of the fund. Any funds in the Retiree Benefit Fund shall be trust funds within the meaning of section 54 of chapter 44 of the General Laws. The Massachusetts Port Authority employees' retirement board, or their designee, by a

majority vote of the board, shall be the custodian of the fund, and may deposit the proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the commonwealth or in federal savings and local associations situated in the commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the commonwealth. The board may employ any qualified bank, trust company, corporation, firm or person to advise them on the investment of the fund and may pay for such advice. Amounts shall be added to the fund upon the publishing of the Retirement system's annual report and the establishment that the Retirement Fund exceeds 20 per cent of the fully required funding. All amounts which exceed 120 per cent shall be transferred to the Retirees' Benefit Fund amounts. The retirement board may expend the funds for the benefit of the retirees following a majority vote of the board. Funds may be utilized for the purposes of this trust fund by appropriation at any meeting of The Massachusetts Port Authority retirement board. Monies which exceed the 120 per cent shall be transferred to the Retirees Benefit Account on an annual basis on the anniversary of the initial transfer of the funds."
The amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 73Q (as inserted by amendment), the following section:—

"SECTION 73R. Notwithstanding any provisions in chapter 219 of the acts of 2001 and chapter 62 of the acts of 2002, institutions of public higher education shall be allowed to refill as many of the positions lost to early retirement as funding will permit."
The amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 0321-0001, by striking out the figure "$405,036" and inserting in place thereof the following figure:— "$445,168".
The amendment was adopted.

Mr. Creedon, Ms. Creem, Mr. Nuciforo, Ms. Murray and Messrs. Knapik, O'Leary, Pacheco and Panagiotakos moved to amend the bill in section 2, in item 0330-9000, by striking out the figure "$31,034,343" and inserting in place thereof the following figure:— "$32,634,343".
The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in subsection (L) of section 37 by striking out the figure "$140" and inserting in place thereof the following figure:— "$200"; and in said section 2, in item 0334-0001, by striking out the figure "$2,514,953" and inserting in place thereof the following figure:— "$2,896,457".
The amendment was *rejected*.

Messrs. Creedon and Morrissey, Ms. Creem, Mr. Glodis, Ms. Murray, Messrs. Panagiotakos, Nuciforo, Knapik, O'Leary, Pacheco and Hedlund moved to amend the bill in section 37 by striking out subsections (A) to (BB), inclusive, and inserting in place thereof the following language:—

“SECTION 37. (A) Section 19 of chapter 185C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 8, the words ‘fifty dollars’ and inserting in place thereof the following figure:— $100.

(B) Said section 19 of said chapter 185C, as so appearing, is hereby further amended by striking out, in line 15, the words ‘fifty dollars’ and inserting in place thereof the following figure:— $75.

(C) Section 2 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, lines 11 and 12, and in line 17 the words ‘one hundred dollars’ and inserting in place thereof, in each instance, the following figure:—$150.

(D) Said section 2 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 7, the words ‘twenty dollars’ and inserting in place thereof the following figure:— $25.

(E) Said section 2 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 15, the words ‘thirty dollars’ and inserting in place thereof the following figure:— $50.

(F) Section 4 of said chapter 262, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words ‘one hundred and fifty dollars’ and inserting in place thereof the following figure:— $200.

(G) Said section 4 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words ‘two hundred dollars’ and inserting in place thereof the following figure:— $225.

(H) Said section 4 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 8, the words ‘fifty dollars’ and inserting in place thereof the following figure:— $75.

(I) Section 4A of said chapter 262, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words ‘one hundred and seventy-five dollars’ and inserting in place thereof the following figure:— $200.

(J) Said section 4A of said chapter 262, as so appearing, is hereby further amended by striking out, in line 7, the words ‘twenty dollars’ and inserting in place thereof the following figure:— $25.

(K) Said section 4A of said chapter 262, as so appearing, is hereby further amended by striking out, in line 10, the words ‘fifty dollars’ and inserting in place thereof the following figure:— $75.

(L) Section 39 of said chapter 262, as so appearing, is hereby amended by striking out, in line 4, the words ‘one hundred dollars’ and inserting in place thereof the following figure:— $200.

(M) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 5 and 36, the words ‘fifty dollars’ and inserting in place thereof, in each instance, the following figure:— $70.

(N) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 8, the words ‘thirty dollars’ and inserting in place thereof, the following figure:— $42.

(O) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in lines 18 and 22, the words ‘three dollars’ and inserting in place thereof, in each instance, the following figure:— $5.

(P) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 27, the words ‘twenty-five dollars’ and inserting in place thereof the following figure:— $35.

(Q) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 33, the word ‘fifty’ and inserting in place thereof the following figure:— $70.

(R) Said section 39 of said chapter 262, as so appearing, is hereby further amended by striking out, in line 34, the words ‘two thousand dollars’ and inserting in place thereof the following figure:— $2800.

(S) Section 40 of chapter 262 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out lines 3 though 65 and inserting in place thereof the following language:

For the filing of complaints for modification, of complaints for contempt, $25.

For the entry of petitions for amendment of a record except such as relates to separate support, adoption, or the custody or support of minors, for a new bond, care of burial lot, $50.

For the entry of petitions for discharge of surety, for erection of a monument, for new inventory, for the removal of a fiduciary, $60.

For issuance of an injunction or temporary restraining order, petition for leave to lease real estate, petition for leave to mortgage real estate, petition for leave to pay debts, filing a will for safekeeping, provided that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn, $75.

For filing an answer that includes a cross or counterclaim, $90.

For filing an answer that includes a third-party complaint, $135.

For filing an answer that includes a third-party complaint and either a cross or counterclaim, $180.

For the entry of a general petition, an action for separate support, petition for adoption, custody or support of minors, petition for administration of goods not already administered, with will annexed or otherwise, petition for the appointment of a special administrator, conservator, trustee, receiver of the estate of an absentee, or a guardian except where the petitioner certifies that the ward's estate does not exceed $100, petition for leave to carry on the business of deceased, petition for leave to compromise, petition for change of name, petition for letters to a foreign guardian, petition for release of dower or curtesy, petition for the sale of real or personal estate including sales of real estate subject to vested or contingent remainders and petitions for the sale of real estate, for the entry of an action for separate support, petition for specific performance, filing a statement of voluntary administration, issuance of an injunction or temporary restraining order, $100.

For administration of the estate of a person deceased intestate, entry of an action for the modification of a decree, petition under section 36 of chapter 209 by a husband or wife for authority to convey land as if sole, petition for the probate of a will, $150.

For the entry of a complaint for divorce or for affirming or annulling marriage, except as provided hereinafter for an action in equity, of a petition for partition, $200.

For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is $5,000 or less, no fee; where gross value is more than $5,000 but less than $10,000, $75; where said gross value is more than $10,000 but less than $100,000, $100; where said gross value is more than $100,000 but less than $500,000, $150; where said gross value is more than $500,000 but less than $1,000,000, $200 plus 0.2 per cent of the gross value of the account; where said gross value is more than $1,000,000, $400 plus 0.2 per cent of the gross value of the account.

(T) Section 87A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the figure '$50' and inserting in its place thereof the following figure:— $60.

(U) Said section 87A of said chapter 276, as so appearing, is further amended by striking out the third and fourth paragraph and inserting in place thereof the following paragraph:—

'The fee for administrative probation supervision shall be 50 per cent of the probation fee set by this section. The court may not waive payment of the probation fee but may defer payment or schedule payment at a reduced rate for a fixed period of time'.

(V) Said chapter 276 is amended by inserting after section 87A the following section:—

SECTION 87B. If a probationer is required to undergo drug or alcohol testing the probationer shall be required to pay a fee of $5 to $30 per test depending upon his ability to pay as determined by the court.

If a probationer is placed on an electronic monitoring device he shall be required to pay $5 to $30 per day depending upon his ability to pay as determined by the court.

The drug or alcohol fee shall be collected by the several probation offices of the trial court and transmitted to the state treasurers for deposit into the General Fund. The state treasurer shall account for all such fees received and report the fees annually, itemized by court division, to the house and senate committees on ways and means.

(W) The revenue generated from the fee increases in this section shall be placed in a reserve account to be distributed as follows:

(1) an amount not to exceed $565,000 for the operation of the supreme judicial court;

(2) an amount not to exceed $385,000 for the operation of the land court;

(3) an amount not to exceed $2,500,000 to maintain minimum staffing levels for the office of the clerk magistrate in the various departments of the trial court;

(4) an amount not to exceed $1,500,000 to maintain minimum safe staffing levels of security personnel in the various departments of the trial court;

(5) an amount not to exceed $3,000,000 to maintain minimum safe staffing levels of probation officers in the various departments of the trial court and community correctional centers as determined by the commissioner of probation;

(6) an amount not to exceed $1,100,000 for the operation of the various juvenile courts;

(7) an amount not to exceed $1,600,000 for the operation of the various probate and family courts;

(8) an amount not to exceed $350,000 for the operation of the superior court department of the trial court;

(9) an amount not to exceed $3,100,000 for the operation of the district court department of the trial court;

(10) an amount not to exceed $11,500,000 for the administration of the trial court; and

(11) an amount not to exceed $4,000,000 for the operation of the office of the commissioner of probation.

Any excess revenue shall be deposited in the General Fund.

Beginning January 2, 2003 the chief justice for administration and management shall file a report indicating the amounts generated by the increased fees and recommendation to further enhance revenue generated by the trial court."
After remarks, the amendment was *rejected*.

Ms. Resor, Ms. Tucker, Ms. Creem and Messrs. Antonioni and Tolman moved to amend the bill in section 2, in item 7000-9501, by striking out the figure "$7,830,844" and

inserting in place thereof the following figure:— “$9,212,758”.
The amendment was *rejected*.

Messrs. Knapik, Lees and Mr. Rosenberg and Ms. Melconian moved to amend the bill by inserting after section 73R (as inserted by amendment) the following section:—

“SECTION 73S. For the soldiers’ home in Holyoke, the charge for long-term care beds shall be $20. The first $500 of a married veteran’s monthly income shall be exempt and spousal income shall not be used in payment of these charges. The first $300 of an unmarried Veteran’s monthly income shall be exempt. The veteran shall maintain adequate medical insurance. The soldiers’ home may apply for any other income or benefits on behalf of a veteran and shall retain that income as part of the monthly charge.

For the soldiers’ home in Holyoke, the charge for domiciliary beds shall be $7.

The first $300 of a veteran’s monthly income shall be exempt. The veteran shall maintain adequate medical insurance. The soldiers’ home may apply for any other income or benefits on behalf of a veteran and shall retain that income as part of the monthly charge.

The soldiers’ home in Holyoke may establish the resident fee schedule for long-term care beds and domiciliary beds and the outpatient fee schedule upon the recommendation of the commandant or the superintendent, approved by the board of trustees.”
The amendment was adopted.

Messrs. Knapik, Lees and Rosenberg and Ms. Melconian moved to amend the bill in section 2, by inserting after item 4190-1100 the following item:

“4190-1101 The Soldiers’ Home in Holyoke may expend revenues up to a maximum of $447,125 from resident fees for long-term care beds and domiciliary beds; provided that the only revenue available for expenditure in this item shall be amounts collected for fiscal year 2003 from said resident fees 447,125”.
The amendment was adopted.

Mr. Lees, Ms. Tucker, Mr. Tisei, Ms. Creem and Ms. Murray moved to amend the bill in section 2, by inserting after item 1201-0160 the following item:

“1201-XXXX For the child support enforcement division; provided, that said division may expend revenues in an amount not to exceed $6,547,280 from federal reimbursements awarded for personnel and computer related expenditures, and federal incentive payments linked to performance measures of paternity establishment, support order performance level, current support collections and arrearage collections, and cost effectiveness of the division 6,547,280”.
The amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, in item 4000-0600, by adding the following words:— “provided further, that no funds from this item shall be used directly or indirectly by a recipient of such funds for political contributions, lobbying activities, entertaining expenses or efforts to assist, promote, deter or discourage union organizing;

provided further, that as a condition of receiving funds from this item, a nursing home shall provide a certification to the division that no funds from this item shall be used for such activities; provided further, that if the division determines that a recipient of funds from this item has spent such funds in violation of this item, the recipient shall be required to document the cost of the activity; provided further, that the division shall conduct an investigation or audit if a complaint is filed by a person alleging a violation of this item; provided further, that the division shall consider that there is a rebuttable presumption that such activities were funded in part from this item and shall require the recipient to provide all appropriate information and documentation showing that no funds from this item were used for activities in violation of this item; provided further, that an expense, including legal and consulting fees and salaries of supervisors and employees incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity; provided further, that an expense incurred in connection with: (1) addressing a grievance or negotiation or administering a collective bargaining agreement; (2) performing an activity required by federal or state law or by a collective bargaining agreement; or (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing; provided further, that funds spent in violation of this item shall be reimbursed to the division".
The amendment was adopted.

Mr. Tolman moved to amend the bill in section 35, in subsection (B) by adding the following paragraph:—

"No funds from the Health Care Quality Improvement Trust Fund shall be used directly or indirectly by a recipient of such funds for political contributions, lobbying activities, entertainment expenses or efforts to assist, promote, deter or discourage union organizing. As a condition of receiving monies from the fund, a nursing home shall provide a certification to the division that no funds shall be used for such activities. If the division determines that a recipient of monies from the fund has spent such monies in violation of the fund, the recipient shall be required to document the cost of such activity. The division shall conduct an investigation or audit if a complaint is filed by any person alleging a violation of the fund. The division shall consider that there is a rebuttable presumption that such activities were funded in part from this item, and shall require the recipient to provide all appropriate information and documentation showing that no monies from the fund were used for activities in violation of the fund. An expense, including legal and consulting fees and salaries of supervisors and employees, incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity. An expense incurred in connection with: (1) addressing a grievance or negotiation or administering a collective bargaining agreement; (2) performing an activity required by federal or state law or by a collective bargaining agreement; or (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing. Monies spent in violation of the fund shall be reimbursed to the trust fund."
The amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, in item 4000-1008, by adding he following words:— "provided further, that no grant funds from this item shall be used directly or indirectly by a recipient of such funds for political contributions, lobbying activities, entertainment expenses or efforts to assist, promote, deter or discourage union organizing; provided further, that as a condition of receiving funds from this item, a hospital shall provide a certification to the division that no funds from this item shall be used for such activities; provided further, that if the division determines that a recipient of funds from this item has spent such funds in violation of this item, the recipient shall be required to document the cost of the activity; provided further, that the division shall conduct an investigation or audit if a complaint is filed by any person alleging a violation of this item; provided further, that the division shall consider that there is a rebuttable presumption that such activities were funded in part from this item and shall require the recipient to provide all appropriate information and documentation showing that no funds from this item were used for activities in violation of this item; provided further, that an expense, including legal and consulting fees and salaries of supervisors and employees incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity; provided, further, that an expense incurred in connection with: (1) addressing a grievance or negotiation or administering a collective bargaining agreement; (2) performing an activity required by federal or state law or by a collective bargaining agreement; or (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing; provided further, that funds spent in violation of this item shall be reimbursed to the division."
The amendment was adopted.

Messrs. Montigny and Pacheco moved to amend the bill in section 2, by inserting after item 1599-3857 the following 38 items:

"1599-4116 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Berkshire Sheriffs office and the Service Employees International Union, Local 254, Unit SB1, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 815,000

1599-4117 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining

agreement between the commonwealth and the Service Employees International Union, Local 254, Unit SC2, for the Berkshire County registry of deeds and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2001 and 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 55,000

1599-4118 For a reserve to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union, AFL-CIO, Local 285, for the Suffolk County registry of deeds and to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 350,000

1599-4119 For a reserve to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, Council 93, Local 653, AFL-CIO, for the Essex County registry of deeds and to meet the fiscal year 2000, 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover said positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 255,000

1599-4120 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the American Federation of State, County and Municipal Employees, Council 93, Local 653, AFL-CIO, for the Essex County registry of deeds and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 175,000

1599-4121 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 6,340,000

1599-4122 For a reserve to meet the commonwealth’s obligations for fiscal years 2002, 2003 and 2004 pursuant to the provisions of article 26.13 of the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 2,525,000

1599-4123 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments

and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 3,350,000

1599-4124 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to the provisions of clauses I and J of article 31.1 of the collective bargaining agreement between the University of Massachusetts and the Professional Staff Union, Local 509, Service Employees International Union, AFL-CIO/CLC, regarding professional development, licensure and certification; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 1,350,000

1599-4125 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the University Staff Association/Massachusetts Teachers Association/NEA and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 1,045,000

1599-4126 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Police Officers, Local 432, Units A and B, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover

those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 197,000

1599-4127 For a reserve to meet the fiscal year 2001 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Teamsters, Local 25, and to meet the fiscal year 2001 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance. with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 60,000

1599-4128 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Police Officers, Local 399, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 139,000

1599-4129 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 507, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall

determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 224,000

1599-4130 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees, Local 245, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 135,000

1599-4131 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL CIO, Faculty Federation, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 1,422,000

1599-4132 For a reserve to meet the commonwealth’s obligations for fiscal years 2002, 2003 and 2004 pursuant to section C of article XI of the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation, regarding professional development and research assistance; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to

meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 576,000

1599-4133 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL CIO, Educational Services Unit, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 329,000

1599-4134 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to clause 7 of article VI of the collective bargaining agreement between the University of Massachusetts and the American Federation of Teachers, Local 1895, AFL-CIO, Educational Services Unit, regarding professional development and research assistance; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 134,000

1599-4135 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Association of Police Officers and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which other-wise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 285,000

1599-4136 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/ Lowell and to

meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 1,787,000

1599-4137 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to clause C of article XIX of the collective bargaining agreement between the University of Massachusetts and the Massachusetts Society of Professors/Lowell regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 705,000

1599-4138 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1776, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 880,000

1599-4139 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the Association of Professional Administrators, MTA/NEA, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such

confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 1,840,000

1599-4140 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article XIII of the collective bargaining agreement between the board of higher education and the Association of Professional Administrators, MTA/NEA, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 380,000

1599-4141 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 2322, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 693,000

1599-4142 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article 24 of the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 2322, UAW, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 255,000

1599-4143 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 509, Unit B, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in

confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 50,000

1599-4144 For a reserve to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the International Brotherhood of Teamsters, Local 25, and to meet the fiscal year 2001 and 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions.; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 96,000

1599-4145 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Clerical-Technical Unit, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 83,000

1599-4146 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit, and to meet the fiscal year 2002

costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 730,000

1599-4147 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article XII of the collective bargaining agreement between the University of Massachusetts and the Service Employees' International Union, Local 254, AFL-CIO, CLC, Professional/Mid-Management Unit, regarding professional growth and development; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 298,000

1599-4149 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the National Association of Government Employees, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 142,000

1599-4150 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization, Local 1596, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise

would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 93,000

1599-4151 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization Boston, Local 1596, UAW, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 192,000

1599-4152 For a reserve to meet the commonwealth's obligations for fiscal years 2002, 2003 and 2004 pursuant to article 13.04 of the collective bargaining agreement between the University of Massachusetts and the Graduate Employee Organization Boston, Local 1596, UAW, regarding professional development and research; provided, that the secretary of administration and finance may allocate during said fiscal years from the sum appropriated in this item such amounts as are necessary to meet the costs of those obligations; and provided further, that this appropriation shall expire on June 30, 2004 42,000

1599-4153 For a reserve to meet the fiscal year 2002 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and the American Federation of State, County and Municipal Employees, Council 93, Local 1067, AFL-CIO, and to meet the fiscal year 2002 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for such confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover those positions; and provided further, that said secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2002 such amounts as are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means 3,238,000";

by inserting after section 9 the following section:—

“SECTION 9A. Section 62 of chapter 10 of the General Laws is hereby repealed.”; by inserting after section 51 the following 2 sections:—

“SECTION 51A. Item 1599-4113 of chapter 197 of the acts of 2001 is hereby amended by adding the following words:— ; and provided further, that $84,100 shall be made available to meet the commonwealth’s obligations pursuant to articles 21A, 23A, 29 and 30B of said agreement and shall not expire until June 30, 2004.

SECTION 51B. Item 1599-4115 of chapter 199 of the acts of 2001 is hereby amended by adding the following words:— ; and provided further, that $2,645,000 shall be made available to meet the commonwealth’s obligations pursuant to articles 11, 19, 23A, 24A, 25 and 31 of said agreement and shall not expire until June 30, 2004.”; and by inserting after section 68 the following section:—

“SECTION 68A. Notwithstanding any general or special law to the contrary, the balance remaining in the Ratepayer Parity Trust Fund on the effective date of this act shall be transferred by the comptroller to the General Fund.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past nine o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 — nays 0):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O’Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 37.
Menard, Joan M.	

NAYS — 0.
ABSENT OR NOT VOTING.
Berry, Frederick E. Shannon, Charles E. — 2.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at nine minutes past nine o'clock P.M. the amendment was adopted.

Messrs. Lees, Tisei, Hedlund, Knapik, O'Leary and Mrs. Sprague moved to amend the bill in section 2, in item 9110-9002, by striking out the figure "$5,960,000" and inserting in place thereof the following figure:— "$6,260,000".
The amendment was adopted.

The President in the Chair, Messrs. Moore and Knapik, Ms. Walsh, Mr. Tarr, Ms. Fargo and Mr. Joyce moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. (A) Section 102 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) In any case where such former employee, spouse or other beneficiary is receiving an annual retirement allowance, pension or annuity which is $13,000 or more in fiscal year 2004, $14,000 or more in fiscal year 2005 and $15,000 or more in fiscal year 2006 and subsequent fiscal years exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section 22 or any similar law, the cost-of-living adjustment shall be in an amount determined by applying the percentum of change determined pursuant to paragraph (a) to the maximum base amount of $13,000 in fiscal year 2004, $14,000 in fiscal year 2005 and $15,000 in fiscal year 2006 and subsequent fiscal years. Whenever a cost-of-living adjustment is granted pursuant to said paragraph (a), the dollar amount of such increase as determined in said paragraph (a) shall be added to each retirement allowance, pension or annuity which is in excess of the maximum base amount. The sum of the dollar amount of such cost-of-living adjustments, together with the amount of retirement allowance, pension or annuity to which the cost-of-living percentum factor is applied and any amounts in excess of $13,000 in fiscal year 2004, $14,000 in fiscal year 2005 and $15,000 in fiscal year 2006 and subsequent fiscal years shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years; provided, however, that the limitations of this paragraph shall continue to apply.

(B) Section 103 of said chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(j) Notwithstanding any of this section to the contrary, the board of any system that has accepted the provisions of this paragraph as hereinafter provided may calculate a cost-of-living adjustment upon a maximum base amount greater than $12,000, as established by a majority vote of the board subject to the approval of the legislative body. Acceptance of this paragraph for any system shall be made by a majority vote of the board of such

system subject to the approval of the legislative body. Acceptance of this paragraph shall be deemed to have occurred upon the filing of certification of such votes with the commission. A decision to accept this paragraph shall not be revoked.

For each system that has accepted this paragraph, the board may establish, subject to the approval of the legislative body, a maximum base amount greater than $12,000, which shall be the maximum base amount for each fiscal year subsequent to such acceptance or until such time as the board votes to establish, subject to the approval of the legislative body, another maximum base amount greater than the maximum base amount upon which the cost-of-living allowance is being paid at the time of the board's vote. The board, in consultation with the commission, shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the cost-of-living allowance that may be paid upon the maximum base amount greater than $12,000 established by the board and the schedule shall be designed to reduce the applicable retirement system's additional pension liability to 0 by such year as approved by the commission. The board shall file revised funding schedules triennially with the joint committee on public service until such costs and liabilities are reduced to 0. For the purpose of this paragraph, 'legislative body' shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body.

Pending the adoption of the amendment, Mr. Pacheco moved that the amendment (offered by Mr. Moore, et al) be amended by inserting after section 73 the following section:—

"SECTION 73A. Notwithstanding section 89 of chapter 71 of the General Laws or any General Laws to the contrary, the total student enrollment for commonwealth charter schools in fiscal year 2003 shall be no higher than the total student enrollment in fiscal year 2002."

After debate on the further (Pacheco) amendment, on motion of Ms. Melconian, at seven minutes before ten o'clock P.M., the Senate recessed until the following day at eleven o'clock A.M.

Thursday, June 13, 2002.
[being the legislative session of Tuesday, June 11, 2002.]

Met at ten minutes past eleven o'clock A.M. (the President in the Chair).

Distinguished Guests.

There being no objection, the President introduced seated in the Senate Gallery, a group of fifth grade students from the Baldwin School in Cambridge. The students were the guests of Senator Birmingham.

There being no objection, the President introduced Caitlin Loiter and Katie Sullivan, students from Project Prove at Braintree High School. The students were the guest of Senator Morrissey.

Report of a Committee.

Ms. Resor, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session.

The House Bill validating action taken at the special town meetings held by the town of Manchester-by-the-Sea (printed in House, No. 5077).

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Ms. Melconian, Messrs. Creedon, Knapik, Morrissey, Nuciforo, Ms. Walsh and Messrs. Brewer and O'Leary, Ms. Jacques and Ms. Resor moved to amend the bill in section 2, in item 0340-0100, by striking out the figure "$13,216,936" and inserting in place thereof the following figure:— "$13,767,642"; in item 0340-0200, by striking out the figure "$10,610,004" and inserting in place thereof the following figure:— "$11,052,087"; in item 0340-0300, by striking out the figure "$6,430,158" and inserting in place thereof the following figure:— "$6,698,081"; in item 0340-0400, by striking out the figure "$6,844,763" and inserting in place thereof the following figure:— "$7,129,961"; in item 0340-0500, by striking out the figure "$5,922,834" and inserting in place thereof the following figure:— "$6,169,619"; in item 0340-0600, by striking out the figure "$4,164,286" and inserting in place thereof the following figure:— "$4,337,798"; in item 0340-0700, by striking out the figure "$6,905,906" and inserting in place thereof the following figure:— "$7,193,652"; in item 0340-0800, by striking out the figure "$5,448,155" and inserting in place thereof the following figure:— "$5,675,161"; in item 0340-0900, by striking out the figure "$5,880,199" and inserting in place thereof the following figure:— "$6,125,207"; in item 0340-1000, by striking out the figure "$2,639,443" and inserting in place thereof the following figure:— "$2,749,420"; and in item 0340-1100, by striking out the figure "$2,451,644" and inserting in place thereof the following figure:— "$2,553,796"; and

By inserting after section 17, the following section:—

"SECTION 17A. Chapter 29 of the General Laws is hereby further amended by inserting after section 2EEE, the following section:—

Section 2FFF. (a) There shall be established upon the books of the commonwealth a separate fund to be known as the Commonwealth's Criminal Conviction Fund, consisting of revenues received under this section and all other monies credited or transferred thereto from any other fund or source pursuant to law. The state treasurer shall receive, deposit, and invest all monies transmitted to her under this section in such manner that will insure the highest interest rate available consistent with safety of the fund and with the requirement that monies transmitted to the state treasurer pursuant to this section be available for immediate withdrawal for payment to any person who has paid an assessment to a court pursuant to this section and whose appeal has been upheld.

(b) The court shall impose an assessment of not less than $75 against any person who has attained the age of 17 years and who is convicted of a crime or against whom a finding of sufficient facts for a conviction is made on a complaint charging a crime. The court shall impose an assessment of $25 against any person who has attained the age of 14 years and who is adjudicated a delinquent child or youthful offender or against whom a finding of sufficient facts for a finding of delinquency is made. An assessment imposed pursuant to this section may be reduced or waived only upon a written finding of fact that such payment would cause the person against whom the assessment is imposed severe financial hardship. Such a finding shall be made independently of a finding of indigency for purposes of appointing counsel. If the person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment of the mittimus.

(c) All such assessments made shall be collected by the court and shall be transmitted monthly to the state treasurer. If the person convicted is sentenced to a correctional facility in the commonwealth, the superintendent or sheriff of the facility shall deduct any part or all of the monies earned or received by any inmate and held by the correctional facility, to satisfy the assessment, and shall transmit such monies to the court monthly. The assessment from any conviction or adjudication of delinquency or youthful offender which is subsequently overturned on appeal shall be refunded by the court to the person whose conviction or adjudication of delinquency or youthful offender is overturned. The court shall deduct such funds from the assessments transmitted to the state treasurer. Assessments under this section shall be in addition to any other fines or restitution imposed in any disposition.

(d) Any assessment imposed under this section shall be deposited in the Commonwealth's Criminal Conviction Fund established by this section. All monies deposited into the fund shall at the end of the year revert to the General Fund."
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill in section 2, in item 7100-0200, by striking out the figure "$460,599,228" and inserting in place thereof the following figure:— "$458,884,228"; and by inserting after item 7100-0300 the following item:

"7100-0500 For the operation of the board of higher education's Commonwealth College honors program at the University of Massachusetts at Amherst 1,715,000".
After remarks, the amendment was adopted.

Ms. Resor, Ms. Fargo and Mr. Antonioni moved to amend the bill by inserting after section 82L (as inserted by amendment), the following section:—

"SECTION 82M. There shall be established a special advisory commission on multimodal transportation improvements to the Massachusetts Bay Transit Association line corridor in the city of Fitchburg to consist of 3 members of the senate, 3 members of the house of representatives, the secretary of transportation and construction or his designee, the general manager of the Massachusetts Bay Transportation Authority or his designee, the commissioner of highways or his designee, the president of Massachusetts Development Finance Corporation or his designee, the executive director of the metropolitan area planning commission or his designee, the executive director of the Montachusett regional planning commission or his designee, the land use administrator or director of the Devens Enterprise Commission or his designee, a representative from the Massachusetts Municipal Association, a representative from an environmental interest group, a representative from the minuteman area group on interlocal coordination sub-region, a representative from the Montachusett Regional Transit Authority, 3 representatives from separate chambers of commerce within the Fitchburg commuter rail line service area and 4 representatives from municipalities primarily serviced by the Massachusetts Bay Transportation Authority commuter rail line in the city of Fitchburg, 2 of whom shall be appointed by the metropolitan area planning council and 2 of whom shall be appointed by the Montachusett regional planning commission for the purpose of promoting and facilitating interlocal and interregional cooperation and to investigate, propose, evaluate and vote on recommendations to the executive office of transportation and construction on the need for transportation improvements, enhancements and alternatives for the municipalities and the regions serviced by the Massachusetts Bay Transportation Authority commuter rail line in the city of Fitchburg."
After remarks, the amendment was adopted.

Messrs. Brewer, O'Leary, Ms. Resor, Mr. Moore, Ms. Tucker, Mr. Morrissey, Ms. Fargo, Messrs. Tisei, Knapik, Antonioni, Tarr, Glodis, Baddour, Nuciforo, Ms. Walsh and Messrs. Tolman and Pacheco moved to amend the bill in section 2, in item 2200-0100, by striking out the following: — "$30,903,438

General Fund 41.05%

Environmental Permittingand
Compliance Fund 36.95%

Clean Environment Fund
22.00% ";

and inserting in place thereof the following:— "$33,268,789

General Fund 38.13%

Environmental Permitting
and Compliance Fund
34.32%

Clean Environment Fund
27.55% ”.

After debate, the amendment was adopted.

Messes. Rosenberg, Creedon, Ms. Creem, Messrs. Brewer, O’Leary, Ms. Murray, Ms. Resor, Ms. Menard, Messrs. McGee, Morrissey, Nuciforo, Tolman and Ms. Tucker moved to amend the bill in section 2D, in item 7002-6645, by adding the following words:— “; and provided further, that not less than $10,526,270 shall be transferred to the Job Opportunity Business Services Fund for the purposes of improving the state laborforce management system and re-employment services.”;

In section 2, in said item 7002-6645, by striking out the figure “$2,425,000” and inserting in place thereof the following figure “$12,951,270”.;

In section 2, in item 4120-2000, by striking out the figure “$7,672,262” and inserting in place thereof the following:— “$8,231,583”;

In item 4120-2000 by adding the following words:—

“General Fund 85.00%

Job Opportunity Business
Services Fund 15.00% ”;

In item 4120-3000, by striking out the figure “$8,419,539” and inserting in place thereof the following figure:— “$9,014,660”;

In item 4120-3000, by adding the following words:—

“General Fund 85.00%

Job Opportunity Business
Services Fund 15.00% ”;

In item 7003-0400, by striking out the figure “$350,836” and inserting in place thereof the following figure:— “$750,000”;

In item 7003-0400, by adding the following words:—

“Job Opportunity Business
Services Fund 100.0% ”;

In item 7003-0700, by adding the following words:—

“General Fund 50.00%

Job Opportunity Business
Services Fund 50.00% ”;

In item 7003-0803, by striking out the figure “$3,562,500” and inserting in place thereof the following figure:— “$3,750,000”;

In item 7003-0803, by adding the following words:—

“General Fund 50.00%

Job Opportunity Business Services Fund 50.00% ”;

In item 4401-1000, by striking out the figure “$33,270,040” and inserting in place thereof the following figure:— “$35,000,000”;

In item 4401-1000, by striking out the words:—

“General Fund 55.50%

Transitional Aid to Needy Families Fund 44.50% ”;

and inserting in place thereof the following words:—

“General Fund 47.70%

Transitional Aid to Needy Families Fund 42.30%

Job Opportunities Business Services Fund 10.00% ”;

In item 4110-3010, by striking out the figure “$2,592,421” and inserting in place thereof the following figure:— $2,635,560”;

In item 4110-3010, by adding the following words:—

“General Fund 85.00%

Job Opportunity Business Services Fund 15.00% ”;

In item 7003-1000, by inserting after the word “councils”, in line 8, the following words:— “; provided further, that not less than $75,000 shall be expended for the Western Massachusetts Enterprise Fund microenterprise program as the supplemental match to conduct an entrepreneurial training program to income eligible residents”;

In item 7003-1000, by adding the following words:— “; and provided further, that not less than $150,000 shall be provided to the Massachusetts Regional Employment Board Association, commonly known as the Massachusetts Workforce Board Association, to

support the activities of the business, labor, education, youth councils and community members in leading regional workforce development systems";

In item 7003-1000 by striking out, in lines 5 and 6, the words "more than $70,000" and inserting in place thereof the following words:— less than $95,000";

In item 7003-1000 by striking out the figure "$1,395,000" and inserting in place thereof the following figure:— "$2,020,000"; adding the following words:—

"General Fund 50.00%

Job Opportunity Business
Services Fund 50.00% "; and

By inserting after section 73S (inserted by amendment) the follow-ing section:—

"SECTION 73T. There shall be established on the books of the commonwealth a separate fund to be known as the Job Opportunity Business Services Fund, for the purpose of funding improvements to the state labor force management system including, but not limited to re-employment services, support and administration of National Emergency Grants for plant closings and layoffs, rapid response services for workers displaced by plant closings and layoffs, operational and technical support and improvement of the One Stop Career Centers, technical assistance and professional development for One Stop Career Center staff and administration of career ladder initiatives in the health care industry; provided, however, that notwithstanding any general or special law to the contrary, on July 1, 2002, the comptroller shall transfer $10,526,270 from the federally-funded grant entitled Reed Act-State Unemployment Trust Fund Distribution to the Job Opportunity Business Services Fund; and provided further, that the same amount shall be transferred in the same manner on July 1 in each of the next 3 fiscal years."
The amendment was adopted.

The Senate considered the following amendment, which was considered but not finally acted upon by the Senate on Wednesday, June 12.

Messrs. Moore, Knapik, Ms. Walsh, Mr. Tarr, Ms. Fargo and Mr. Joyce moved to amend the bill by inserting after section 18 the following section:—

"SECTION 18A. (A) Section 102 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:—

(c) In any case where such former employee, spouse or other beneficiary is receiving an annual retirement allowance, pension or annuity which is $13,000 or more in fiscal year 2004, $14,000 or more in fiscal year 2005 and $15,000 or more in fiscal year 2006 and subsequent fiscal years exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section 22 or any similar law, the cost-of-living adjustment shall be in an amount determined by applying the percentum of change determined pursuant to paragraph (a) to the maximum base amount of $13,000 in fiscal

year 2004, $14,000 in fiscal year 2005 and $15,000 in fiscal year 2006 and subsequent fiscal years. Whenever a cost-of-living adjustment is granted pursuant to said paragraph (a), the dollar amount of such increase as determined in said paragraph (a) shall be added to each retirement allowance, pension or annuity which is in excess of the maximum base amount. The sum of the dollar amount of such cost-of-living adjustments, together with the amount of retirement allowance, pension or annuity to which the cost-of-living percentum factor is applied and any amounts in excess of $13,00 in fiscal year 2004, $14,000 in fiscal year 2005 and $15,000 in fiscal year 2006 and subsequent fiscal years shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years; provided, however, that the limitations of this paragraph shall continue to apply.

(B) Section 103 of said chapter 32 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:—

(j) Notwithstanding any of this section to the contrary, the board of any system that has accepted the provisions of this paragraph as hereinafter provided may calculate a cost-of-living adjustment upon a maximum base amount greater than $12,000, as established by a majority vote of the board subject to the approval of the legislative body. Acceptance of this paragraph for any system shall be made by a majority vote of the board of such system subject to the approval of the legislative body. Acceptance of this paragraph shall be deemed to have occurred upon the filing of certification of such votes with the commission. A decision to accept this paragraph shall not be revoked.

For each system that has accepted this paragraph, the board may establish, subject to the approval of the legislative body, a maximum base amount greater than $12,000, which shall be the maximum base amount for each fiscal year subsequent to such acceptance or until such time as the board votes to establish, subject to the approval of the legislative body, another maximum base amount greater than the maximum base amount upon which the cost-of-living allowance is being paid at the time of the board's vote. The board, in consultation with the commission, shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the cost-of-living allowance that may be paid upon the maximum base amount greater than $12,000 established by the board and the schedule shall be designed to reduce the applicable retirement system's additional pension liability to 0 by such year as approved by the commission. The board shall file revised funding schedules triennially with the joint committee on public service until such costs and liabilities are reduced to 0. For the purpose of this paragraph, 'legislative body' shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body.

The further amendment, previously offered by Mr. Pacheco, inserting after Section 73 the following new section:—

"SECTION 73A. Notwithstanding section 89 of chapter 71 of the General Laws or any General Laws to the contrary, the total student enrollment for commonwealth charter schools in fiscal year 2003 shall be no higher than the total student enrollment in fiscal year 2002.", was further considered.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at eleven minutes past one o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 10 — nays 26):

YEAS.

Creedon, Robert S., Jr.	Moore, Richard T.
Creem, Cynthia Stone	Morrissey, Michael W.
Glodis, Guy W.	Nuciforo, Andrea F., Jr.
Joyce, Brian A.	Pacheco, Marc R.
McGee, Thomas M.	Tolman, Steven A. — 10.

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	O'Leary, Robert A.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Shannon, Charles E.
Hedlund, Robert L.	Sprague, Jo Ann
Jacques, Cheryl A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 26.

PAIRED.

YEA.	**NAY.**
Stanley C. Rosenberg (present),	Robert E. Travaglini — 2.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

The yeas and nays having been completed at sixteen minutes past one o'clock P.M. the further amendment was *rejected*.

Ms. Menard, Mr. Montigny, Ms. Chandler and Mr. Moore then moved that the pending amendment (offered by Mr. Moore) be amended in subsection (A) by adding the following paragraph:—

"This paragraph (c) shall not be effective until a certified actuarial study which would determine the true cost of this increase over the next 5 years shall have been completed,

not later than March 1, 2003, and submitted to and approved by the secretary of administration and finance and the public employees retirement administration commission and a copy of which shall also be submitted to the house and senate committees on ways and means. The study shall be approved only if it determines that the increase of the cost of living base has no adverse impact on the commonwealth's unfunded pension liability."; and in subsection (B), by adding the following paragraph:—

"This paragraph (j) shall not be effective until a certified actuarial study which would determine the true cost of this increase over the next 5 years shall have been completed, submitted to and approved by the retirement board and the legislative body of the respective system. The study shall be approved only if it determines that the increase of the cost-of-living base has no adverse impact on the unfunded pension liability." and

By adding the following subsection:—

"(C) The public employees retirement administration commission shall conduct a study of the cost of providing a state employee or member of the state teachers' retirement system who has been retired under chapter 32 or similar provision of an earlier law on a superannuation, accidental disability or ordinary disability retirement allowance and who has completed at least 25 years of creditable service and has been receiving the retirement allowance at least 5 years with an increase of his retirement allowance to an amount not to exceed $12,000 subject to the provisions of paragraph (e) of section 102 of chapter 32 of the General Laws. The study shall consider the cost of providing the same benefit to members of retirement systems other than the state retirement system, subject to local approval. The study shall be completed not later than March 1, 2003."

The further amendment (Menard, et al) was adopted. The pending amendment (Moore et al) was then adopted, as amended.

Recess.

At nineteen minutes past one o'clock P.M., at the request of the Minority Leader, the President declared a recess; and, at eight minutes past two o'clock P.M., the Senate reassembled, the President in the Chair.

There being no objection, during the consideration of the Orders of the Day the following matters were considered, as follows:

Bill Previously Recalled from the Acting Governor

Laid before the Senate.

The engrossed Bill relative to gun ranges (see House, No. 313, changed and amended) which, at a previous session, had been returned by Her Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate, — was laid before the Senate.

There being no objection, on motion of Mr. Lees, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Glodis presented an amendment striking out, in the second sentence, the word "reasonably".
The amendment was adopted.
Sent to the House for concurrence in the amendment.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Creedon) "congratulating Dr. Mayer Rubenstein on the occasion of his retirement."

Communication.

The Clerk read the following communication:

Mr. Patrick C. Scanlan
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to a personal matter, I was absent from the Senate Chamber for a brief period yesterday and missed the roll call vote on budget amendment 82, relative to the funding of various collective bargaining agreements. Had I been present, I would have voted in the affirmative on this particular matter.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for Wednesday, June 12. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Ms. Melconian, the above communication was ordered printed in the Journal of the Senate.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2003 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5101, printed as amended) was further considered, the main question being on passing the bill to be engrossed.

Ms. Chandler moved to amend the bill, in section 2, in item 1100-1100, by adding the following words:— "; provided further that 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; provided further, that the investigation and study shall include, but not be limited to, an analysis of alternative calculations of the allowances, including comparison of member eligibility, vesting, portability, the contribution rate of members, other benefits and the effects on accrued liabilities and costs attributable to such alternative calculations; provided further, that the commission shall consist of 11 members as follows: the house and senate chairman of the joint committee on public service, who shall serve as co-chairs of the commission; the house and senate chairman of the committees on ways and means, or their designees; the governor or his designee, the secretary of administration and finance or his designee, 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, the chairmen of the public employee retirement administration commission, or his designee; and provided further, that the commission shall report to the general court the results of its study together with its recommendations and draft legislation necessary to carry such recommendations into effect by filling the same with the clerk of the house of representatives, the joint committee on public service and the house and senate committees on ways and means on or before the December 31, 2003". The amendment was adopted.

Mr. Havern and Ms. Menard moved to amend the bill in section 2, by striking out item 6005-0015 and inserting putting in place thereof the following item:

"6005-0015 For certain assistance to the regional transit authorities, including operating grants and reimbursements to increase the accessibility of transit provided to the elderly and disabled under the mobility assistance program, the regional transit authority program and the intercity bus capital assistance program; provided, that the commonwealth, acting by and through the executive office of administration and finance, for the period beginning July 1, 2002 and ending June 30, 2003 may enter into contracts with the authorities; provided further, that notwithstanding section 152A of chapter 161 of the General Laws and section 23 of chapter 161B of the General Laws, at least 50 per cent and up to 75 per cent of the net cost of service of each authority incurred in fiscal year 2002 shall be paid by the commonwealth and shall not be assessed upon the cities and towns constituting the authorities; provided further, that the share assessed upon those cities and towns shall be at least 25 per cent of the net cost of service; provided further, that in the event that 25 per cent of the net cost of service of each authority exceeds 102.5 per cent of the previous year's local assessment, excluding payments made by the cities and towns for new service for which those cities and towns have not been

previously assessed as allowed by chapter 580 of the acts of 1980, the regional transit authority shall reduce its operating expenses or increase its revenues to meet the difference; provided further, that operating expenditures for fiscal year 2003 shall not exceed 102.5 per cent of its operating expenditures for fiscal year 2002; provided further, that for the purposes of this item, operating expenditures shall not include federal, private or additional municipal nonstate revenue sources or any expenses arising from the Americans with Disabilities Act or new service implemented after July 1, 1999 in an amount not to exceed a total of $3,613,905 for the 15 regional transit authorities; provided further, that such new service shall have first received approval of the appropriate regional transit authority advisory board; provide further, that not less than 25 per cent of the net cost of service of the new service shall be assessed to the cities and towns of the appropriate regional transit authority, as set forth previously in this item; provided further, that each regional transit authority which provides new service shall file a report with the house committees on ways and means and the joint committee on transportation detailing the total costs and revenues associated with the new service; provided further, that the new service shall not annualize to more than $3,613,905; provided further, that not later than January 1, 2003 each of the regional transit authorities shall submit to house and senate committees on ways and means a report detailing all revenues collected as a result of services provided pursuant to item 4401-1000 42,226,832

Local Aid Fund 40.00%

General Fund 40.00%

Highway Fund 20.00% ”.

After remarks the amendment was adopted.

Mr. Brewer moved to amend the bill, in section 2, in item 2100-2030, by striking out the figure “$26,072,664” and inserting in place thereof the following figure:— “$27,476,058”; and in said section 2, in said item 2100-2030, by adding the following words:— “; provided further, that any appropriation from this item above the amount of $26,072,664 and up to the amount of $27,476,058 shall be allocated for expenditure only upon the deposit to the General Fund, in a ratio of 2-to-1, of a corresponding amount of new revenues related to the department of environmental management including, but not limited to, 1-time payments received as compensation due to the commonwealth associated with prior conveyances of department of environmental management properties, or easements or other interests in such properties, as identified through the study provided for in item 2000-0100 of section 2”.
The amendment was adopted.

Messrs. Glodis and McGee moved to amend the bill by inserting after section 17A (inserted by amendment) the following section:—

“SECTION 17B. Section 3 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition is hereby amended by inserting after the word ‘affairs’, in line 502, the

following words:— ‘; the director of the Massachusetts firefighting academy if the person holding the position of director was a member of Group 4 within 3 months before accepting the position of director and has been a member of Group 4 for a total of at least 2 years before accepting the position’.”
The amendment was adopted.

Mr. Nuciforo moved to amend the bill in section 2, by striking out item 1599-0036 and inserting in place thereof the following item:

“1599-0036 For the expenses of the Convention Center Authority; provided, that none of the appropriations in this item shall be used to fund either directly, or indirectly through a contractual relationship, marketing and promotional offices that are not located in the commonwealth 12,067,671

Tourism Fund 100.0% ”; and

By striking out item 700-9401 and inserting in place thereof the following item:—

“7000-9401 for state aid to regional public libraries; provided, that the board of library commissioners may provide quarterly advances of funds for purposes authorized by clauses (1) and (2) of section 19C of chapter 78 of the General Laws, as it deems proper, to regional public library systems throughout each fiscal year, in compliance with the office of the comptroller’s regulations on the state grants, 815 CMR 2.00; provided further, that notwithstanding any general or special law to the contrary, no regional public library shall receive any money under this item in any year when the appropriation of the city or town where such regional public library is located is below an amount equal to 102.5 per cent of the average of the appropriations for free public library service for the 3 years immediately preceding; provided further, that notwithstanding this item, the board of library commissioners may grant waivers, in a number not to exceed one-tenth the number permitted pursuant to the second paragraph of section 19A of said chapter 78, to any library not receiving funds as a library of last recourse for a period of not more than 1 year; and provided further, that notwithstanding any general or special law to the contrary, in calculating the fiscal year 2003 distribution of funds appropriated in this item, the board of library commissioners shall employ population figures used to calculate the fiscal year 2002 distribution 11,107,994

Local Aid Fund 85.00%

Tourism Fund 15.00% ”.

After remarks, the amendment as *rejected.*

By striking out section 18 and inserting in place thereof the following section:—

“SECTION 18(A). Paragraph (a) of subdivision (2) of section 10 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following sentence:— The retirement board shall require the employer of any employee applying for a termination retirement allowance to certify in writing, under the

pains and penalties of perjury, that one of the following circumstances applies: (1) that the employee has failed of nomination or re-election, (2) that the employee has failed of reappointment, (3) that the employee's office or position has been abolished, or (4) that the employee has failed of reappointment, (3) that the employee's office or position has been abolished, or (4) that the employee has been removed or discharged from his position without moral turpitude on his part.

(B) Paragraph (d) of subdivision (1) of section 21 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The public employee retirement administration commission may review all accidental and ordinary disability pensions, and termination retirement allowances under section 10, granted by the retirement boards.

(C) Said paragraph (d) of said subdivision (1) of said section 21 of said chapter 32 is hereby further amended by adding the following sentence:— The attorney general may seek review in the superior court of any further decision by a retirement board that is inconsistent with the commission's written instructions under this paragraph, concerning a termination retirement allowance under section 10."
The amendment was adopted.

Mr Montigny moved to amend the bill in section 2, in item 1000-0001, by striking out, in line 76, the figure "$15,000,000" and inserting in place thereof the following figure:— "$45,000,000,";

In section 2, by striking out item 4000-1007;

In section 2, in item 4100-0060, by striking out, in line 60, the figure "$300,000,000" and inserting in place thereof the following figure:— "$270,000,000";

In section 2, in item 7100-0200, as amended, by striking out the figure "$458,884,228" and inserting in place thereof the following figure:— "$458,103,228";

In section 2, in item 8910-0105, by striking out the figure "$36,840,932" and inserting in place thereof the following figure:— "$37,155,341";

In section 17, by inserting after subdivision (B) the following subdivision:—

"(B1/2) Section 13 of chapter 70B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in line 11, the words "five years" and inserting in place thereof the following words:— seven years, but the total period from the date of issue of the original temporary loan to the final maturity of all school construction project financing shall not exceed 25 years";

In section 22, in subdivision (Q), by adding the following words:— "Every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section 1 of chapter 64C of the General Laws, who, at the commencement of business on the effective date of this act, has on hand any cigarettes for sale or any unused adhesive or meter stamps, shall make and file with the commissioner of revenue within 20 days a

return, subscribed under the penalties of perjury, showing a complete inventory of such cigarettes and stamps and shall, at the time he is required to file such return, pay an additional excise of 37 and one-half mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which only the excise imposed pursuant to sections 6, 7A and 7C of said chapter 64C has previously been paid; provided, however, that the additional excise imposed by this section shall equal 15 per cent of the price paid by such manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer to purchase smokeless tobacco and 15 per cent of the price paid by such manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer to purchase cigars and smoking tobacco on hand on that date. All of chapters 62C and 64C of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.";

In section 68, by striking out, in lines 4 and 7, the figures "80" and inserting in place thereof the following figure: — "87"; and

In section 79, in subsection (a), by inserting after the word "league", in line 7, the following words:— "the Massachusetts Association of Behavioral Health Systems".
The amendment was adopted.

Mr. Tolman moved to amend the bill in section 2, by inserting after item 0920-0300 the following item:

"0920-0302 The director of the office of campaign and political finance may expend monies from the Massachusetts Clean Elections Fund to provide funding for certified candidates according to chapter 55A of the General Laws 9,540,511

Massachusetts Clean Election
Fund 100.0% ".

Ms. Walsh and Mr. Morrissey moved that the amendment be amended by striking out the text contained therein and inserting after section 73T (inserted by amendment) the following section:—

"SECTION 73U. (a) Notwithstanding section 42 of chapter 10 of the General Laws, or any other general or special law to the contrary, the comptroller shall transfer, without further appropriation, $9,600,000 from the Massachusetts Clean Elections Fund to the Clean Elections Judgment Fund established in subsection (b), on the effective date of this act. The comptroller shall further transfer all remaining funds in the Massachusetts Clean Elections Fund to the Commonwealth Stabilization Fund established by section 2H of chapter 29 of the General Laws.

(C) The state secretary shall cause the following question to be placed on the official ballot at the biennial state election to be held in the year 2002: — 'Do you support taxpayer money being used to fund political campaigns for public office in the commonwealth of Massachusetts?' The votes cast shall be received, sorted, counted, declared and transmitted to the state secretary, laid before the governor and council and,

by them, opened and examined in accordance with the laws relating to votes for state officers so far as they apply, and the governor shall then communicate to the general court the total number of votes cast in the affirmative and in the negative on the question, and likewise, the same totals arranged by senatorial and representative districts.

(b) Notwithstanding any other general or special law to the contrary, there shall be within the office of the state comptroller a separate fund to be known as the Clean Elections Judgment Fund. There shall be credited to the fund all amounts transferred by the comptroller from the Massachusetts Clean Elections Fund under subsection (a). Amounts transferred to the fund shall be available for expenditure without further appropriation, and the comptroller shall so expend said funds to satisfy any final judgment that is entered in favor or a plaintiff against defendant Michael J. Sullivan in his official capacity as the director of the office of campaign and political finance in the matter of Kelly Bates, et al vs. Michael J. Sullivan, et al., SJ-2001-0448.”.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays at a quarter past three o’clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 34 — nays 3):

YEAS.

Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O’Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Joyce, Brian A.	Shannon, Charles E.
Knapik, Michael R.	Sprague, Jo Ann
Lees, Brian P.	Tarr, Bruce E.
Magnani, David P.	Tisei, Richard R.
McGee, Thomas M.	Travaglini, Robert E.
Melconian, Linda J.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 34.

NAYS.

Chandler, Harriette L.	Tolman, Steven A. — 3.
Jacques, Cheryl A.	

PAIRED.

YEA.	**NAY.**
Frederick E. Berry,	Cynthia Stone Creem (present) — 2.

The yeas and nays having been completed at twenty-four past three o'clock P.M. the further amendment was adopted.

The pending amendment (Tolman), as amended (Walsh-Morrissey) was further considered.

Mr. Tolman moved to amend the amended amendment by striking the words "Do you approve of using taxpayer funds for candidates for elective office in the commonwealth of Massachusetts?" and inserting in place thereof the following words:—

"Do you support retention and implementation of a law, passed by the voters in 1998, and known as the Clean Elections Law, that created a new voluntary system allowing candidates for state office who agree to campaign spending limits and $100 contribution limits to receive a set amount of public funds for their campaigns?"
The further amendment was *rejected*.

The pending amendment (Tolman) as amended (Walsh-Morrissey) was then adopted.

Messrs. Brewer and O'Leary, Ms. Resor, Mr. Moore, Ms. Tucker, Mr. Morrissey, Ms. Fargo and Messrs. Tisei, Knapik, Antonioni, Glodis, Baddour, Nuciforo, McGee and Tolman, Ms. Walsh and Mr. Pacheco moved to amend the bill in section 2, in item 2260-8870, by striking out the following:— "$16,002,124

Clean Environment Fund
50.00%

Environmental Challenge
Fund 40.33%

Local Aid Fund 0.33%

Underground Storage Tank
Petroleum Product Cleanup
Fund 4.20%

General Fund 5.14% "

and inserting in place thereof the following:— "$16,702,881

Clean Environment Fund
52.10%

Environmental Challenge
Fund 38.64%

Local Aid Fund 0.32%

Underground Storage Tank
Petroleum Product Cleanup
Fund 4.02%

General Fund 4.92% ”.

The amendment was adopted.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays, at sixteen minutes before four o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 33 — nays 4):

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O’Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Hedlund, Robert L.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne — 33.
Menard, Joan M.	

NAYS.

Lees, Brian P.	Tarr, Bruce E.
Sprague, Jo Ann	Tisei, Richard R. — 4.

PAIRED.

YEA.	**NAY.**
Frederick E. Berry,	Steven A. Baddour (present) — 2.

The yeas and nays having been completed at twelve minutes before four o’clock P.M., the bill (House, No. 5101) was passed to be engrossed, with amendments. [For text of Senate amendments see Senate, No. 2301]
Sent to the House for concurrence in the amendments.

A petition (accompanied by bill, House, No. 5143) of William C. Galvin, Brian A. Joyce and Marian Walsh (by vote of the town) that the town of Canton be authorized to grant an easement to the town of Stoughton for water supply purposes, — **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Local Affairs.**

Order Adopted.

On motion of Ms. Melconian, —

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Lees, at twenty-eight minutes past four o'clock P.M., the Senate adjourned to meet on the following Tuesday at eleven o'clock A.M.