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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



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Tuesday, June 12, 2001.

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

### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the Senate gallery, the first grade class of St. Margaret's School in Lowell. The class was accompanied by their teacher, Ms. Bobian, and included Gianna Panagiotakos, the daughter of Senator Steven C. Panagiotakos. The class was the guest of Senator Panagiotakos.

## PAPERS FROM THE HOUSE.

A message from Her Honor the Lieutenant-Governor, Acting Governor, recommending legislation relative to tax relief on college education savings (House, No. 4217),— **was referred, in concurrence, to the committee on Taxation.**

A report of the committee on Commerce and Labor, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1162) of William Francis Galvin and Byron Rushing relative to ballot question expenditures of non-profit health care service corporations, and recommending that the same be referred to the committee on Election Laws,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

The bi-monthly report of the Executive Office of Transportation and Construction (under the provisions of Section 178 of Chapter 653 of the Acts of 1989) submitting an account of the cost incurred in connection with the depression of the Central Artery and construction of the Ted Williams Tunnel (having been sent by the House to the Senate for its information),— **was returned to the House to be placed on file.**

*Resolutions.*

Mr. Montigny presented Resolutions “forecasting the amount of tax revenue for Fiscal Year 2002 (Senate, No. 1888)”.

The resolutions were read and, after debate, the question on adoption of the resolutions was determined by a call of the yeas and nays, at nineteen minutes before eleven o'clock A.M., on motion of Mr. Lees, as follows, to wit (yeas 32 — nays 6):

**YEAS.**

Antonioni, Robert A.	Chandler, Harriette L.
Berry, Frederick E.	Clancy, Edward J., Jr.
Brewer, Stephen M.	Creedon, Robert S., Jr.
Creem, Cynthia Stone	Morrissey, Michael W.
Fargo, Susan C.	Murray, Therese
Glodis, Guy W.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	O’Leary, Robert A.
Jacques, Cheryl A.	Pacheco, Marc R.
Jajuga, James P.	Panagiotakos, Steven C.
Joyce, Brian A.	Resor, Pamela
Lynch, Stephen F.	Rosenberg, Stanley C.
Magnani, David P.	Tolman, Steven A.
Melconian, Linda J.	Travaglini, Robert E.
Menard, Joan M.	Tucker, Susan C.
Montigny, Mark C.	Walsh, Marian
Moore, Richard T.	Wilkerson, Dianne — 32.

**NAYS.**

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

**ABSENT OR NOT VOTING.**

Shannon, Charles E. — 1.

**The yeas and nays having been completed at a quarter before eleven o'clock A.M., the resolutions were adopted.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101, printed as amended),— was read a second time.

The Senate adopted the amendments, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1900.

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

Pending the question on passing the bill to be engrossed, Ms. Walsh, Ms. Creem and Messrs. Creedon and Lynch moved to amend the bill in section 2, in item 0321-1510, by striking out the words “from this item shall be the same as the rates paid in fiscal year 2001” and inserting in place thereof the following words:— “for murder cases shall be \$64 per hour for in-court and out-of-court services; provided further, that the rate of compensation paid for private counsel services provided for nonmurder criminal superior cases, shall be \$44 per hour for in-court and out-of-court services; and provided further, that on July 1, 2001, the rate of compensation paid for services for other criminal cases, so-called, shall be \$35 per hour for in-court and out-of-court services”; and by striking out the figure “\$43,500,000” and inserting in place thereof the following figure:— “\$50,685,000”.

The amendment was *rejected*.

Ms. Walsh, Ms. Creem and Messrs. Creedon and Lynch moved to amend the bill in section 2, in item 0321-1512, by striking out, in lines 11 and 12, the words “from this item shall be the same as the rates paid in fiscal year 2001” and inserting in place thereof the following words:— “provided for in this item shall be, for cases under section 12S of chapter 112 of the General Laws and section 39F of chapter 119 of the General Laws, \$35 per hour for in-court and out-of-court services; and provided further, that the rate of compensation paid for all other noncriminal cases shall be \$44 per hour for in-court and out-of-court services”; and by striking out the figure “\$21,000,000” and inserting in place thereof the following figure:— “\$24,186,000”.

After debate, the amendment was *rejected*.

Ms. Creem, Ms. Resor and Ms. Fargo moved to amend the bill in section 2, in item 0330-3700, by inserting after the words “utilize court language interpreters” the following wording:— “; provided further, that 2 additional interpreters proficient in American Sign Language shall be funded from this item in fiscal year 2002”; and by striking out the figure “\$1,137,712” and inserting in place thereof the following figure:— “\$1,207,712”.

The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 0332-3200, by inserting after the word “Chicopee” the following words:— “provided, that two additional probation officers shall be funded from this item in fiscal year 2002”; and by striking out the figure “\$1,180,792” and inserting in place thereof the following figure:— “\$1,299,558”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 0332-3300, by striking out the figure “\$1,368,174” and inserting in place thereof the following figure:— “\$1,558,565.”

The amendment was *rejected*.

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

“0332-4000

For the district court of Somerville; provided, that \$5,764 shall be expended for 1 assistant clerk magistrate currently assigned to the court who shall be designated in charge of 6-person jury sessions and shall be paid by the commonwealth in accordance with the job classification and pay plan established by the chief justice of administration and management but not subject to clause (xxiii) of section 9 of chapter 211B of the General Laws .....2,670,239”.

The amendment was *rejected*.

Messrs. Havern and Moore moved to amend the bill in section 2, by striking out item 0332-4500 and inserting in place thereof the following item:—

“For the second district court of eastern Middlesex at Waltham; provided that 1 additional assistant clerk-magistrate shall be appointed and funded from this item in fiscal year 2002 .....1,659,888”.

The amendment was *rejected*.

Mr. O'Leary moved to amend the bill in section 2, in item 0332-5100, by inserting after the word "Nantucket" the following words:— "; and provided further, that 1 probation officer shall be appointed and funded from this item in fiscal year 2002 \$321,083".

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 0332-5300, by striking out the figure "\$4,979,440" and inserting in place thereof the following figure:— "\$5,184,395".

After remarks, the amendment was *rejected*.

Messrs. Nuciforo and Lees moved to amend the bill in section 2, in item 0333-0711, by striking out the figure "\$50,000," and inserting in place thereof the following figure:— "\$250,000."

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 0337-0003, by striking out the figure "\$17,911,543" and inserting in place thereof the following figure:— "\$20,852,887".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0337-0003, by striking out the words "1 first assistant clerk magistrate shall be designated for the jury session at Plymouth juvenile court in fiscal year 2002" and inserting in place thereof the following words:— "1 additional sessions clerk at Plymouth juvenile court at Brockton shall be funded from this item in fiscal year 2002"; and by striking out the figure "\$17,911,543" and inserting in place thereof the figure "\$17,953,701".

The amendment was *rejected*.

Messrs. Moore, Brewer and Glodis and Ms. Chandler moved to amend the bill in section 2, in item 0340-0400, by striking out the figure "\$7,893,217" and inserting in place thereof the following figure:— \$7,968,390."

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 "\$4,297,960" and inserting in place thereof the following figure:— \$4,337,798".

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 0340-0800, by adding the following words:— "provided further, that not less than \$125,000 shall be expended for rental cost for 32 Belmont street, Brockton"; and by striking out the figure "\$6,282,681" and inserting in place thereof the following figure:— \$6,407,681".

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 0340-2101, in line 10, by striking out the figure "\$312,454" and inserting in place thereof the following figure:— \$412,454".

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 0411-1000, by striking out the figure "\$5,656,001" and inserting in place thereof the figure "\$5,959,213".

The amendment was *rejected*.

Messrs. Tarr and Jajuga and Ms. Tucker 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 Heritage Area; provided further, that this expenditure shall be contingent upon a matching amount equal to not less than \$1 in grant funds for every \$1 in state funds"; and by striking out the figure "\$627,509" and inserting in place thereof the following figure:— "\$652,509".

The amendment was *rejected*.

Mr. Morrissey and Ms. Jacques moved to amend the bill in section 2, by inserting after item 0511-0260 the following item:—

“0511-0420

For the operation of the address confidentiality program for fiscal year 2002 .....249,000”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 0526-0100 by adding the following words:— “; provided, that not less than \$75,000 shall be expended for the Sandwich glass museum.”

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; provided further, that not less than \$40,000 shall be expended for repairs at the Harden House in the town of Wilmington”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; provided, that not less than \$15,000 shall be expended for the undertaking of a complete inventory of the historical buildings in the town of North Reading”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; and provided further that not less than \$90,000 shall be expended for Holliston town hall in conjunction with improvements to comply with the Americans with Disabilities Act”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; provided that not less than \$15,000 shall be expended for the restoration of the historic stone gate house at Rice’s dam and reservoir in the town of Wayland”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 0526-0100, by adding the following words:— “; provided, that funds from this item be expended for the Topsfield town hall restoration project”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, by inserting after item 0526-0100 the following item:—

“0526-0111

For the preservation of historic artifacts of the town of Mendon 10,000”.

The amendment was *rejected*.

Messrs. Nuciforo and Brewer moved to amend the bill in section 2, in item 0611-5510, by striking out the figure “\$21,000,000” and inserting in place thereof the following figure:— “\$31,000,000”; and by adding the following words:— “; and provided further, that no city or town shall receive an amount less than each such city or town received for reimbursements in lieu of taxes on state-owned land in fiscal year 2001”.

After remarks, the amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, in item 0611-5510, by adding the following words:— “; provided further, that no less than \$10,000,000 shall be distributed for cities and towns with MDC property”; and by striking out the figure “\$21,000,000” and inserting in place thereof the following figure:— “\$31,000,000”.

The amendment was *rejected*.

Messrs. Lees, Knapik, Tisei, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 0511-0000, by adding the following words:— “; and provided further, that no funds appropriated in this item or otherwise by this act or another appropriation act shall be expended for print, radio, television, internet or any other mechanism of advertising, including public service announcements, in which the voice or image of the state secretary occurs”.

Pending the adoption of the amendment, Mr. Morrissey moved that the amendment be amended by adding at the end thereof the following words:— “; this prohibition shall not apply if other Constitutional officers appear in print, radio, television, internet or other mechanisms of advertising, including public service announcements in which their voice or image occurs or appears”.

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

**YEAS**

Creedon, Robert S., Jr. Morrissey, Michael W.  
Creem, Cynthia Stone Tolman, Steven A.  
Glodis, Guy W. Walsh, Marian — 7.  
Moore, Richard T.

**NAYS.**

Antonioni, Robert A. Jacques, Cheryl A.  
Berry, Frederick E. Jajuga, James P.  
Brewer, Stephen M. Joyce, Brian A.  
Chandler, Harriette L. Knapik, Michael R.  
Clancy, Edward J., Jr. Lees, Brian P.  
Fargo, Susan C. Lynch, Stephen F.  
Havern, Robert A. Magnani, David P.  
Hedlund, Robert L. Melconian, Linda J.  
Menard, Joan M. Rosenberg, Stanley C.  
Montigny, Mark C. Sprague, Jo Ann  
Murray, Therese Tarr, Bruce E.  
Nuciforo, Andrea F., Jr. Tisei, Richard R.  
O’Leary, Robert A. Travaglini, Robert E.  
Pacheco, Marc R. Tucker, Susan C.  
Panagiotakos, Steven C. Wilkerson, Dianne —  
31.  
Resor, Pamela

**ABSENT OR NOT VOTING.**

Shannon, Charles E. — 1.

The yeas and nays having been completed at a quarter before twelve o’clock noon, the further amendment was *rejected*.

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

Mr. Morrissey rose to a point of order that the amendment was improper because it seeks to bind future legislatures to the actions of this General Court.

The President stated that the amendment did not bind future legislatures but rather affected the General Appropriations Bill and other appropriation bills enacted by this Legislature. Future legislatures could seek to do whatever they chose to do. Therefore, the point of order was NOT well taken.

The pending amendment was then considered; and, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before twelve o'clock noon, on motion of Mr. Morrissey, as follows, to wit (yeas 31 — nays 7):

**YEAS.**

Antonioni, Robert A.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Murray, Therese
Chandler, Harriette L.	Nuciforo, Andrea F., Jr.
Clancy, Edward J., Jr.	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Jajuga, James P.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Travaglini, Robert E.
Lynch, Stephen F.	Tucker, Susan C.
Magnani, David P.	Wilkerson, Dianne — 31.
Melconian, Linda J.	

**NAYS.**

Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Tolman, Steven A.
Glodis, Guy W.	Walsh, Marian — 7.
Moore, Richard T.	

**ABSENT OR NOT VOTING.**

Shannon, Charles E. — 1.

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

There being no objection, during consideration of the Orders of the Day, the following matters were considered, as follows:

*Order Adopted.*

Mr. Montigny presented the following order, to wit:

*Ordered,* That full consideration shall be allowed by the Senate on a supplemental appropriations bill (Senate, No. 1885) reported by the committee on Ways and Means. All amendments to said Supplemental Budget shall be filed with the Clerk of the Senate no later than twelve noon, on Wednesday, June 13, 2001.

**There being no objection, the order was considered forthwith and adopted.**

*Report of a Committee.*

Mr. Montigny, for the committee on Ways and Means, reported, pursuant to the provisions of Senate Rule 19, a Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 1885) [Estimated cost — \$289,207,659].

The bill was read.

**The rules were suspended, on motion of Mr. Montigny, and the bill was read a second time and ordered to a third reading.**

*Orders of the Day.*

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

The House Bill making appropriations for the fiscal year 2002 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101, printed as amended),— was further considered, the main question being on passing the bill to be engrossed.

Messrs. Hedlund, Lees, Knapik, Tarr and Tisei, and Mrs. Sprague moved to amend the bill in section 2, in item 0612-1010, by adding the following words:— “; provided further, that for a reserve of not less than \$13,418,864 to meet the commonwealth’s obligation for the fiscal year ending June 30, 2002, pursuant to section 22B of chapter 32 of the General Laws, to reduce the unfunded pension liabilities of public retirement systems, other than the state employee and state teachers systems; and provided further, that the distribution from this reserve shall be based upon a determination by the secretary of administration and finance of actual payroll costs for the fiscal year ending June 30, 2001.”

After debate, the amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 0612-1010, by striking out the figure “912,373,000” and inserting in place thereof the following figure:— “\$986,390,000”; and by striking out the words:

"Local Aid Fund	59.00%
.....	
General Fund .....	33.00%
Highway Fund .....	7.00%
Inland Fisheries .....	
and Game Fund .....	0.10%

and inserting in place thereof the following words:—

Local Aid Fund .....	54.57%
General Fund .....	31.36%
Highway Fund	6.47%
.....	
Inland Fisheries .....	
and Game Fund .....	0.09%
Commonwealth Stabilization Fund	7.50%
.....	

The amendment was *rejected*.



Mrs. Sprague moved to amend the bill in section 2, in item 0612-1010, by striking out the figure “\$912,373,000” and inserting in place thereof the following figure:— “\$986,390,000.”

The amendment was *rejected*.

Ms. Creem, Mr. Lees and Ms. Fargo moved to amend the bill in section 2, by inserting after item 0810-0399 the following item:—

“0810-0400  
For the operation of the witness protection program .....300,000”

and by inserting after Section 31, the following section:—

“SECTION 31A. (A) The General Laws are hereby amended by inserting after chapter 258C the following new chapter:—

**CHAPTER 258D.**

**WITNESS PROTECTION PROGRAM.**

Section 1. As used in this chapter, the following words shall have the following meanings:

‘Witness’, any person who is participating in a criminal investigation or who has received a subpoena or who is reasonably expected to receive a subpoena to give testimony in a criminal proceeding, or such person’s relatives, friends or associates who are reasonably endangered by the person’s participation in the criminal investigation or proceeding;

‘Prosecuting officer’, the attorney general or a district attorney.

Section 2. There shall be a witness protection program to be administered by the Office of Victim Assistance, which shall coordinate the efforts of state, county and local law enforcement agencies to protect the health, safety and welfare of witnesses and to reimburse such agencies for the costs of such efforts, subject to appropriation.

Section 3. Protection services provided to a witness may include, but shall not be limited to:

- (a) armed protection or escort, marked or unmarked surveillance or periodic visits or contact by law enforcement officials prior, during or subsequent to a criminal proceeding;
- (b) physical relocation to an alternate residence;
- (c) housing expenses;
- (d) transportation or storage of personal possessions;
- (e) basic living expenses including, but not limited to:
  - (1) food;
  - (2) transportation;
  - (3) utility costs;
  - (4) health care;
- (f) petition for a protective order on any individual identified as a threat to a witness.

Section 4. (a) A witness who feels endangered shall request protection in writing. The written request shall be made to one of the following: a law enforcement officer, a prosecuting officer, a victim witness advocate assigned to the attorney general or a district attorney’s office, or to the Office of Victim Assistance. A copy of all requests shall be forwarded to the Office of Victim Assistance as soon as is practicable.

(b) The prosecuting officer shall review all requests for protection and shall assess the level of threat. If the prosecuting officer determines that a witness is endangered due to the witness’s involvement with any criminal investigation or proceeding, the prosecuting officer shall notify the Office of Victim Assistance and submit a plan for the protection of such witness.

(c) The Office of Victim Assistance shall review such plan and, if the plan complies with the guidelines established by the Office of Victim Assistance, the Office of Victim Assistance shall assist the prosecuting officer to coordinate the efforts of state, county

and local agencies to secure witness protection services, and shall reimburse those agencies for the costs of the services provided to protect the witness.

Section 5. (a) The prosecuting officer may disclose or refuse to disclose the identity or location of a protected witness, or any other matter concerning the witness or the program after weighing the danger such a disclosure would pose to the witness, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure, however, a prosecutor shall, upon the request of federal, state or local law enforcement officials, or pursuant to a court order, disclose to such officials the identity, location and criminal records relating to the protected witness when the prosecutor knows or the request indicates that the witness is under investigation for or has been arrested for or charged with a felony.

(b) Any person who, without the authorization of the prosecuting officer, knowingly discloses any information received, from the Office of Victim Assistance, or the prosecuting officer under subsection (a) of this section shall be punished by a fine of not more than \$5,000 or imprisonment in jail or the house of correction for not more than 2½ years, or both such fine and imprisonment.

(c) The prosecuting officer may provide protective services for the duration of the criminal investigation or proceeding or until the prosecuting officer determines that the witness is no longer at risk.

Section 6. If a prosecuting officer or other law enforcement agency determines that an imminent threat to the safety of a witness exists, he shall take any temporary action he determines is necessary to protect the safety of the witness. The prosecutor or law enforcement agency shall inform the Office of Victim Assistance of the action taken and any related costs as soon as practicable. Any such costs, which would otherwise be in compliance with the guidelines established by the Office of Victim Assistance, shall be deemed to be reimbursable to the prosecuting officer or other law enforcement agency.

Section 7. Before providing protection to any witness under this chapter, the prosecuting officer shall enter into a memorandum of understanding with that witness to be signed by: the prosecuting officer, or his designee; the witness to be protected; the witness' guardian if he is a minor or incompetent; and the witness' attorney if he is represented by counsel.

Each such memorandum of understanding shall include:

(a) The responsibilities agreed to by the witness while receiving protection, including, but not limited to, an agreement to:

(1) provide complete and truthful information to all appropriate law enforcement officials concerning all appropriate investigations and to testify in all appropriate proceedings;

(2) not commit any crime;

(3) take all necessary steps to avoid detection by others of the facts concerning the protection provided to that witness under this chapter;

(4) comply with the legal obligations and the civil judgments against that witness;

(5) cooperate with all reasonable requests of officers and employees of the commonwealth who are providing protection under this chapter;

(6) designate another person to act as an agent for the service of process;

(7) make a sworn statement of all outstanding legal obligations, including obligations concerning child custody and visitation;

(8) disclose any probation or parole responsibilities;

(9) regularly inform the appropriate law enforcement officials of the activities and current address of such witness.

(b) the names and telephone numbers of representatives of the prosecuting officer or law enforcement personnel to contact if the witness has questions or concerns regarding the witness's safety;

(c) the protection that the prosecuting officer has determined will be provided to the witness under this chapter;

(d) the procedures to be followed in the case of a breach of the memorandum of understanding, as established by the prosecuting officer.

Section 8. If a witness, after being offered protective services under this section, declines to receive such services, the prosecuting officer shall request that the witness make such refusal in writing.

Section 9. The commonwealth, its officers and employees and law enforcement personnel shall have immunity from civil liability for any decision declining or revoking protection to a witness under this chapter.

Section 10. The Office of Victim Assistance, in consultation with the Attorney General, the district attorneys, and state and local law enforcement officials, shall develop and issue appropriate guidelines to implement this chapter.

Section 11. The Office of Victim Assistance shall establish procedures to maximize federal funds for witness protection services.

Section 12. The Office of Victim Assistance shall make an annual report to the general court, including the house and senate committees on ways and means and the joint committee on criminal justice, no later than January 1 of each year on the fiscal and operational status of the program.”

(B) Section 13B of chapter 268 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the words “five thousand dollars” and inserting in place thereof the following figure:— “\$50,000”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik and Tarr and Mrs. Sprague moved to amend the bill in section 2, by striking out item 1000-0001 and inserting in place thereof the following item:—

“1000-0001

For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, 31 U.S.C. sections 7501 to 7507, inclusive, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2002 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$725,000 to other items of appropriation for the cost of said audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be credited to and expended from this item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and nontax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary of administration and finance; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer, without further appropriation, as of June 30, 2002, \$36,952,082 from the General Fund to the Children’s and Seniors’ Health Care Assistance Fund, established by section 2FF of chapter 29 of the General Laws; provided further, that the comptroller shall transfer the amount of \$30,000,000 from the General Fund to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital fiscal year beginning October 1, 2001, provided further, that the payments shall be made to hospitals before, and in anticipation of, the payment by hospitals of their gross liability to said fund; provided further, that the comptroller shall transfer from the fund to the General Fund not later than June 30, 2002; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer the amount of \$45,000,000 from the Medical Security Trust Fund, established pursuant to subsection (k) of section 14G of chapter 151A of the General Laws to the Health Care Emergency Loan Program Trust established by chapter 29E of the General Laws, as inserted by section 16A of this act; provided further, that notwithstanding any general or special law to the contrary the comptroller shall transfer the amount of \$240,000,000 from the health care security trust, established pursuant to chapter 29D of the General Laws, to the Uncompensated Care Trust Fund, established pursuant to section 18 of chapter 118G of the General Laws according to a schedule approved by the commissioner of health care finance and policy; provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer \$30,000,000 from the Medical Security Trust Fund, established pursuant to subsection (k) of section 14G of chapter 151A, to the General Fund; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected; and provided further, that notwithstanding any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section; provided further, that nothing in this item shall be construed to allow the comptroller or the budget director to establish any accounts without prior statutory approval; provided further, that the

comptroller, in conjunction with the department of public health, shall examine the impact of delayed receipt of payments to early intervention providers due to billing the department of public health as payer of last resort; provided further, that the examination shall include a determination of the extent to which providers are impacted and an analysis of available methods to mitigate the impact on providers through new or existing systems; provided further, that the comptroller shall submit a report by November 1, 2001 to the house and senate committees on ways and means on the findings including steps taken or planned to address such delayed payments and any recommendations for legislative action; provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to this section; and provided further, that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws .....8,640,282

General Fund	93.81%
.....	
Revenue	
Maximization	
Fund .....	6.19%

In section 2, by striking item 4000-0502 and inserting in place thereof the following item:—

“4000-0502

For the purpose of funding non-recurring rate enhancements for acute care hospitals for inpatient and outpatient medical services; provided, that the division of medical assistance shall collaborate with the division of health care finance and policy to determine the methodology by which to enhance existing rates; provided further, that the division of medical assistance shall make payments in a manner designed to maximize federal financial participation; provided further, that said enhancements shall commence for the hospital fiscal year beginning October 1, 2001; and provided further, that the division of medical assistance shall file a report not later than September 15, 2001 with the secretary of administration and finance and the house and senate committees on ways and means detailing the methodology used to determine such payments and the amount projected to be paid to each such acute care hospital in hospital fiscal year 2002 .....10,000,000”;

In section 2, in item 4100-0060, in line 7, by striking the figure “\$270,000,000” and inserting in place thereof the following figure:— “\$215,000,000”; by striking out item 4100-0068; by inserting after section 7 the following section:—

“SECTION 7. (A) The General Laws are hereby amended by inserting after chapter 29D, the following chapter:—

**CHAPTER 29E.**

**THE HEALTH CARE EMERGENCY LOAN PROGRAM.**

Section 1. As used in this chapter, the following words shall have, unless the context otherwise requires, the following meanings:

‘Access Project Loan’, a loan made to an eligible health care provider for the purpose of supporting a particular project that will enhance or preserve access to services, such as infrastructure improvement, start-up costs for specific projects to improve patient care, working capital needs or capital investments.

‘Advisory Council’, the advisory council established by section 5 of this chapter.

‘Authority’, the Massachusetts health and educational facilities authority established under chapter 614 of the acts of 1968, as amended.

‘Bonds’, bonds, notes or other evidences of indebtedness of the authority issued pursuant to this chapter.

‘Commissioner’, the commissioner of the division of health care finance and policy.

‘Distressed Provider Loan’, a loan made to an eligible health care provider that meets the division’s criteria for distressed provider loans.

‘Distributable reimbursement’, any amount payable to an eligible health care provider (i) under the Medicare program, Medicaid program or other medical assistance program as such terms are defined in chapter 118G or Title XVIII, XIX, or XXI of the federal Social Security Act; or (ii) under any other program providing for reimbursement to eligible health care providers administered by the commonwealth, including, but not limited to, the department of public health.

'Division', the division of health care finance and policy established under chapter 118G.

'Division of medical assistance', the division of medical assistance designated as the state agency responsible for administering the programs of medical assistance and medical benefits under chapter 118E.

'Eligible health care provider', any nonprofit provider of care and services in the commonwealth of a medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, supportive or geriatric nature. Otherwise eligible health care providers shall not be excluded as eligible health care providers solely because they are organized in a state other than the commonwealth, but loans made to an eligible health care provider organized outside of the commonwealth shall in all cases relate solely to the services, operations or facilities of the provider located within the commonwealth. Notwithstanding the foregoing, eligible health care provider shall also include for-profit nursing facilities that conduct substantially all of their business, as defined by the division, in the commonwealth.

'Loan', a form of financial assistance subject to repayment in whole or in part which is provided by the authority to eligible health care providers, in amounts, and for purposes, all as approved by the division and subject to any conditions imposed by the authority or the division, and is either an Access Project Loan or a Distressed Provider Loan.

'Trust', the health care emergency loan trust established under section 2 of this chapter.

'Urban Community Hospital', a hospital providing care to an aggregate number of medicare, medicaid, free care and self-pay patients such that in aggregate these patients are a significantly higher percentage, as defined by the division, of the hospital's payer mix than the average percentage these patient populations are for hospitals statewide, that also, as determined by the division, provides care to patients primarily from urban areas and has a low resident-to-bed ratio.

Section 2.(a) There shall be set up on the books of the authority a separate trust that shall not be subject to appropriation, known as the Health Care Emergency Loan Program Trust. The purpose of said trust shall be to provide funds for short-term hardship relief loans to eligible health care providers approved by the division pursuant to section 3. The trust shall be held by the authority separate and apart from all other funds of the authority and administered by the authority in accordance with the provisions of this chapter. All or a portion of the trust may also be used to leverage or otherwise secure bonds issued by the authority in order to make approved loans in accordance with said section 3. The authority may invest the fund as it deems appropriate, subject only to the limitations, if any, imposed thereon by any trust agreement entered into as contemplated by section 6(d) of this chapter. The authority may set aside from the trust amounts not to exceed 2½ per cent of the principal amount of each loan for the reasonable expenses of the authority and of the division in administering the provisions of this chapter, to be expended pursuant to a plan approved by the secretary of administration and finance.

(b) To the Health Care Emergency Loan Program Trust shall be credited: (1) all appropriations and transfers for the purpose of the trust; (2) any gifts or donations to the trust; (3) all amounts repaid by eligible health care providers pursuant to loans made under this chapter, including any amounts repaid by providers through assignment of their distributable reimbursements, except to the extent such amounts are used to repay bonds secured by such loans, or as otherwise provided in any loan agreement securing repayment of loans; (4) all and securities acquired by and through the use of monies in the trust and all interest property thereon; and (5) all revenues, penalties, forfeitures, and interest from investment of amounts credited to the trust.

(c) Monies in the trust shall be used solely for one or more of the following purposes: (1) to make loans to eligible health care providers pursuant to this chapter; (2) to the extent such trust is used to secure or otherwise leverage bonds issued under this chapter, to pay debt service on such bonds; or (3) at the direction of the authority, to meet obligations of the authority and the division for the purposes of the trust.

Section 3. (a) The authority shall make loans to eligible health care providers for any lawful purpose approved by the division from monies available for such purpose in the trust, or from bond proceeds associated with the trust. In connection with each such loan the authority shall enter into an agreement with the borrower setting forth the terms of the loan, the security therefore and any other provisions deemed necessary or appropriate by the authority, including the payment of expenses related thereto. Any such agreement, and any security provided thereunder or otherwise, may be pledged to secure bonds issued by the authority under this chapter. Without limiting the foregoing, loans made under this chapter may be made in anticipation of the issuance of bonds by the authority or to refinance existing loans or other indebtedness of an eligible health care provider. The authority shall develop the structure of the loan program and the bond financing and, subject to the interagency agreement referred to in this chapter, the authority shall monitor and enforce loan compliance and take any other actions necessary to effectuate the purposes of this act. The authority may enter into one or more interagency agreements with the division regarding the administration of loans made under this chapter, including, but not limited to, reviewing of loan applications, monitoring performance of projects and conditions and such other matters that the division and the authority deem appropriate. Without limiting the foregoing, any such interagency agreement may include provisions regarding the payment of any amounts of distributable reimbursement and other amounts to the authority, and the pledge of any such amounts, to pay for or otherwise secure loans made hereunder, and, in connection therewith, such agreement may also be entered into by the division of medical assistance.

(b) No loans shall be made under this chapter without the prior approval of the division. The division shall notify the authority of each loan approved for an eligible health care provider, including the amount, purpose and conditions, if any, of such loan.

The division may impose conditions and restrictions on any loan, including that the recipient submit to increased oversight and reporting requirements, in order to ensure that the purposes of this chapter are met. In connection with its approval, to further the purposes of this chapter, the division may enter into agreements with eligible health care providers seeking loans, such agreements to contain such provisions as the division determines necessary or advisable to effectuate the purposes of this chapter. In addition, the division may enter into 1 or more interagency agreements with the authority regarding the administration of loans made under this act, including, but not limited to, reviewing of loan applications, monitoring performance of projects and conditions and such other matters that the division and the authority deem appropriate.

Section 4. The division shall promulgate regulations establishing criteria for determining eligibility of loans for approval, consistent with the purposes of this chapter and taking into consideration the recommendations of the advisory council established in section 5. The division shall submit such regulations to the house and senate committees on ways and means at least 10 days before proposal or emergency adoption. The division shall establish separate criteria for (1) distressed provider loans and (2) access project loans. No loan shall be approved that would duplicate reimbursement available under the commonwealth's Title XIX state plan. The criteria shall, at a minimum, make eligible for loans those eligible health care providers that are essential to their community because they provide services not readily available elsewhere; that serve a high proportion of Medicare beneficiaries, Medicaid recipients, beneficiaries or recipients of other governmental programs of public assistance, or free care recipients; that operate in industries with insufficient access to capital funds or that are experiencing financial difficulties which prevent them from qualifying for other cost-effective financing; that demonstrate strong management practices or an ability and willingness to develop such practices intended to ensure repayment of the loan and to alleviate any recurring need for such loans; that provide documentation requested by the division to substantiate requests for loans, including but not limited to, information on the number of patients served and the cost and types of services provided to such patients; and that submit to financial review by the division or its designee, and that agree to conditions and restrictions which may include monitoring of operations by the division or its designee during the term of the loan. The criteria shall give preference to eligible health care providers that (1) are urban community hospitals or hospitals qualifying as the commonwealth's essential community hospitals as defined by the critical access hospital state plan filed with the federal Health Care Financing Administration in October of the year 2000; (2) have experienced exigent circumstances such as unexpected catastrophic expenses; or (3) would be unable to continue to provide critical services without immediate financial assistance.

Section 5. There shall be an advisory council consisting of 9 members, 1 of whom shall be the secretary of health and human services, or his designee, who shall chair the council; 1 of whom shall be the secretary of administration and finance, or his designee; 1 of whom shall be the commissioner of the division of medical assistance or his designee; and 6 of whom shall be appointed by the governor, of which 2 shall be representatives of providers eligible for loans, 2 shall be representatives of consumers that use the critical health services to be supported by loans and 2 shall be financial professionals knowledgeable in health care financing. The advisory council shall recommend to the division, not later than 90 days after the effective date of this chapter, criteria and procedures for applying for and awarding loans, including the maximum loan amount and the maximum and minimum time frames for repaying loans. The division shall notify the advisory council whenever it proposes to make substantive changes in the criteria, and the advisory council or any subcommittee which the advisory council may establish, shall review the proposed changes and advise the division within 30 days of such notice.

Section 6. (a) In addition to the powers granted to the authority under any other provision of law, including but not limited to chapter 614 of the acts of 1968 as amended, the authority may from time to time issue bonds for the purposes of effectuating this act, and all such bonds shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. Notwithstanding any provision of this act or any other law to the contrary, the term 'hospital' in section 3 of chapter 614 of the acts of 1968, as amended, shall be deemed for the purposes of said chapter to include eligible health care providers.

(b) The bonds of every issue shall be payable solely out of the particular revenues or monies held or received by the authority under this chapter, including any portion of the trust designated for such purpose, subject only to any agreements with the holders of particular bonds pledging any particular revenues or other security and subject to any agreements with any eligible health care provider receiving a loan. No other assets of the authority shall be available under any circumstances with respect to any obligations or liabilities arising from the loans, the bonds or the trust or any other provisions of this act. With the approval of the division, all or a portion of the trust may be designated for use as security for bonds issued under this chapter, or as otherwise determined by the authority to effectuate the purposes of this chapter in connection with the issuance of bonds hereunder.

(c) The bonds may be issued as serial bonds or as term bonds, in the form of notes, certificates of participation, commercial paper, or in such other form as the authority determines in its discretion. The bonds shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. Such resolution or resolutions may delegate to the executive director, assistant executive director or any

member of the authority or any combination of them, the power to determine any of the matters set forth in this section and the power to award the bonds to a purchaser or purchasers at public or private sale. The bonds may be sold at public or private sale for such price or prices as the authority shall determine. Neither the members of the authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof. In approving the bonds, the authority need not approve particular loans, but may rely exclusively on the approval of such loans by the division as provided in section 3 hereof.

(d) Bonds of the authority authorized by this section may be secured by a trust agreement between the authority and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, any loan agreements and other instruments securing loans, including mortgages or other security; revenues, funds and other assets or property held or to be received by the authority under this act, including without limitation any portion of the trust so designated for such purpose; any distributable reimbursement, to the extent permitted under the federal Social Security Act; and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the authority concerning the custody, investment and application of monies, the enforcement of loan agreements and other instruments securing loans, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements.

(e) Bonds may be issued by the authority in the form of lines of credit or other banking arrangements under terms and conditions determined by the authority. In addition to other lawful security, bonds may be secured, in whole or in part, by financial guarantees, by insurance, by letter or lines of credit or by other credit enhancement issued to the authority or to a trustee or other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the commonwealth; the authority may pledge or assign, in whole or in part, any loan agreement and other instruments securing loans and the revenue, funds and other assets and property held or to be received by the authority, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and the proceeds thereof, as security for such guarantees or insurance or for the reimbursement to any issuer of a line or letter of credit. In connection with the issuance of the bonds, the authority may enter into interest rate swaps or other derivative arrangements as the authority may determine.

(f) The authority may by resolution provide for the issue by the authority of interim receipts or temporary bonds, exchangeable for definitive bonds when the bonds are executed and are available for delivery. The authority may also provide for replacement of mutilated, destroyed or lost bonds. The authority may purchase and invite offers to tender for purchase any outstanding bonds; provided, however, that no purchase by the authority shall be made at a price, exclusive of accrued interest, if any, exceeding the bond's principal amount or, if greater, its redemption price when next redeemable at the option of the authority. The authority may resell any bonds it purchases in such manner and for such price as it may determine.

(g) The authority may also issue refunding bonds of the authority for the purpose of paying any bonds at or prior to maturity. Refunding bonds may be issued at any time at or prior to the maturity or redemption or purchase of the refunded bonds. Refunding bonds may be issued in sufficient amounts to pay or provide for payment of the principal of the bonds being refunded, together with any redemption premium thereon, any interest or discount accrued or to accrue to the date of payment, costs of issuance and other expenses and reserves reasonably necessary to achieve the refunding.

(h) Bonds of the authority issued hereunder shall be (1) securities in which public officers and agencies, insurance companies, financial institutions, investment companies, executors, administrators, trustees and others may properly invest funds including capital within their control, and (2) securities which may be deposited with any public officer or any agency for any purpose for which the deposit of bonds is authorized by law.

(i) Bonds issued by the authority shall not be deemed to be a debt or a pledge of the faith and credit of the commonwealth or of any of its political subdivisions, but shall be payable solely from the revenues and monies of the trust and other monies and rights pledged to their payment. Bonds shall recite that neither the commonwealth nor any political subdivision thereof shall be obligated to pay the same and neither the faith and credit nor the taxing power of the commonwealth or any political subdivision is pledged to their payment.

(j) Bonds of the authority shall be deemed to be investment securities under chapter 106. Bonds, their transfer and the income the reform, including any profit made on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth. The authority shall not be required to pay any taxes, assessments or excises upon its income, existence, operation, or assets, monies or revenues hereunder.

(k) It shall be lawful for any bank or trust company to act as a depository of the trust or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the authority may require. Any assignment or pledge of revenues, funds

and other assets and property made by the authority shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the authority and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the authority is an exercise of its political and governmental powers, and loan agreements, revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment. Any holder of a bond and any trustee under a trust agreement, except to the extent its rights may be restricted by the trust agreement, may bring suit upon the bonds and may pursue any other legal action to protect and enforce its rights and compel performance of all duties required to be performed by the authority.

Section 7. The foregoing sections of this act shall be deemed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws; provided the issuance of bonds under the provisions of this act need not comply with requirements of any other law applicable to the issuance of bond including, particularly, chapter 614 of the acts of 1968, as amended. Except as otherwise expressly provided in this act, none of the powers granted to the division or the authority under the provisions of this act shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official or agency thereof as of the commonwealth.

Section 8. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof. To the extent that the provisions of this act are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this act shall be deemed controlling. The provisions of this act are severable, and if any part of this act shall be adjudged unconstitutional or otherwise invalid by any court of competent jurisdiction, the validity of the remaining parts shall not be affected thereby.

Section 9. Notwithstanding any provision of this chapter or any other law to the contrary, no new loans authorized under this chapter shall be issued after June 30, 2006, but that following this date any remaining balance in the trust and any revenues received by the re-payment of these loans shall be repaid to the Health Care Security Trust, established by section 1 of chapter 29D this limit shall not affect the term of the loans made during this period of issuance.

Section 10. Notwithstanding any general or special law to the contrary, the total amount of loans made available to eligible health care providers through the Health Care Emergency Loan Program Trust established by chapter 29E shall not exceed, in any single state fiscal year, \$20 million for distressed provider loans for hospitals, \$17.5 million for distressed provider loans for nursing facilities and other eligible health care providers, and \$7.5 million for access project loans, as defined in said chapter 29E, but, if by May 1 of any single state fiscal year, the division determines that the allocations set forth above do not adequately meet the needs of the eligible health care providers as reflected by incoming applications for the loans, the division may reallocate the remaining funds of the trust for loans to such eligible health care providers that it deems appropriate.”; and

In section 39 by striking the figure “\$16,600,000” and inserting in place thereof the following figure:— “\$99,000,000”.

(B)(a) There shall be a special commission for the purpose of devising a fair and equitable allocation of the burden of uncompensated care and free care among affected participants in the health care delivery system, so that no single participant or group of participants bears a disproportionate burden for the cost of providing such care. The commission shall consist of 9 members as follows: 1 member of the senate, 1 member of the house of representatives, the secretary of administration and finance, 6 persons to be appointed by the governor, 1 of whom shall be a representative of the Massachusetts Hospital Association, 1 of whom shall be a representative of the Massachusetts Association of Health Maintenance organizations, 1 of whom shall be a representative of the Associated Industries of Massachusetts, 1 of whom shall be a representative of Blue Cross and Blue Shield of Massachusetts, 1 of whom shall be a representative of the Massachusetts League of Community Health Centers, 1 of whom shall be a representative of Health Care for All, and 1 of whom shall be a representative of Children’s Hospital Boston.

(b) The commission shall be jointly chaired by the members from the senate and house of representatives and the secretary of administration and finance. The commission shall adopt such rules and establish such procedures as it considers necessary for the conduct of its business. The commission may expend such funds as may be appropriated or made available therefor. No action of the commission shall be considered official unless approved by a majority of the whole commission.

(c) The commission shall have the following duties and responsibilities: to develop a suitable plan for dealing with the establishment of a fair and equitable assessment to pay for uncompensated care, and with the fair and equitable distribution of any such assessment, and such a plan must maximize the amount of federal financial participation to which the commonwealth may be entitled; to develop a plan that includes incentives for the utilization of insurance programs, including programs operated



by the division of medical assistance, wherever possible, such as payment methodologies that are not more favorable than those used by such insurance programs, as well as recommendations for more efficient and effective administration of the Uncompensated Care Pool; to prepare legislation that will implement the plan. In pursuing its responsibilities and duties, the commission shall consult with parties affected by the commission's study, and shall, prior to voting on any final recommendations, consult with the parties affected by said recommendations, including, but not limited to, the executive office of health and human services, the division of health care finance and policy, the division of insurance, the division of medical assistance, the Massachusetts Health Care Purchasers Group, the Small Business Advisory Board established pursuant to section 22 of chapter 118G of the General Laws, the Massachusetts Law Reform Institute, the Massachusetts Council of Community Hospitals, the Life Insurance Association of Massachusetts, the AFL-CIO, and organizations representing Chambers of Commerce throughout the commonwealth. The commission shall use as the basis for the development of its plan quantifiable data as it relates to the projected impact of any assessments, provider taxes, and federal financial participation. Said data shall be included in the commission's final report."

After debate, the amendment was *rejected*.

Ms. Resor and Mr. Tarr moved to amend the bill in section 2, in item 1100-1103, by striking out the figure "\$494,973" and inserting in place thereof the following figure:— "\$588,030".

The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, in item 1102-3206, by adding the following words:— "; provided, that not more than \$300,000 shall be expended for the purchase and site improvements of 62 Market Street in the town of Chicopee for the purpose of increasing parking spaces at the Chicopee District Court"; and by striking out the figure "\$1,013,685" and inserting in place thereof the following figure:— \$1,313,685".

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 1102-3210, by striking out the words "provided further, that \$25,000 shall be expended by the division to conduct a study to determine the costs and benefits of structural updates including the best possible recreational and community use for the MDC building and the State Police barracks located on Soldiers' Field road in Brighton" and inserting in place thereof the following words:— "provided further, that not more than \$150,000 shall be expended on a study of the state police barracks located on Soldiers' Field road in Brighton".

The amendment was *rejected*.

Ms. Creem and Ms. Fargo moved to amend the bill in section 2, in item 1102-3210 by adding the following words:— "; and provided further, that the division shall conduct an energy audit and inventory for the purpose of determining the most recent 3 year average of energy consumption by all state facilities as provided in section 43A"; and by adding the following section:—

"SECTION 43A. Notwithstanding any law or regulation to the contrary, within 6 months after the passage of this act, the division of capital asset management shall complete an energy audit and inventory for the purpose of determining the most recent 3-year average of energy consumption by all state facilities. The audit shall calculate a baseline of kilowatt hours or Btu equivalents consumed by all state agencies. The audit shall be broken down by facility and by responsible agencies for the purposes of energy use reduction planning by those agencies. The audit shall be referred to herein as the '2001 state energy audit'. The division shall be responsible for completing an energy audit and inventory on an annual basis and shall post results on a web site, in coordination with the division of energy resources. The division shall evaluate the potential for increasing the energy efficiency of each building owned by a state agency or leased by such agency for at least a 10-year period, and shall submit those assessments both to the division of energy resources and to agencies, departments and divisions that have an energy efficiency planning interest in that facility."

After remarks, the amendment was adopted.

Ms. Wilkerson moved to amend the bill in section 2, in item 1102-3210, by striking out the words "office space outside of the city of Boston to the extent possible; provided further, that said study shall include, but not be limited to, a comparison of space rental costs in the city of Boston to space rental costs in at least 5 other metropolitan communities at least 3 of which must be over 25 miles from said city" and inserting in place thereof the following words:— "more affordable office space outside of downtown Boston; provided further, that the study shall focus on a comparison of space rental costs in downtown Boston to space rental costs in at least 5 communities where the siting of the office could be used to spur other economic activity, including enterprise zones, empowerment zones, and economic opportunity areas; provided further, that at least 3 of said communities must be metropolitan communities over 25 miles from Boston,".

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 0332-4400, by adding the following words:— “; provided, that 1 additional assistant clerk magistrate and 1 probation officer shall be appointed and funded from this item in fiscal year 2002”; and by striking out the figure “\$2,312,028” and inserting in the place thereof the following figure:— “\$2,461,737”.

The amendment was *rejected*.

Ms. Walsh and Mr. Lynch moved to amend the bill in section 2, in item 1310-1000, by striking the figure “\$1,954,289” and inserting in place thereof the following figure:— “\$1,976,602”.

After remarks, the amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 1410-0010, by adding the following words:— “; and provided further that \$20,000 shall be obligated for the construction of a Vietnam veterans memorial in the city of Malden”.

The amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 1410-0012 by striking out the words “provided further, that \$197,200 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner” and inserting in place thereof the following words:— “provided further, that \$244,330 shall be obligated for a contract with the Montachusett Veterans Outreach Center in the city of Gardner”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 1410-0250, by striking out the words “provided further, that not less than \$120,000 shall be obligated for a contract with the Veterans Hospice Homestead in the city of Leominster” and inserting in place thereof the following words:— “provided further, that not less than \$335,000 shall be obligated for a contract with the Veterans Hospice Homestead in the city of Leominster”.

The amendment was *rejected*.

Ms. Tucker, Ms. Creem, Messrs. Magnani and Lynch, Ms. Fargo and Messrs. Glodis, Joyce and Hedlund moved to amend the bill in section 2, in item 1599-0042, by striking out the figure “\$10,000,000” and inserting in place thereof the following figure:— “\$11,000,000”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 1599-1970, by inserting the following words:— “; provided, that the authority shall implement the following policies relative to the Fast Lane program: (1) any participant in the Fast Lane program whose Fast Lane account balance falls below \$15 shall be mailed a low balance warning. There shall be no limit to the amount of low balance warnings a participant may receive in any given year, and every such warning shall include a statement of the account’s current balance; (2) any participant whose Fast Lane account balance falls below zero shall be mailed a zero balance warning, and be granted a period of no less than 5 days from the time the account balance is zero to replenish the account before any fines are assessed by the authority. Participants shall be mailed 2 zero balance warnings in a period of 1 year, and thereafter, the authority may assess fines without sending a zero balance warning, but shall continue to allow no less than 5 days from the time the account has a balance of zero for the participant to replenish the account; (3) every participant shall be mailed an annual statement detailing the participant’s account activity for the previous year, the current state of the account, notification of any unpaid violations, and a specific explanation of the Fast Lane program’s policies relative to low balance warnings, zero balance warnings, the assessment of fines and the fine appeal process; and (4) the authority shall issue an annual report including the number of zero balance and low balance warnings sent to participants, the number of fines assessed to participants, the number of appealed fines that were denied, and the number of appealed fines that were granted. The report shall be filed with the senate committee on ways and means not later than September 1.”

The amendment was adopted.

At one minute before one o’clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at six minutes past two o’clock P.M., the Senate reassembled, the President in the Chair.

Ms. Tucker, Ms. Murray, Messrs. Tisei and Travaglini, Ms. Resor, Messrs. Nuciforo, Magnani and Lynch, Ms. Fargo, Messrs. Pacheco and Tolman, Ms. Creem, Mr. Morrissey, Ms. Jacques, Messrs. Joyce and O’Leary, Ms. Wilkerson and Messrs. Lees and Hedlund moved to amend the bill in section 2, in item 1599-6900, by adding the following words:— “; and provided further, that the secretary of the executive office of administration and finance, shall, by not later than December 31, 2001, file with the house and senate committees on ways and means and the joint committee on human services and elderly affairs, a human services direct care workforce recruitment and retention 3-year plan, which shall include provisions to upgrade entry level annual compensation of direct care workers to \$25,000, increase base annual compensation for individuals earning between \$25,000 and \$39,000 by 3

per cent, and to revise the purchase of service rating methodology to include adjustments for the increased costs of providing services, including, but not limited to, health insurance premiums and all other insurance costs, facility rental and maintenance costs, heat and fuel costs, as well as, workforce training in the areas of medication administration programs and other state mandated programs; the plan shall also identify additional strategies for recruiting and retaining direct care workers, including but not limited to, tuition remission programs and student loan forgiveness programs”.

After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 1599-6900, by inserting after the word “policy”, in line 35, the following words:— “except for mental health, mental retardation, substance abuse and comprehensive family planning programs which otherwise meet the standards herein and any child care programs that are part of a community mental health center”.

After remarks, the amendment was adopted.

Mr. Joyce, Ms. Creem and Messrs. Tolman and Lynch moved to amend the bill in section 2, in item 1599-6900, by adding the following words:— “provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for child care services or programs for which payment rates are negotiated and paid as class rates, as established by the division of health care finance and policy except for mental health, mental retardation, and substance abuse programs who otherwise meet the standards herein and any child care programs that are part of a community mental health center; and by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:— \$32,500,000.”

The amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, by inserting after item 1599-9952 the following item:—

“1599-9953

For the purpose of maintaining adequate flood control in the town of Winthrop 50,000”.

After remarks, the amendment was *rejected*.

Mr. Travaglini moved to amend the bill in section 2, by inserting after item 1599-9952 the following item:—

“1599-9954

For the purpose of enhancing the transportation capabilities of the town of Winthrop parks and recreation department  
.....35,000”

The amendment was *rejected*.

Ms. Walsh moved to amend the bill in section 2, in item 1750-0100, by striking out the figure “\$5,186,687” and inserting in place thereof the following figure:— “\$5,418,825”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund, Mrs. Sprague and Messrs. Lynch and Rosenberg moved to amend the bill in section 2, in item 1750-0100, by adding the following words:— “; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days.”

After remarks, the amendment was adopted.

Ms. Walsh moved to amend the bill in section 2, in item 1750-0116, by striking out the figure “\$35,000” and inserting in place thereof the following figure:— “\$165,750”.

After remarks, the amendment was adopted.

Mr. Morrissey and Ms. Creem moved to amend the bill in section 2, in item 1775-0100 by striking out the figure “\$3,339,222” and inserting in place the following figure:— “\$3,482,375”.

The amendment was *rejected*.

Messrs. Tarr, Jajuga and Hedlund and Ms. Resor moved to amend the bill in section 2, in item 2000-0100, by striking out, in line 10, the figures “\$200,000” and inserting in place thereof the following figure:— “\$500,000”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 2000-0100 by adding the following words:— “; and provided further, that not less than \$30,000 be expended for the SUASCO Watershed Community Council for implementation of watershed oversight in the Sudbury, Assabet and Concord watersheds”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, in item 2010-0100, by adding the following words:— “provided further, that not less than \$125,000 shall be expended for a public education campaign to encourage participation in existing curbside pick-up recycling programs for the city of Boston”.

After remarks, the amendment was adopted.

Ms. Murray moved to amend the bill in section 2, by inserting after item 2100-0005 the following item:—

“2100-0069

For the purposes of maintenance and improvements for dams and other natural resources of the commonwealth; provided, that \$45,000 shall be provided as a one-time matching grant for the design of Kelleher Dam in the town of Kingston .....45,000”.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 2100-0005, in line 4, by inserting after the word “item;” the following words:— “provided further, that not less than \$500,000 shall be expended for the repair and reconstruction of seawalls in the town of Marshfield, but such repairs grant shall be contingent upon a matching amount equal to not less than \$1 in local funds for every \$1 in state funds”.

The amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 2100-0005, in line 4, by inserting after the word “item;” the following words:— “provided further, that not less than \$500,000 shall be expended for the repair and reconstruction of seawalls in the town of Marshfield, but such repairs grant shall be contingent upon a matching amount equal to not less than \$1 in local funds for every \$1 in state funds;”; and by striking out the figure “\$3,988,000” and inserting in place thereof the following figure:— “\$4,488,000”.

The amendment was *rejected*.

Messrs. Hedlund, Lees, Tarr, Tisei, and Brewer and Mrs. Sprague moved to amend the bill in section 2, in item 2100-0005, by striking out the figure \$3,988,000” and inserting in place thereof the following figure:— “\$5,043,388”.

The amendment was *rejected*.

Ms. Fargo and Mr. Tolman 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 10A½ of chapter 91 of the General Laws; provided, that the department may issue grants to public and non-public entities from this item; provided further, that not less than \$60,000 shall be expended for the Martha’s Vineyard Commission; provided further, that the department shall conduct a study of the feasibility of dredging the Connecticut river from the city of Holyoke to the Windsor Locks in Connecticut, to further promote recreational use of the river; and provided further, that \$900,000 shall be provided for the dredging and clean-up of Hardy pond in Waltham .....4,888,000”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; provided further, that not less than \$300,000 be provided for the construction of a park in the land formerly known as The Surf restaurant in the city of Gloucester and the town of Manchester-by-the Sea”; and by striking out the figure “\$24,967,142” and inserting in place thereof the following figure:— “\$25,267,142”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; provided further, that \$150,000 shall be made available for the purposes of building a trail to link Chebacco Woods with an existing regional trail system”; and by striking out the figure “\$24,967,142” and inserting in place thereof the following figure:— “\$25,117,142”.

The amendment was *rejected*.

Mr. Tarr moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; provided further, that not more than \$110,000 shall be provided for a matching grant for the Pitman Bicycle Path in the town of North Reading, provided that the town of North Reading shall provide 100 per cent matching funds”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 2100-2030, by inserting after the words “Dighton Rock state park” the following words:— “; provided further, that not less than \$500,000 shall be provided for the Ashuwillticook Trail”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the bill in section 2, in item 2100-2030, by striking out, in line 26, the words “the department shall develop” and inserting in place thereof the following words:— “not less than \$20,000 shall be expended for the development of”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that not less than \$80,000 shall be provided for the renovation of public facilities at Beaver pond in the town of Franklin to bring them into compliance with the Americans with Disabilities Act”.

The amendment was *rejected*.

Mr. Magnani and Ms. Jacques moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that not less than \$100,000 shall be expended for renovations and improvements to John J. Lane park on Speen street in Natick”.

The amendment was *rejected*.

Ms. Resor, Ms. Creem, Ms. Tucker and Messrs. Moore, Lynch, Nuciforo, Lees and Hedlund moved to amend the bill in section 2, in item 2100-2030, by striking out the figure “\$24,967,142” and inserting in place thereof the following figure:— “\$26,485,416”.

The amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “provided further, that not more than \$5,000,000 shall be expended for the purchase of the 7 acre parcel of land known as Hellenic Hill adjacent to Jamaica Pond in the city of Boston”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that not less than \$20,000 shall be expended for the repair and restoration of the Box Mill Hill dam in Upton”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that not less than \$25,700 shall be expended for the construction of linked pocket parks, so-called, throughout the business district in the town of Sudbury”.

After remarks, the amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “; and provided further, that \$50,000 shall be expended to replace and repair maintenance equipment at Walden pond state park in Concord”.

After remarks, the amendment was *rejected*.

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

After remarks, the amendment was adopted.

Ms. Menard moved to amend the bill in section 2, in item 2100-3011, by inserting after the words “year round seasonal employees;” the following words:— “provided further, that the department shall have 40 life guards at the Horseneck beach by June 2002;”.

The amendment was adopted.

Mr. Tarr moved to amend the bill in section 2, in item 2200-0100, by adding the following words:— “; provided further, that not less than \$85,000 shall be expended for the purposes of conducting an environmental impact study and preparing an environmental impact report regarding the impact of sewerage a portion of the town of Ipswich known as Great Neck”; and by striking out the figure “\$34,490,924” and inserting in place thereof the following figure:— “\$34,575,924”.

The amendment was *rejected*.

Ms. Resor, Ms. Creem, Messrs. Moore, Nuciforo and Magnani and Ms. Jacques and Mr. Hedlund moved to amend the bill in section 2, by inserting after item 2200-0106, the following item:—

“2200-0150  
For the funding of consultant contracts for the wetlands protection circuit rider program  
.....250,000”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 2100-2030, by adding the following words:— “provided further, that the department, in consultation with the Massachusetts Turnpike Authority, shall perform a study of the feasibility, cost and environmental impact of utilizing trees or other such vegetation as a substitute for concrete sound barriers along the Massachusetts Turnpike in the city of Springfield and the town of Ludlow”.

The amendment was *rejected*.

Messrs. Jajuga, Lees, Brewer, Knapik, Moore and Antonioni moved to amend the bill in section 2, in item 2100-2041, by striking out the figure “\$1,918,340” and inserting in place thereof the following figure:— “\$3,300,000”.

After remarks, the amendment was adopted.

Ms. Resor, Ms. Creem and Messrs. Moore, Knapik, Nuciforo, Joyce, Pacheco and Hedlund moved to amend the bill in section 2, in item 2300-0101 by striking out the figure “\$431,063” and inserting in place thereof the following figure:— “\$452,506”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 2310-0200, by striking out the figure “\$7,294,524” and inserting in place thereof the following figure:— “\$7,792,985”.

The amendment was *rejected*.

Ms. Resor, Mr. Moore, Ms. Creem, Ms. Jacques, and Messrs. Brewer and Pacheco moved to amend the bill in section 2, by striking out line items 2310-0500 and 2310-0100 and inserting in place thereof the following item:—

“2310-0301  
For the operation of a natural heritage and endangered species program .....794,466

Inland Fisheries and Game Fund .....	22.30%
Natural Heritage and Endangered Species Fund .....	35.70%
General Fund	42.00%

After remarks, the amendment was adopted.

Messrs. Tarr and Hedlund moved to amend the bill in section 2 in item 2350-0100, by striking out the figures “\$9,969,497” and inserting in place thereof the following figures:— “\$10,063,771”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, by striking out item 2350-0101; and by inserting after item 2310-0200 the following item:—

“2310-0202  
For the safety training program .....461,921

Inland Fisheries and  
Game  
Fund..... 100.00%

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 2350-0104, by striking out the words “the division is hereby authorized to expend revenues of up to \$150,000 collected from fees charged for private details” and inserting in place thereof the following words:— “the division may expend revenues of up to \$200,000 collected from fees charged for private details”; and by striking out the figure “\$150,000” and inserting in place thereof the following figure:— “\$200,000”.

After remarks, the amendment was adopted.

Ms. Creem, Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 2410-1000, by adding the following words:— “; provided further, that not less than \$10,000 shall be provided to the Charles River Watershed Association to monitor water quality in the Charles river”.

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 2410-1900, by inserting after the word “Canton”, in line 31, the words:— “; provided further, that \$200,000 shall be expended for repairs to Connor’s memorial pool in the town of Waltham”; and by striking out the figure “\$980,600” and inserting in place thereof the following figure:— \$1,180,600”.

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved to amend the bill in section 2, in item 2410-1900, by inserting after the word “Canton”, in line 31, the following words:— “; provided further, that not less than \$1,318,182 shall be expended to renovate the Charles River riverwalk in the municipalities of Waltham and Watertown”; and by striking out the figure “\$980,000” and inserting in place thereof the following figure:— “\$2,298,182”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 2410-1900, by adding the following words:— “; and provided further, that the commission shall transfer control of traffic signals located on Quincy shore drive in the city of Quincy from the commission to the city of Quincy”.

After remarks, the amendment was adopted.

Ms. Creem and Mr. Joyce moved to amend the bill in section 2, in item 2410-1900, by adding the following words:— “; provided further, that \$150,000 shall be expended for bikepath connections in the town of Brookline and the city of Boston between the Jamaica way south of route 9 and along the Riverway to the north of route 9”; and by striking out the figure “\$980,600” and inserting in place thereof the following figure:— “\$1,130,600”.

The amendment was *rejected*.

Ms. Walsh moved to amend the bill in section 2, in item 2410-1900, by striking out, in lines 18 to 21, inclusive, the words “Bellevue reservation in the West Roxbury section of the city of Boston, including, but not limited to, ranger patrols of said reservation, lighting and irrigation” and inserting in place thereof the following words:— “the Bellevue Hill/Stony Brook reservation in the West Roxbury section of the city of Boston including, but not limited to, ranger patrols, lighting and irrigation and cleanup of the West Roxbury parkway”.

After remarks, the amendment was adopted.

Mr. Joyce moved to amend the bill in section 2, in item 2410-1900, by adding the following words:— “; and provided further, that \$80,000 shall be expended for Pine Tree brook in the town of Milton to implement Phase III of a project for clearing and dredging”.

The amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 2511-0100, by inserting after the words “technical assistance;” the following words:— “provided further, that not less than \$20,000 shall be expended on a shellfish propagation program in the town of Westport;”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the bill in section 2, by inserting after item 2511-4010 the following item:—

“2520-0300  
For the Cape Cod mosquito control program, prior appropriation continued .....1,223,000

Mosquito and Greenhead  
Fly Control  
Fund..... 100.00%

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, by inserting after item 2511-4010, the following item:—

“2520-1400  
For the Plymouth county mosquito control program .....997,429

Mosquito and Greenhead  
Fly Control  
Fund..... 100.00%

After remarks, the amendment was *rejected*.

Messrs. Rosenberg and Joyce and Ms. Jacques moved to amend the bill in section 2, in item 4000-0100, by inserting after the words “community-based residential setting” the following words:— “or who are disabled persons living in the community but who have been determined to be clinically eligible for a nursing home level of care”.

After remarks, the amendment was adopted.

Ms. Fargo moved to amend the bill in section 2, in item 4000-0100, by adding the following words:— “provided further, that the executive office shall expend \$50,000 for the purpose of a study of kinship families, so called, to be conducted by the Massachusetts Gerontology Institute; provided further, that the study shall include, but not be limited to, an estimate of the number of kinship families in the commonwealth, and an identification of available public, non-profit and private sources of financial assistance for these families; and provided further, that the study shall be submitted to the house and senate committees on ways and means not later than January 20, 2002”.

After remarks, the amendment was *rejected*.

Ms. Wilkerson moved to amend the bill in section 2, in item 4000-0112, by adding the following words:— “; and provided further, that \$200,000 shall be provided for the COMPASS Intensive Support Program for High-Risk Children at English High School in the city of Boston”.

The amendment was *rejected*.

Mr. Clancy moved to amend the bill in section 2, in item 4000-0112, by inserting after the word “Saugus”, in line 37, the following words:— “; provided further, that \$40,000 shall be expended for the Russian teens-at-risk program operated by the Jewish Family Service of the North Shore in the city of Lynn”.

The amendment was *rejected*.



Mr. Havern moved to amend the bill in section 2, in item 4000-0112, by adding the following words:— “; provided further, that \$60,000 shall be expended for the Billerica Boys and Girls Club”.

The amendment was *rejected*.

Ms. Chandler moved to amend the bill in section 2, in item 4000-0161, by inserting after the words “emotionally disturbed youth” the following words:— “and to support the Worcester Communities of Care”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, by striking out item 4000-0317.

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

Mr. Moore and Ms. Walsh moved to amend the bill in section 2, in item 4000-0500, by adding the following words:— “; and provided further, that hospitals that are part of the inpatient behavioral health network shall receive an annual rate increase not less than the Medical Consumer Price Index-All Urban Consumers for the previous state fiscal year”.

The amendment was *rejected*.

Mr. Moore, Ms. Walsh and Ms. Jacques moved to amend the bill in section 2, in item 4000-0500, by adding the following words:— “; and provided further, that each agency within the executive office of human services shall ensure that network hospitals are compensated at their full negotiated rate for behavioral health services provided to MassHealth patients who are also clients of the agency and for whom no alternative placement is available”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 4000-0502, by striking out the wording and inserting in place thereof the following wording:— “For the purpose of increasing rates of payment to acute care hospitals for inpatient and outpatient medical services; provided, that the division of medical assistance shall increase the inflation adjustment update factor applied to all inpatient and outpatient rates by an additional percentage which reflects the amount of this appropriation; provided further, that the rate increases shall commence for the hospital fiscal year beginning October 1, 2001; and provided further, that the division of medical assistance shall file a report not later than September 15, 2001 with the secretary of administration and finance and the house and senate committees on ways and means detailing the amount projected to be paid to each acute care hospital in hospital fiscal year 2002.”

After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill in section 2, in item 4000-0502, by adding the following words:— “; and provided further, that payments made from this item shall be used for the recruitment and retention of health care workers providing direct patient care”; in item 4100-0600, by adding the following words:— “; and provided further, that payments made from this item shall be used for the recruitment and retention of health care workers providing direct patient care”; and in item 4100-0068, by adding the following words:— “; and provided further, that payments made from this item shall be used for the recruitment and retention of health care workers providing direct patient care”.

The amendment was *rejected*.

Messrs. Moore and Jajuga moved to amend the bill in section 2, in item 4000-0600, by adding the following words:— “; provided further, that the division, in establishing temporary nursing service agency rates provided to licensed nursing facilities, shall not authorize a rate that exceeds 135 per cent of the median salary cost per hour for direct care nursing staff employed by nursing facilities”.

After debate, the amendment was adopted.

Mr. Shannon moved to amend the bill in section 2, by inserting in item 2200-0100 the following wording:— “provided further, that the Department shall conduct a study of the potential impact of the MWRA’s proposed Cummingsville Sewer Project on the sewer capacity in the town of Winchester, shall report on any violations of state and federal clean water or other environmental or public health laws that it anticipates will occur in the town of Winchester as a result of the Cummingsville Sewer Project and shall submit any recommendations for revision to said sewer project to the Massachusetts Water Resource Authority, the Department of Public Works in the town of Winchester and the Clerks of the Senate and House of Representatives by September 30, 2001;”.

After remarks, the amendment was adopted.

Ms. Wilkerson, Messrs. Moore, Lees, Lynch, Montigny, Travaglini, Tolman and Nuciforo, Ms. Creem, Mr. Creedon, Ms. Resor, Ms. Fargo, Mr. Morrissey, Ms. Walsh, Messrs. Joyce, Magnani and Tisei, Ms. Chandler and Mrs. Sprague moved to amend the bill in section 2, in item 4000-0600, by adding the following words:— “; and provided further, that an amount shall be expended from this item for the pediatric rate study required by section 43B.”; and by inserting after section 43A (inserted by amendment) the following section:—

“SECTION 43B. (a) The division of medical assistance shall contract with an independent consultant, appointed by the secretary of administration and finance and the chairs of the joint committee on health care, not later than September 1, 2001, to conduct a study of the methodology utilized in determining the Medicaid reimbursement rates and how the methodology impacts the Medicaid reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in the commonwealth. The study shall include the following:

- (1) a review of Medicaid reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 from fiscal years 1992 to 2001, inclusive;
- (2) a comparison of Medicaid rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in relation to Medicaid rates paid to acute care hospitals and non-acute hospitals licensed by the department of public health incurred providing care for Medicaid patients;
- (3) an evaluation of the Medicaid reimbursement rate methodology and a review of factors impacting the adequacy of rates, including, but not limited to, Medicaid payment and cost ratios, Medicaid volume, level of acuity, age of patients, occupancy rate, and how such factors affect freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02, and how such factors affect acute care hospitals and non-acute hospitals licensed by the department of public health;
- (4) a review of the type and nature of services provided to Medicaid beneficiaries at freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02, the availability of such services at other facilities providing pediatric care, patient origin at freestanding pediatric hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 compared to other pediatric providers, and an evaluation of the role of freestanding pediatric hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in the health safety net;
- (5) a review and analysis of Medicaid reimbursement rate methodologies utilized by other state Medicaid programs who contract with pediatric specialty hospitals comparable in size and mission to those defined in 114.1 CMR 36.02 as compared to the Medicaid reimbursement rate methodologies utilized by the commonwealth’s Medicaid program which contracts with freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in the commonwealth, including a comparison of Medicaid net revenues to Medicaid net expenses, with and without disproportionate share payments and expenses;
- (6) a review or establishment of recommended policy reforms or funding enhancements that would eliminate discrepancy, if any, between the reimbursement rates paid to freestanding pediatric specialty hospitals with not less than 250 licensed beds and acute pediatric specialty units as defined in 114.1 CMR 36.02 in relation to Medicaid rates paid to acute care hospitals and non-acute hospitals licensed by the department of public health; and
- (7) an estimate of the aggregate costs of any recommended policy reforms or funding enhancements to eliminate discrepancy, if any.

(b) The independent consultant shall not have a financial interest in the hospitals under review, and shall consult with the division of medical assistance, the division of health care finance and policy, various health care providers, advocacy organizations and other interested parties in conducting the study. The independent consultant shall file the initial findings of the study, which shall include an estimate of the aggregate cost of any recommended funding enhancements or policy reforms with the secretary of administration and finance, the clerks of the house of representatives and the senate and the house and senate committees on ways and means on or before November 1, 2001.”

After remarks, the amendment was adopted.

Mr. Moore, Ms. Jacques, Ms. Wilkerson and Mr. Montigny moved to amend the bill in section 2, in item 4000-0300, by adding the following words:— “and provided further, that the division shall continue to provide at least the same coverage for tobacco cessation treatment, including prescription drug coverage for drugs regularly, but not exclusively, prescribed for tobacco cessation purposes that it provided on July 1, 2000.”; and in item 4590-0250, by adding the following words:— “; and provided further, that of said \$6,600,000, not less than \$150,000 shall be expended for a tobacco cessation awareness program to educate individuals in such minority communities about the availability of tobacco cessation treatment benefits under MassHealth”.

After remarks, the President in the Chair, the amendment was adopted.

Mr. Nuciforo, Ms. Tucker, Mr. Travaglini, Ms. Fargo and Messrs. Joyce and Hedlund moved to amend the bill in section 2, in item 4000-0600, by inserting after the words “2176 waiver, so-called” the following words:— “; provided further, that not less than \$25 million shall be made available to increase the per diem rate paid to providers of home health services;”.

The amendment was *rejected*.

Ms. Walsh and Mr. Lynch moved to amend the bill in section 2, in item 4000-0600, by adding the following words:— “; and provided further, that in determining Medicaid capital reimbursement for nursing facilities in calendar year 2002, the division of health care finance and policy shall use the rules under 114.2 CMR 5.10, 5.11, 5.12 and 5.13 as in effect on December 31, 1995, with the sole exception that the base year for determining capital costs shall be set at 2000”.

The amendment was *rejected*.

Mr. Tisei moved to amend the bill in section 2, in item 4100-0080, by inserting after the words “community health centers” in line 2, the following words:— “and a municipality that intends to create and maintain a community health center”; and by inserting after the words “community health centers”, in line 6, the following words:— “or a municipality”.

The amendment was *rejected*.

Ms. Menard moved to amend the bill in section 2, in item 4100-0080, by striking out the words “and a Representative of the Massachusetts Hospital Association” and inserting in place thereof the following words:— “, a representative of the Massachusetts Hospital Association and a representative of the Massachusetts Nurses Association”.

After remarks, the amendment was adopted.

Messrs. Tolman and Travaglini, Ms. Resor, Mr. Tarr, Ms. Fargo, Ms. Creem and Mr. Joyce moved to amend the bill in section 2, in item 4110-1000, by adding the following words:— “; provided further, that \$693,000 shall be expended to purchase equipment and services for blind elders”; and by striking out the figure “\$4,103,805” and inserting in place thereof the following figure:— “\$4,796,805”.

After remarks, the amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, by inserting after item 4120-4001 the following item:—

“4120-4002

For the establishment of a pilot program by the Massachusetts Rehabilitation Commission of personal assistance services for 15 persons in its northeast regional offices, the program will provide training to persons with profound disabling conditions as identified in this item and will teach independent management skills for the purpose of enabling such persons to live, work, play and be educated in the broader non-disabled community; the listing of qualifiers for eligibility for enrollment in the pilot program shall include, but not be limited to the following: (1) persons with mental illness, from mild to moderate, who are denied support by the department of mental health and demonstrate an ability to become self-sustaining in their community; (2) persons with new incidence of neuromuscular involvement, where personal care assistance does not serve for significant needs; (3) persons with head injury which is acquired and not organic; (4) persons with fibromyalgia, environmental sensitivity, COPD or other chronic involvement of the breathing apparatus, where mental endurance, fatigue or ‘brain-fogging’ may be factors; (5) persons with multiple sensory impairments not eligible for service under present delivery systems; (6) persons with mild mental retardation not eligible for training support from the department of mental retardation; (7) persons with learning disabilities with inadequate family or community support; (8) Any combination of the above; (9) persons with conditions of disability not currently qualified for supportive services under the regulations set forth by the division of medical assistance section 1115 waivers .....135,000”

The amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, by inserting after item 4120-6002 the following item:—

“4120-7000

For the salary for an inclusion specialist for the Oak square YMCA in the Brighton section of the city of Boston to assure that individuals of all abilities and disabilities are included in YMCA programs .....50,000”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 4130-0005, by adding the following words:— “; and provided further, that said department shall hire not less than 12 full-time equivalent licensors or investigators in fiscal year 2002;” and by striking out the figure “\$7,033,383” and inserting in place thereof the following figure:— “\$7,759,520”.

After remarks, the amendment was *rejected*.

Ms. Tucker, Ms. Jacques, Ms. Menard, Ms. Fargo, Mr. O’Leary and Ms. Creem moved to amend the bill in section 2, by striking out item 4130-3300 and inserting in place thereof the following item:—

“4130-3300

For the provision of income-eligible child care slots; provided, 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 .....128,125,105”.

The amendment was *rejected*.

Ms. Tucker moved to amend the bill in section 2, in item 4130-3500, by striking out the figure “\$175,000”, the first time it appears, and inserting in place thereof the following figure:— \$225,000”; and in said item 4130-3500, by striking out the figure “\$1,909,090” and inserting in place thereof the following figure:— “\$1,959,090”.

The amendment was *rejected*.

Ms. Menard and Mr. Travaglini 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 not less than \$127,553 shall be expended for child care services in the Roxbury trial court; provided further, that not less than \$152,925 shall be expended for child care services in the Springfield trial court; provided further, that not less than \$97,674 shall be expended for child care services in the West Roxbury trial court; provided further, that not less than \$255,938 shall be expended for child care services in the Middlesex trial court; provided further, that not less than \$175,000 shall be expended for child care services in the Dorchester trial court; provided further, that not less than \$175,000 shall be expended for child care services in the Lawrence trial court; provided further, that not less than \$250,000 shall be expended for child care services in the Suffolk county court complex; provided further, that not less than \$175,000 shall be expended for child care services in the Fall River trial court; provided further, that not less than \$200,000 shall be expended for child care services in the Chelsea trial court; provided further, that not less than \$300,000 shall be expended for child care services in the Brockton trial court; and provided further that programs funded in this account shall be included in the distribution of funds appropriated in any childcare rate or salary reserve

.....\$1,909,090

General Fund.....	10.27%
Child	
Care.....	89.73%

After remarks, the amendment was adopted.

Mr. Glodis moved to amend the bill in section 2, in item 4400-1000, by striking out the words “provided further, that the department shall expand its existing pilot program of extended office hours to include all area offices statewide; provided further, that the extended hours shall include 1 weekday morning and evening and Saturday morning from 9:00 a.m. until 12:00 p.m.” and inserting in place thereof the following words:— “provided further, that the department shall continue the original extended hours pilot program and submit to the house and senate committees on ways and means on or before September 30, 2001 a detailed report on the extended hours pilot program including information on the cost of opening the offices, paying staff, the willingness of staff to volunteer, the number of recipients utilizing the extended hours, and its recommendations for any potential expansion of the pilot program”.

The amendment was *rejected*.

Ms. Wilkerson, Ms. Creem and Ms. Resor moved to amend the bill in section 2, in item 4401-1000, by striking out the words “nothing herein shall give rise to or shall be construed as giving rise to enforceable rights in any party or an enforceable entitlement to services” and inserting in place thereof the following words:— “all services funded by this item are subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or be construed as giving rise to any enforceable legal rights or entitlement to services not otherwise provided by state regulation, general or special law”; and by striking out the words “pre-employment education and training programs shall account for a percentage of education and training services provided under this line item that is greater than or equal to the percentage of these services provided in fiscal year 2001;” and inserting in place thereof the following words:— “the percentage of funds from this item expended for substantive, pre-employment skills training/education programs shall be greater than or equal to the percentage of funds expended on such programs from items 4401-1000 and 4401-1001 in fiscal year 2001”.

After remarks, the amendment was adopted.

Messrs. Joyce, Tolman, Travaglini and Lynch moved to amend the bill in section 2, in item 4401-1000, by adding the following words:— “; and provided further, that no less than \$275,000 shall be expended to provide for transportation training, resources and services for homeless individuals, persons residing in public housing and persons accessing services at faith-based organizations through the Friends of the Shattuck Shelter”.

The amendment was *rejected*.

Ms. Menard, Ms. Creem and Mr. O’Leary moved to amend the bill in section 2, in item 4401-1000, by inserting after the words “programs for persons with limited English proficiency;” the following words:— “provided further, that, notwithstanding any general or special law to the contrary, in determining whether a recipient should be granted an extension of time-limited benefits pursuant to subsection (f) of section 110 of said chapter 5, the department shall consider whether a recipient needs a reasonable amount of time to complete a recognized education or training program;”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 4403-2119, by adding the following words:— “; and provided further, that not less than \$333,452 shall be expended for Open Pantry Community Services, Inc. in the city of Springfield;”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the bill in section 2, in item 4403-2120, by inserting after the word “so-called”, in line 7, the following words:— “; provided further, that not less than \$350,000 shall be expended for a program to reduce homelessness for needy families in Barnstable, Dukes and Nantucket counties as provided in section 253 of chapter 60 of the acts of 1994”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the bill in section 2, in item 4403-2120, by inserting after the words “family shelter benefits”, in line 11, the following words:— “; provided further, that not less than \$922,000 shall be expended for the Safe Harbor Shelter”.

The amendment was *rejected*.

Mr. Havern moved to amend the bill in section 2, in item 4403-2120, by adding the following words:— “; provided further, that in fiscal year 2002 said department shall make available \$3,832,500 for additional non-hotel/motel shelter capacity; and provided further, that this capacity shall be geographically situated to maximize the number of families that can be sheltered within 20 miles of their home communities”.

The amendment was *rejected*.

Messrs. Panagiotakos and Travaglini, Ms. Tucker, Ms. Creem, Messrs. Morrissey, Tolman, Lynch and Joyce and Ms. Fargo moved to amend the bill in section 2, in item 4406-3000, by inserting after “greater Gardner area” the following words:— “provided further, that not less than \$1.8 million shall be expended to respond to year-round overflow in the emergency shelters for individuals through the creation of 328 emergency year-round shelter beds”; and by striking out the figure “\$37,548,569” and inserting in place thereof the following figure:— “\$39,348,569”.

The amendment was *rejected*.

Messrs. Lynch and Joyce moved to amend the bill in section 2, in item 4510-0110, by striking out the figure “\$6,486,133” and inserting in place thereof the following figure:— “\$9,600,000”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 4510-0600, by striking out the figure “\$4,504,884” and inserting in place thereof the following figure:— “\$4,704,884”.

The amendment was *rejected*.

Mr. Berry moved to amend the bill in section 2, in item 4510-0600, by adding the following words:— “; and provided further, that the commissioner of public health shall make an investigation and study relative to rate of incidence of autism spectrum disorder among children age 3 to 18, inclusive, stratified by birth age within the cities and towns and how the rate compares with analogous states; provided, however, that the commissioner shall report the results of the initial investigation and study and recommendations, if any, together with drafts of legislation necessary to carry the recommendations into effect by filing the same with the clerk of the senate on or before January 1, 2002”.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 4510-0600, by adding the following words:— “; and provided further, that not less than \$300,000 shall be expended for a statewide lupus database”; and by striking out the figure “\$4,504,884” and inserting in place thereof the following figure:— “\$4,804,884”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 4510-0711, by striking out the figure “\$996,372” and inserting in place thereof the following figure:— “\$796,372”.

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 4512-0200, by adding the following words:— “; provided further, that \$155,548 shall be expended for the Intensive Outreach Program at the South Boston Collaborative for the purposes of responding to adolescent suicide cluster and drug abuse in the South Boston section of the city of Boston”.

The amendment was *rejected*.

Subsequently, on motion of Mr. Lynch, the Senate considered no action having been taken on this amendment.

After remarks, the amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 4512-0200, by striking out the figure “\$81,000” and inserting in place thereof the following figure:— “\$90,000”; and by striking out the figure “\$48,037,062” and inserting in place thereof the following figure:— “\$48,046,062”.

The amendment was *rejected*.

Ms. Fargo moved to amend the bill in section 2, in item 4512-0200, by adding the following words:— “; provided further, that \$37,000 shall be expended for an intervention prevention counselor for Concord-Carlisle regional school district”.

After remarks, the amendment was adopted.

Messrs. Pacheco, Lees and Lynch, Ms. Creem, Ms. Resor, Messrs. Tolman and Morrissey moved to amend the bill in section 2, in item 4512-0500, by inserting after the words “dental health services,” the following:— “; provided, that \$1,463,211 shall be expended for the Tufts University School of Dental Medicine program for the developmentally disabled; provided further, that \$96,789 shall be expended for the activities of the oral health office”; and by striking out the figure “\$1,323,984” and inserting in place thereof the following figure:— “\$1,560,000”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 4513-1000, by striking out the words “that not less than \$200,000 shall be provided to the Northeastern University conflict resolution program” and inserting in place thereof the following words:— “that not less than \$300,000 shall be provided to the Northeastern University conflict resolution program;”.

The amendment was *rejected*.

Mr. Nuciforo, Ms. Tucker, Mr. Travaglini, Ms. Fargo, Ms. Creem, Ms. Jacques and Mr. Hedlund moved to amend the bill in section 2, in item 4513-1020, by striking out the figure “\$26,897,655” and inserting in place thereof the following figure:— “\$29,765,308”.

After remarks, the amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 4513-1111, by adding the following words:— “(4) a program for awareness, prevention and treatment of the ‘silent disease’ hip fracture.”; and by striking out the figures “\$502,644” and inserting in place thereof the following figure:— “\$750,000”.

The amendment was *rejected*.

Messrs. Moore and Joyce moved to amend the bill in section 2, in item 4590-0450, by striking out the figure “4,257,646” and inserting in place thereof the following figure:— “9,757,646”.

The amendment was *rejected*.

Messrs. Moore, Lees and Joyce moved to amend the bill in section 2, in item 4590-0451, by striking out the figure “\$16,125,000” and inserting in place thereof the following figure:— “\$26,125,000”.

The amendment was *rejected*.

Ms. Resor, Messrs. Panagiotakos and Lynch, Mrs. Sprague and Mr. Joyce moved to amend the bill in section 2, in item 5920-2020, by striking out the figure “\$22,000,000” and inserting in place thereof the following figure:— “\$27,000,000”.

The amendment was *rejected*.

Ms. Creem moved to amend the bill in section 2, in item 6000-0100, by adding the following words:— “; provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall increase parking spaces at the Waban Station in the city of Newton; provided further, that the increase in parking spaces shall correspond to the Authority’s 1990 Waban station parking upgrade proposal, developed in cooperation with the planning department of the city of Newton; and provided further, that notwithstanding any special or general law to the contrary, the Massachusetts Bay Transportation Authority shall install a change and token vending machine at the Waban station in the city of Newton, not later than 60 days after the passage of this act”.

After remarks, the amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 6000-0100, by adding the following words:— “; provided further, that the office of the secretary shall submit to the house and senate committees on ways and means not later than February 1, 2002 a detailed report on all expenditures made by the office of the secretary to erect, produce, paint or repaint signage relating to road improvements which contains the name of the acting governor”; and in item 6010-0001, by adding the following words:— “; provided further, that the department shall submit to the house and senate committees on ways and means not later than February 1, 2002 a detailed report on all expenditures made by the department to erect, produce, paint or repaint signage relating to road improvements which contains the name of the acting governor”.

After debate, the amendment was *rejected*.

Ms. Melconian and Mr. Knapik moved to amend the bill in section 2, in item 6005-0015, by striking out the wording “that the Pioneer Valley Regional Transit Authority shall maintain an express bus route from the city of Springfield to the former Hampden County house of correction” and inserting in place thereof the following words:— “that \$110,000 shall be allocated to the Pioneer Valley Regional Transit Authority to maintain an express bus route from the city of Springfield to the former Hampden county house of correction”.

The amendment was adopted.

Mr. Havern moved to amend the bill in section 2, by striking out item 6005-0015 and inserting 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, and the intercity bus assistance program; provided, that the commonwealth, acting by and through the executive office of administration and finance, for the period beginning July 1, 2001 and ending June 30, 2002, 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 to fiscal year 2001 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 said cities and towns shall be at least 25 per cent of said net cost of service including new service; provided further, that the regional transit authorities in conjunction with the executive office of transportation and construction shall prepare and submit to the executive office of administration and finance and to house and senate committees on ways and means prospective budgets no later than January 1 for the fiscal year 2002, and said prospective budgets shall include the cost and revenues associated with the maintenance of existing services and new services clearing differentiating the costs and revenues of both  
.....47,355,568”.

The amendment was *rejected*.

Ms. Jacques, Ms. Fargo and Messrs. Hedlund and Antonioni moved to amend the bill by inserting after section 43B (inserted by amendment) the following section:—

“SECTION 43C. The Massachusetts Bay Transportation Authority shall promulgate guidelines for eligible communities to pursue reimbursement under the last paragraph of section 9 of chapter 161A of the General Laws. The guidelines shall define the

kinds of services eligible for reimbursement, what documentation is required for reimbursement, which office within the Massachusetts Bay Transportation Authority shall coordinate the program, and the timeline for submission of documentation in each fiscal year. The Authority shall develop and distribute a general application for services that local communities may use to qualify individuals for paratransit services. The guidelines and application shall be completed no later than October 31, 2001.”

After remarks, the amendment was adopted.

Ms. Murray moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that \$50,000 shall be expended for an opticon preempt system in the town of Falmouth”.

The amendment was *rejected*.

Mr. Jajuga moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “and provided further, that the department shall install sidewalks along a portion of state highway route 125 in the town of North Andover”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 6010-0001, by inserting after the words “route 109;” the following words:— “provided further, that not more than \$200,000 shall be expended for the design and construction for turn lanes at the intersection of state highway route 2A and state highway route 110 into the Littleton high school in the town of Littleton;”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that \$200,000 shall be expended for resurfacing, reconstruction and drainage improvements to Center road in the town of Dudley”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$75,000 shall be provided to the town of Charlton for reimbursement for the pavement of state route 31”.

The amendment was *rejected*.

Mr. Glodis moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that the sum of \$50,000 be expended for road enhancements in the Shrewsbury town center, but the town of Shrewsbury or the Shrewsbury Electric Light and Cable must provide dollar for dollar matching funds program prior to accessing the funding”; and by striking out the figure “\$51,504,037” and inserting in place thereof the following figure:— “\$51,554,037”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$38,000 shall be expended for the construction of sidewalks on Pleasant street in the town of Ashland”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not less than \$38,500 shall be expended for the repair of a section of state highway route 126 in the town of Medway”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 6010-0001, by inserting after the words “North Quincy access ramp;” the following words:— “provided further, that the department shall improve and or install sidewalks from Littleton common to Shaker lane along the eastbound side of state highway route 2A and from Littleton common to the Fortin Mall along the westbound side of state highway route 2A in the town of Littleton”.

The amendment was *rejected*.

Ms. Jacques moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not more than \$65,000 shall be expended for installation of pedestrian signals in the city of Attleboro at state highway route 123 at Rathburn Willard drive, and Locust street at Oak Hill avenue”.

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 \$250,000 shall be expended for a barrier wall for the purposes of separating a highway from a residential neighborhood along interstate highway route number 93 next to Rhode Island avenue in the city of Somerville”.

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 6010-0001, by adding the following words:— “; and provided further, that not more than \$100,000 shall be expended for the replacement of the Vinton pond road bridge in the town of Townsend”.

The amendment was *rejected*.

Mr. Shannon moved to amend the bill in section 2, in item 6010-0001 by adding the following words:— “; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, the commissioner of highways shall reduce by \$100,000 the administrative costs within the district 4 office, situated in the town of Arlington, in the AA personnel subsidiary account; provided further, that the district 4 office shall file monthly reports with the commissioner’s office and biannual reports to the senate ways and means committee detailing the work performance and accomplishments of the district 4 office, with the first such report due by December 31, 2001”; and by striking out the figure “\$51,504,037” and inserting in place thereof the following figure:— “\$51,404,037”.

The amendment was *rejected*.

Messrs. Havern and Glodis moved to amend the bill by inserting after section 18 the following new section:—

“SECTION 18A. (A) Section 34 of chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out the introductory paragraph in clause (2) of the first paragraph and inserting in place thereof the following introductory paragraph in clause (2):—

“(2) No less than 90 per cent of the balance then remaining shall be used exclusively—”;

(B) Said chapter 90, as so appearing, is hereby further amended by striking out subdivision (a) of clause (2) of the first paragraph of said section 34 and inserting in place thereof the following subdivision:—

“(a) For expenditure, under the direction of said department, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to such ways and bridges, bikeways, and for the engineering expenses associated with such projects, together with any money which any town or county may appropriate for such purposes. Such ways, bridges, bikeways, and sidewalks shall remain town and county ways, bridges, bikeways and sidewalks. No revenue credited to the Highway Fund shall be transferred from said Fund to any other fund of the commonwealth for any other purpose; but such revenue shall be transferred in order to cover fringe benefit costs pursuant to section 5D or subsection (f) of section 6B of chapter 29. The department shall withhold or withdraw the unexpended balance of any funds assigned by it under this subdivision if the town fails to comply with the official standards for traffic control established by the department or with any provision of a traffic control agreement negotiated between the department and the town, as required by the United States Secretary of Commerce under section 109 of Title 23 of the United States Code. In this subdivision the word ‘town’ shall include ‘city’; and by inserting after item 6010-0001 the following item:—

“6010-0002

For construction and reconstruction projects on town and county ways as described in subdivision (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws; provided, however, that a city or town shall comply with the procedures established by the department of highways; provided further, that said appropriation shall be considered as an available fund upon the approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; provided further, that the commonwealth shall reimburse said city or town under this item within 30 days of receipt by the department of a request for reimbursement from such city or town, which request shall include certification by such city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of such city or town according to the specifications of said project and in compliance with applicable law and said procedures established by the department  
.....50,000,000”.

The amendment was *rejected*.

Messrs. Lees and Knapik moved to amend the bill in section 2, by inserting after item 6010-0001 the following item:—

“6010-0004

For the costs of the division of parkways within the department of highway, for payroll, certain administrative and engineering expenses and equipment, materials, supplies, fleet maintenance and equipment, general maintenance and

equipment, the maintenance and operation of parkways, boulevards, roadways, bridges and related appurtenances; provided, that funds appropriated in this item shall also be expended for the routine maintenance of parkways; provided further, that no funds appropriated in this item shall be expended for the privatization of the maintenance or operations of parkways ...4,868,877”;

In section 2 in item 6030-7201, by striking out the figure “\$6,727,688” and inserting in place thereof the following figure:— “\$7,297,484”; by striking out item 2440-2000; in item 2410-1000, by striking out the words “, the construction division”; by striking out the words “that the commission shall be responsible for the maintenance and operation of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission,”; and by striking out the figure “\$28,331,428” and inserting in place thereof the following figure:— “\$23,462,551”;

By inserting after section 10 the following section:—

“SECTION 10A. (A) Chapter 16 of the General Laws is hereby amended by inserting after section 2, as appearing in the 2000 Official Edition, the following section:—

Section 2A. There shall be a division of parkways within the highway department. The division shall be responsible for all maintenance, construction and operation of previously designated metropolitan district commission parkways and bridges, including street lighting and related appurtenances previously under the care, custody and control of the metropolitan district commission. The department of highways shall be responsible for the removal of snow and ice from parkways. The commissioner of highways shall assign sufficient staff to the division to accomplish the division’s goals and objectives. However, nothing in this section shall prohibit the use of highway department personnel not assigned to the division of parkways for design, maintenance and construction of parkways.

The department of highways shall have responsibility for the maintenance of land immediately adjacent to parkways and on all medians between travel lanes. The metropolitan district commission shall perform all tree trimming and tree removal along parkways, in consultation with the highway department.

All land not exclusively used for parkway purposes, shall be owned by the metropolitan district commission. In accordance with article XCVII of the Constitution, all land transfers between the metropolitan district commission and the highway department shall be subject to a two-thirds vote of each branch of the general court.

A director, appointed by the commissioner, shall manage the division of parkways and shall report to the commissioner. The commissioner may remove the director notwithstanding chapter 31. The commissioner shall assign powers and duties to the director.

(B) Not more than 90 days after the effective date of this act, the executive office of transportation and construction and the highway department shall enter into an agreement with the executive office of environmental affairs. Said memorandum shall include agreement on all property excluding real property, equipment and personnel transfers and the assignment of maintenance responsibilities. Ownership and maintenance responsibilities of pedestrian bridges shall be established in the memorandum of understanding. The memorandum of understanding shall also include any issues not specifically addressed in this section but necessary to carry out its intent.

The memorandum of understanding shall identify functions and employees to be transferred from the metropolitan district commission to the highway department. The highway department shall not reduce compensation or civil service classification of transferred employees. The highway department and the metropolitan district commission shall not terminate or otherwise release employees as a result of the transfer of maintenance, construction and operation of state highways, parkways and bridges previously under the care, custody and control of the metropolitan district commission. Any reductions in employees may only be achieved through attrition or early retirement incentives. The department shall not privatize maintenance or operations of parkways.

(C) The department of highways shall perform a comprehensive study of current design, engineering, construction and maintenance standards used by the metropolitan district commission on parkways. The parkway design, engineering, construction and maintenance standards shall conform when deemed so by the commissioner.

Until the highway department approves final standards as prescribed in the previous paragraph, the department shall use existing metropolitan district commission standards for the design, engineering, construction and maintenance of parkways.

Upon the issuance of the final design, engineering, construction and maintenance standards and the execution of the memorandum of understanding signed by the executive office of transportation and construction, the highway department and the executive office of environmental affairs, but no later than July 1, 2002, the highway department shall assume ownership of state highways, parkways and bridges, including street lighting and related appurtenances, curb to curb ownership, previously under the care, custody and control of the metropolitan district commission.



*Recess.*

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

Mr. Jajuga, Ms. Wilkerson, Ms. Tucker, Ms. Creem and Mr. Tolman moved to amend the bill in section 2, in item 4000-0100, by adding the following words:— “; provided further, that the executive office and its agencies shall not restrict the discretion of any office, agency or vendor program that receives funds from the executive office or its agencies to hire or not to hire a candidate with criminal history, if before hiring any candidate the hiring authority has obtained the candidate’s criminal record information and, if the candidate has a criminal record, has determined in writing that the candidate does not pose a danger to the program’s clients after giving due weight to the time since the conviction, the candidate’s age at the time of the offense, the seriousness and circumstances of the offense, the number of offenses, any relevant evidence of rehabilitation or lack thereof, the nature of the work to be performed, and any other relevant information; provided further, that before commencement of employment, the director of the office, agency or vendor program shall provide this determination to the head of the state agency with primary funding responsibility for the program, documenting why the candidate is an appropriate candidate; provided further, that the state agency head may disapprove of the hire within 5 days after receiving the determination from the director of the program.”

After remarks, the amendment was then adopted.

Mr. Rosenberg moved to amend the bill in section 2, in item 7000-9401, by adding the following words:— “; and provided further, that notwithstanding any general or special law to the contrary, the allocation of funds under this item pursuant to any increase or decrease in the population of the commonwealth shall not be implemented until such time as a sufficient appropriation is available so as to prevent a decrease in the allocation to any regional library system or library of last recourse.”

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 7002-0100, by adding the following words:— “; and provided further, that not less than \$100,000 shall be expended for the refugee and immigrant self-sufficiency program at the University of Massachusetts at Lowell”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7002-0100, by striking out the words “; and provided further, that not less than \$135,000 shall be expended for incumbent worker coordinators at the Massachusetts AFL-CIO”; and by striking out the figure “\$1,277,026” and inserting in place thereof the following figure:— “\$1,142,026”.

The amendment was *rejected*.

Mr. O’Leary moved to amend the bill in section 2, in item 7003-0700, by inserting after the words “community based organizations, and community colleges” the following words:— “; provided further, that not less than \$250,000 shall be expended for the Cape Cod Call Center/ATLANTX”.

The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 2, in item 7003-0700, by striking out, in line 5, the words “Massachusetts AFL-CIO” and inserting in place thereof the following words:— “Massachusetts Teachers Association”.

After debate, the amendment was *rejected*.

*Suspension of Senate Rule 38A.*

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

Mr. Moore moved to amend the bill in section 2, in item 4100-0068, by inserting after the words “critical community services in identifying financially distressed hospitals” the following words:— “and the number of days on emergency department diversion status as defined by the department of public health during the previous 12-month period.”

The amendment was *rejected*.

Mr. Lynch moved to amend the bill in section 2, in item 4000-0300, by inserting after the words “in consultation with the division of health care finance and policy”, in lines 22 and 23, the following words:— “and an independent economic consultant with experience in nursing home financing.”

After remarks, the amendment was adopted.

Mr. Antonioni moved to amend the bill in section 2, in item 7003-0700, by inserting after the word “AFL-CIO” the following words:— “; provided further, that not less than \$100,000 shall be expended for the twin cities community development corporation’s central Massachusetts entrepreneurial business start-up training program;”.

The amendment was *rejected*.

Mr. Berry moved to amend the bill in section 2, in item 7003-0700 by inserting after the word “AFL-CIO;” in line 5, the following:— “provided further, that not less than \$125,000 shall be expended for Teamsters Local 25 workforce development initiatives;”.

The amendment was adopted.

Mr. Creedon moved to amend the bill in section 2, in item 7003-0803, by inserting after the word “December 1, 1997” the following words:— “; provided further, that \$250,000 shall be expended for the Brockton 1-stop career center;”; and by striking out the figure “\$3,750,000” and inserting in place thereof the following figure:— “\$4,000,000”.

The amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 7003-0803, by adding the following words:— “; and provided further, that not less than \$683,100 be provided to the central Massachusetts regional employment board for the operation of one-step career centers”.

The amendment was *rejected*.

Mr. Panagiotakos, Ms. Tucker and Mr. Lynch moved to amend the bill in section 2, in item 7003-0803, by striking out, in line 16, the figure “\$1,000,000” and inserting in place thereof the following figure:— “\$3,000,000”; and by striking out the figure “\$3,750,000” and inserting in place thereof the following figure:— “\$5,750,000”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Knapik, Tarr and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 7003-0803 by adding after the word “rates”, in line 15, the following words:— “; provided further, that day care shall be provided for those seeking assistance at the centers”.

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

#### YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Clancy, Edward J., Jr.	Nuciforo, Andrea F., Jr.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Jajuga, James P.	Tarr, Bruce E.

Knapik, Michael R.           Tisei, Richard R.  
Lees, Brian P.               Tolman, Steven A.  
Lynch, Stephen F.         Travaglini, Robert E.  
Magnani, David P.         Tucker, Susan C.  
Melconian, Linda J.       Walsh, Marian  
Menard, Joan M.           Wilkerson, Dianne — 38.

NAYS — 0.

ABSENT OR NOT VOTING.

Joyce, Brian A. — 1.

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

Mr. Tolman moved to amend the bill in section 2, in item 7003-1000, by striking out the words "in grants to the community technology centers at the commonwealth housing development and at the Jackson-Mann Community Center" and inserting in place thereof the following words:—"for the Jackson Mann community center, the commonwealth housing development and the Alexander Hamilton school in Allston-Brighton".

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section 2, in item 7003-1000, by adding the following words:—" and provided further, that not less than \$100,000 shall be expended for the Tri-City Technology Education Collaborative for the purposes of developing the Lifelong Learning Center".

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 7003-1000, by inserting after the words "For the workforce development initiative" the following words:—" ; provided, that the department of labor and workforce development and the state workforce investment board shall make recommendations for the use of funds appropriated in this item".

After remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, in item 4401-1000, by striking out, in lines 43 to 45, inclusive, the words "shall make available to employees of the department of public health training to obtain the qualifications to perform the job functions identified" and inserting in place thereof the following words:—"shall make available to employees of the department of public health training to obtain the qualifications to perform the job functions identified and, not later than August 1, 2002, the department of public health shall use employees of the department of public health to perform all job functions identified".

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 7003-1000, by striking out the words "provided further, that not less than \$92,000 shall be expended for a workforce development coordinator at the Massachusetts AFL-CIO;"; and by striking out the figure "\$3,422,000" and inserting in place thereof the following figure:—" \$3,330,000".

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, by inserting after item 7004-0001 the following item:—

"7004-0087

For state financial assistance in the form of grants to municipalities for community development and management of capital; provided, that not more than \$50,000 shall be expended for the demolition of condemned buildings on the site of the old Plymouth county hospital in Hanson .....50,000".

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, by inserting after item 7004-0001 the following item:—

"7004-0087

For state financial assistance in the form of grants to municipalities for community development and management of capital; provided, that not more than \$75,000 shall be expended for the Plymouth council on aging for the construction of an elevator .....75,000".

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, by inserting after item 7004-0001 the following item:—

“7004-0087

\$225,000 shall be expended as a one-time grant for the town of Southborough for use towards the cost and design and implementation of renovating or reconstructing the Fayville Senior Center/Southborough Council on Aging”.

The amendment was *rejected*.

Mr. Lynch, Ms. Creem and Ms. Jacques moved to amend the bill in section 2, item 4400-1000, by inserting after the word “redeterminations”, in line 99, the words “; provided further, that the department shall be encouraged to employ full-time employees for this purpose”.

After remarks, the amendment was adopted.

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

“7004-1000

For the playground initiative fund, a grant program for cities and towns of the commonwealth, to provide up to \$10,000 per grant for the acquisition, development, renovation of, or equipment for playgrounds or ball fields; provided, that the grants shall be administered by the department of housing and community development and shall be awarded on a first-come-first-serve basis to municipalities submitting applications meeting program requirements  
.....1,000,000”;

and in section 2, in item 7077-0010, by striking out the figure “\$14,000,000” and inserting in the place thereof the following figure:— “\$13,000,000”.

After remarks, the amendment was *rejected*.

Mr. Tolman moved to amend the bill in section 2, in item 7004-2011, by striking out the figure “\$900,000” and inserting in place thereof the following figure:— “\$1,400,000”; and by inserting after Section 12 the following section:—

“SECTION 12A. Section 24B of chapter 23B of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out, in lines 3 and 4, the words ‘one hundred and fifty percent’ and inserting in place thereof the following words:— 200 percent.”

After remarks, the amendment was *rejected*.

Messrs. Panagiotakos, Nuciforo, Tolman, Joyce and Lynch moved to amend the bill in section 2, in item 7004-2475, by striking out the figure “4,000,000” and inserting in place thereof the following figure:— “5,000,000”.

The amendment was *rejected*.

Mr. Tolman, Ms. Fargo, Ms. Creem and Mr. Joyce moved to amend the bill in section 2, by inserting after item 7004-2475 the following item:—

“7004-2480

The department of housing and community development shall provide state financial assistance in the form of grants or loans by the commonwealth acting by and through the department of housing and community development for the purposes of preserving and improving existing privately-owned, state or federally assisted housing; provided, that in allocating funds pursuant to this item, preference shall be given to nonprofit organizations which control an entity seeking to preserve the affordability of such housing which is or was subject to prepayment of a state or federally assisted mortgage or which is receiving project-based rental assistance pursuant to Section 8 of the United States Housing Act of 1937, 42 U.S.C. section 1437f, and such rental assistance is expiring; provided further, that at least one-half of the units in such housing shall be occupied and affordable to persons of income of 80 per cent or less of the area wide median income as determined by the federal Department of Housing and Urban Development; provided further, that the department shall preserve not less than 10 per cent of said affordable units in such housing as available and affordable to households with income of 50 per cent or less of the area wide median income as determined by said federal Department of Housing and Urban Development; provided further, that such grants and loans shall be administered by the department of housing and community development through contracts with the Community Economic Development Assistance Corporation, a body politic and corporate entity established by chapter 40H of the General Laws, and through contracts with the Massachusetts Housing Partnership Fund Board, an instrumentality of the

commonwealth established by section 35 of chapter 405 of the acts of 1985; and provided further, that said recipients may enter into subcontracts to administer the purposes of such contracts with other for-profit or non-profit organizations; provided further, a portion of the funds may be allocated in the form of predevelopment grants or loans to nonprofit sponsors of such housing; provided further, that such housing shall remain affordable for the longest period reasonably achievable .....35,000,000”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Tarr, Knapik and Hedlund and Mrs. Sprague moved to amend the bill in section 2, in item 7004-9001, by adding the following words:— “and provided further, that for purposes of this item and a community’s future compliance with chapter 40B of the General Laws, the definition of ‘low or moderate income housing’ shall include any housing units subsidized by federal or state government under a rental agreement subject to section 8 certificate subsidy programs and any housing units subsidized in whole or in majority part by the state or federal government and created under chapter 40A for the express purpose of providing long-term communal living and educational services to individuals who are mentally ill or who are mentally retarded or who are physically impaired”.

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

Mr. O’Leary moved to amend the bill in section 2, in line 7004-9001, by inserting after the words “fiscal year 2002;” the following words:— “provided further, that not less than \$225,000 shall be expended for a contract with Cape Cod Commission to implement the Barnstable County Comprehensive Permit Assistance Project”.

The amendment was *rejected*.

Mr. Knapik moved to amend the bill in section 2, in item 7004-9002, by striking out the figure “\$4,000,000” and inserting in place thereof the following figure:— “\$3,597,913”; and by striking out the figure “\$7,898,003” and inserting in place thereof the following figure:— “\$8,300,090”.

The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 2, in item 7004-9003, by striking out, in lines 7 to 9, inclusive, the words “provided further that not more than \$270,000 shall be provided for a total of 6 full-time equivalent housing search and stabilization workers at the Homestart program, so called, and the Mobilization Resources Team, so called;” and inserting in place thereof the following words:— “provided further, that not less than \$135,000 shall be expended as grants for a housing search program at the Homestart Program in Boston and not less than \$135,000 shall be expended as grants at the MRT program of the South Middlesex Opportunity Council;”.

The amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 7004-9108, by adding the following words:— “; and provided further, that not less than \$1.2 million shall be expended for acquisition, improvement, and remediation of environmental hazards of land in the block bounded by Clinton avenue, West Elm street, Belmont street and Warren avenue in the city of Brockton necessary for additional parking in proximity of the Brockton trial court”; and by striking out the figure “\$4,371,500” and inserting in place thereof the following figure:— “\$5,571,500”.

The amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill in section 2, in item 7004-9108, by striking out the words “not more than \$500,000 shall be expended for a grant to the Acre Urban Revitalization and Development Project, so called,” and inserting in place thereof the following words:— “not more than \$500,000 shall be expended for both the Jackson Appleton Middlesex and Acre Urban Revitalization and Development Projects”.

After remarks, the amendment was adopted.

Mr. O’Leary moved to amend the bill in section 2, in item 4510-0110, by inserting after the words “O’Neill health clinic” the following words:— “; provided further, that of this \$5,000,000 not less than \$274,550 shall be expended for community dental centers on Cape Cod and the Islands”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7006-0010, by striking out the figure “\$10,319,963” and inserting in place thereof the following figure:— “\$10,845,414”.

The amendment was *rejected*.



Mr. Lees moved to amend the bill in section 2, in item 7006-0020, by striking out the figure “\$9,521,894” and inserting in place thereof the following figure:— “\$10,401,123”.

The amendment was *rejected*.

Mr. Morrissey moved to amend the bill in section 2, in item 7006-0070, by adding the following words:— “; and provided further, that all contract employees shall be reclassified as full-time equivalents, consistent with section 29A of chapter 29 of the General Laws and subject to collective bargaining agreements”.

The amendment was *rejected*.

Messrs. Moore and Lees moved to amend the bill in section 2, in item 7006-0130, by striking out the figure “\$2,120,173” and inserting in place thereof the following figure:— “\$2,355,647”.

After remarks, the amendment was *rejected*.

Mr. Moore moved to amend the bill in section 2, in item 7006-0130, by adding the following words:— “; and provided further, that the board shall promulgate rules and regulations to coordinate its patient care assessment program with the board of registration of nursing and pharmacy and the department of public health”.

After remarks, the amendment was adopted.

Messrs. Moore and Lees moved to amend the bill in section 2, in item 7006-0135, by striking out the figure “\$235,474” and inserting in place thereof the following figure:— “\$310,474”.

The amendment was *rejected*.

Mr. Tarr, Ms. Murray and Mr. Magnani moved to amend the bill in section 2, by inserting after item 7007-0100 the following item:—

“7007-0101

For the operation of the Massachusetts fisheries recovery commission..... 250,000”;

and further in section 2, in item 7007-0400, by striking out, in lines 59 and 60, the words “; provided further that not less than \$200,000 shall be expended for the Massachusetts fisheries recovery commission”.

The amendment was *rejected*.

Messrs. Lees, Tisei and Knapik moved to amend the bill in section 2, in item 7007-0300, by adding the following words:— “; and provided further, that \$50,000 be made available for the Virtual Valley Program administered by the Affiliated Chamber of Commerce of Greater Springfield, Incorporated”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, by striking out item 7007-0350 and inserting in place thereof the following item:—

“7007-0350

For the Massachusetts manufacturing extension partnership; provided that not less than \$990,000 shall be made available to the Mass MEP Networks program; and provided further, that the entire amount shall be used to match federal funding through the National Institute of Standards and Technology Manufacturing Extension Partnership program ...1,740,000”;

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill in section 2, in item 7007-0350, by inserting after the words “that said services shall include the operation of the Massachusetts manufacturing extension partnership” the following words:— “and the MMEP manufacturing networks program”.

The amendment was *rejected*.

Messrs. Glodis, Nuciforo and Lynch moved to amend the bill in section 2 by striking out item 7007-0350 and inserting in place thereof the following item:—

“7007-0351

For a grant to the Massachusetts Manufacturing Extension Partnership; provided that not less than \$900,000 shall be made available to the MassMEP Networks Program; provided further, that the entire amount shall be used to match \$2,346,000 of federal funding through the National Institute of Standards and Technology Manufacturing Extension Partnership Program; and provided further, that the Massachusetts Manufacturing Extension Partnership shall submit a detailed report of all fiscal year 2001 expenditures made from state appropriations to the house and senate committees on ways and means not later than October 31, 2001 ..... 1,750,000";

After remarks, the amendment was *rejected*.

Mr. Creedon moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not less than \$1.2 million shall be expended for a multi-story parking garage in the downtown area of the city of Brockton”; and by striking out the figure “\$3,965,000” and inserting in place thereof the following figure:— “\$5,165,000”.

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Northeastern University;” the following words:— “provided further, that not more than \$280,775 shall be expended for the Devens commission technology center start-up costs;”.

The amendment was *rejected*.

Mr. Tarr, Ms. Murray and Mr. Magnani moved to amend the bill in section 2, in item 7007-0400, by striking out, in line 59, the figure “\$200,000” and inserting in place thereof the following figure:— “\$250,000”; and by striking out the figure “\$3,965,000” and inserting in place thereof the following figure:— “\$4,115,000”.

The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Development Center of Southeastern Mass, Inc.” the following words:— “; provided further, that not more than \$90,000 be expended for the economic development project administered by Berkshire Community College in the city of Pittsfield”.

The amendment was *rejected*.

Mr. Tarr, Ms. Murray and Mr. Magnani moved to amend the bill in section 2, in item 7007-0400, by striking out, in line 59, the figure “\$200,000” and inserting in place thereof the following figure:— “\$250,000”.

Pending the question on adoption of the amendment, Mr. Tarr moved that the pending amendment be amended by striking out all of the text thereof and replacing it with the following:— , in section 2, in item 7007-0400, by adding the following words:— “; and provided further, that not less than \$160,000 shall be expended as a grant to the metropolitan area planning council for the north of Boston regional center at Salem State College”.

The further amendment was *rejected*.

The pending amendment (Tarr et al) was then considered; and it was *rejected*.

Messrs. Nuciforo and Hedlund moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Pioneer Valley businesses” the following words:— “; provided further, that not more than \$500,000 shall be expended for a rural and low-income business development grant program”; and by striking out the figure “\$3,965,000” and inserting in place thereof the following figure:— “\$4,465,000.”

The amendment was *rejected*.

Messrs. Morrissey and Hedlund moved to amend the bill in section 2, in item 7007-0400, by adding the following words:— “; provided further, that \$500,000 shall be expended as a loan to the south shore tri-town development commission; provided further, that the commission shall repay 50 per cent of the loan by 2004, and 100 per cent of the loan by 2005”; and by striking out the figure “\$3,965,000” and inserting in place thereof the following figure:— “\$4,465,000”.

After remarks, the amendment was *rejected*.

Mr. Hedlund moved to amend the bill in section 2, in item 7007-0400, by inserting after the word “commonwealth;”, in line 15, the following words:— “provided further, that \$500,000 shall be expended as a loan to the South Shore Tri-Town Development Corporation; provided further, that the corporation shall repay 50 per cent of the loan by 2004, and 100 per cent of the loan by 2005;”.

After remarks, the amendment was *rejected*.

Mr. Joyce moved to amend the bill in section 2, in item 7007-0400, by inserting after the words “Northeastern University;” the following words:— “provided further, that no more than \$10,000 shall be expended to conduct a feasibility study for the replacement of the WGBH tower at the Great Blue Hill in Milton; provided further, that the study shall include, but not be limited to, a cost analysis of the construction of a new tower with increased capability of holding public safety telecommunications, radio and other communication equipment, a cost analysis of removal of the existing tower and a revenue projection concerning the leasing of all available space on said new tower and the revenue benefit to the commonwealth on annual basis; provided, that the revenue projection shall presume that all current users of the WGBH tower shall have first priority to use the new tower;”.

The President in the Chair, after remarks, the amendment was adopted.

Mr. Pacheco moved to amend the bill in section 2, in item 7007-0400 by striking out the word “more”, in line 61, and inserting in place thereof the following word:— “less”.

The amendment was adopted.

Messrs. Lynch, Glodis, Panagiotakos, Moore, Brewer and Tolman and Ms. Walsh moved to amend the bill in section 2, in item 0339-1002, by striking out the figure “\$10,445,148” and inserting in place thereof the following figure:— “\$10,740,781”.

The amendment was *rejected*.

Messrs. Lynch, Glodis, Panagiotakos, Moore, Brewer and Tolman and Ms. Walsh moved to amend the bill in section 2, in item 0339-1004, by striking out the figure “\$11,760,240” and inserting in place thereof the following figure:— “\$13,340,692”.

The amendment was *rejected*.

Ms. Murray moved to amend the bill in section 2, in item 7007-0950, by striking out the words “provided further, that not more than \$175,000 shall be expended as a grant for the historic memorial hall in the town of Plymouth” and inserting in place thereof the following words:— “provided further, that not more than \$50,000 shall be expended for the rehabilitation for the Highfield Hall in Falmouth; provided further, that not more than \$25,000 shall be expended for the rehabilitation of Grange Hall in Pembroke; and provided further, that not more than \$50,000 shall be expended for the Gus Conty recreational facility, for the implementation of a solar roof top in Falmouth”.

After remarks, the amendment was adopted.

Mr. Jajuga moved to amend the bill in section 2, in item 7007-0950, by adding the following words:— “; and provided further, that not more than \$50,000 shall be expended for a Korean war memorial in the city of Haverhill”.

The amendment was adopted.

Mr. Travaglini moved to amend the bill in section 2, in item 7007-0950, by striking out, in lines 50 and 51, the words “\$20,000 shall be expended for the Villa Michelangelo visitor center” and inserting in place thereof the following words:— “\$70,000 shall be expended for the Villa Michelangelo visitor center”.

After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 7007-0950, by adding after the word “Plymouth;” in line 78, the following words:— “provided further, that not less than \$100,000 shall be expended for City Stage;”.

After remarks, the amendment was adopted.

Mr. Havern moved to amend the bill in section 2, in item 7007-0950, by adding the following wording at the end thereof:— “; provided further that not less than \$10,000 shall be expended for the Vietnam Veterans Memorial park in Billerica”.

The amendment was adopted.

Mr. Lynch moved to amend the bill in section 2, in item 7007-0950 by adding the following words:— “; and provided further, that not less than \$250,000 shall be expended for a matching grant for repairs, including water damage, to the strand theater in the city of Boston”.

The amendment was adopted.

Mr. Antonioni moved to amend the bill, in section 2, in item 7007-0950, by striking out the words “24-hour restroom access to”.

After debate, the amendment was adopted.

Mr. Lees moved to amend the bill in section 2, in item 7007-0970, by inserting after the words “location program;”, in line 9, the following words:— “provided further, that said office shall file official entry forms for consideration for a Clio Award in the Television/Cinema — Local Campaign category for taxpayer funded public service announcements by the secretary of the commonwealth;”.

The amendment was *rejected*.

At nineteen minutes before ten o’clock P.M., the President declared a recess until the following day at ten o’clock A.M.