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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Wednesday, November 5, 2003.

Met at five minutes past eleven o'clock A.M. (Mr. Rosenberg in the Chair).

The Senator from Middlesex and Essex, Mr. Tisei, then led the Chair (Mr. Rosenberg), members, guests and employees in the recitation of the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the Chair (Ms. Menard) handed the gavel to the Senator from Norfolk, Bristol and Plymouth, Mr. Joyce, who introduced, seated in the gallery, Adrienne Matthews of Canton, Miss Massachusetts Sweetheart, and Judie McInery of Woburn, recently crowned Ms. America Coed. Adrienne Matthews was the guest of Senator Joyce and Judie McInery was the guest of Senators Shannon and Havern.

Petitions.

Mr. Rosenberg in the Chair, petitions were presented and referred, as follows:

By Mr. Antonioni, a petition (subject to Joint Rule 12) of Robert A. Antonioni and Emile J. Goguen for legislation to authorize Robert V. Antonucci to re-enter the state retirement program;

By Mr. Magnani, a petition (subject to Joint Rule 12) of David P. Magnani and Thomas M. McGee for legislation relative to pension benefits for certain public employees; and

By Mr. Shannon, a petition (subject to Joint Rule 12) of Charles E. Shannon, Thomas M. McGee, Richard T. Moore, Steven A. Baddour and other members of the General Court for legislation relative to fees for certain elevator inspections;
Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Ms. Tucker, for the committee on Human Services and Elderly Affairs, on petition, a Resolve to establish a commission to review the community-based system of the human service system (Senate, No. 824); and

By Mr. Magnani, for the committee on Public Service, on petition (accompanied by bill, Senate, No. 1453), a Bill relative to establishing a study commission to determine the feasibility to increasing the COLA base (Senate, No. 2129);
Severally read and, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Committee Discharged.

Mr. Havern, for the Senate committee on Federal Financial Assistance, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 384) of Michael R. Knapik, Brian P. Lees and Robert L. Hedlund for legislation to permanently extend daylight savings time,— and recommending that the same be referred to the Senate committee on Science and Technology.
Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to mandating the reporting of benign brain-related tumors (House, No. 4286), — **was referred, in concurrence, to the committee on Health Care**.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4280) of William Smitty Pignatelli and Michael R. Knapik (by vote of the town) for legislation to provide for recall elections in the town of Blandford;
To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4281) of Anthony J. Verga and Bruce E. Tarr (by vote of the town) that the town of Rockport be authorized to borrow a sum of money for certain environmental site clean-up costs;
To the committee on Local Affairs and Regional Government.

Petition (accompanied by bill, House, No. 4282) of Robert M. Koczera and Mark C. Montigny (by vote of the town) for legislation to place members of the fire department of the town of Acushnet under the civil service law;
To the committee on Public Service.

A report of the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2762) of Bradley H. Jones, Jr., and other members of the House relative to requiring criminal history background checks for teaching applicants, and recommending that the same be referred to the committee on Public Safety,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

A report of the committee on Health Care, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2809) of James E. Vallee relative to the registration of podiatrists, and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the discharge of the joint committee.**

Resolutions.

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

Resolutions (filed by Mr. Havern) “on the retirement of Ronald M. Joseph”;

Resolutions (filed by Mr. Knapik) “honoring Alfred E. Morissette on the occasion of his retirement as Fire Chief for the city of Easthampton”;

Resolutions (filed by Mr. Magnani and Ms. Jacques) “on the occasion of the dedication of The Center for Arts in Natick”;

Resolutions (filed by Mr. O’Leary) “on the retirement of Robert A. Peterson”;

Resolutions (filed by Mr. Pacheco) “on the fiftieth anniversary of the Miss Taunton Scholarship Pageant”; and

Resolutions (filed by Mrs. Sprague) “congratulating Eric Bennett Hosford upon his elevation to the rank of Eagle Scout.”

Reports of Committees.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James N. Thivierge for legislation relative to municipal finance.
Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs and Regional Government.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James N. Thivierge for legislation relative to the annexation of municipal corporations.
Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Local Affairs and Regional Government.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of James N. Thivierge for legislation to improve the health care system in Massachusetts.
Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Taxation.

By Mr. Brewer, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Brian A. Joyce, Jo Ann Sprague, Marian Walsh and other members of the General Court for legislation to authorize the Executive Office of Transportation and Construction and the Massachusetts Highway Department to complete the route 128 add-a-lane and route I-95/128/University Avenue interchange project utilizing an alternative form of procurement.
Senate Rule 36 was suspended, on motion of Mrs. Sprague, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation.
Severally sent to the House for concurrence.

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:

The Senate Bill establishing a preservation fund in the town of Hubbardston (Senate, No. 2074),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed.**
Sent to the House for concurrence.

Recess.

At ten minutes past eleven o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair, and at twenty-nine minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the state DNA data base (see Senate, No. 187, changed and amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty-eight minutes before twelve o'clock noon, on motion of Ms. Jacques, as follows, to wit (yeas 36 — nays 1) **[Yeas and Nays No. 345]**:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Shannon, Charles E.
Jacques, Cheryl A.	Sprague, Jo Ann
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne **— 36.**

NAY.

Nuciforo, Andrea F., Jr. — **1.**

ABSENT OR NOT VOTING.

Berry, Frederick E.
Creedon, Robert S., Jr.— **2.**

The yeas and nays having been completed at twenty-four minutes before twelve o'clock noon, the bill was passed to be enacted and it was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Relative to failure to stop for a police officer (Senate, No. 1341);

Providing for the annual observance of certain Civil War infantry regiments days (House, No. 1764);

Establishing a speed limit for a certain public way in the city of New Bedford (House, No. 3741);

Authorizing the certification of David E. Jones to a civil service list for police officer notwithstanding the maximum age requirement (House, No. 3918); and

Relative to the membership of the Lake Quinsigamond Commission (House, No. 4133);
Were severally read a second time and ordered to a third reading.

The Senate Bill relative to leasing motor vehicles (Senate, No. 1353),— **was read a second time and, after remarks, was ordered to a third reading.**

The Senate Bill providing for performance standards for physicians (Senate, No. 2048),— was read a second time.

After remarks, the question on ordering it to a third reading was determined by a call of the yeas and nays, at sixteen minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 346]**:

YEAS.

Antonioni, Robert A.
Baddour, Steven A.
Barrios, Jarrett T.
Brewer, Stephen M.
Chandler, Harriette L.
Creedon, Robert S., Jr.
Creem, Cynthia Stone
Fargo, Susan C.
Glodis, Guy W.
Hart, John A., Jr.
Havern, Robert A.
Hedlund, Robert L.
Jacques, Cheryl A.
Joyce, Brian A.
Knapik, Michael R.
Shannon, Charles E.
Sprague, Jo Ann
Tarr, Bruce E.
Tisei, Richard R.
Lees, Brian P.
Magnani, David P.
McGee, Thomas M.
Melconian, Linda J.
Menard, Joan M.
Montigny, Mark C.
Moore, Richard T.
Morrissey, Michael W.
Murray, Therese
Nuciforo, Andrea F., Jr.
O'Leary, Robert A.
Pacheco, Marc R.
Panagiotakos, Steven C.
Resor, Pamela
Rosenberg, Stanley C.
Tolman, Steven A.
Tucker, Susan C.
Walsh, Marian
Wilkerson, Dianne — **38.**

NAYS — 0.

ABSENT OR NOT VOTING.

Berry, Frederick E. **— 1.**

The yeas and nays having been completed at twelve minutes before twelve o'clock noon, the bill was ordered to a third reading.

The House Bill relative to police examinations (House, No. 3942),— **was read a second time and ordered to a third reading**.

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended),— was read a second time and was amended, as 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 2127 for the recommended Science and Technology new text (Senate, No. 2124); and striking out the title and inserting in place thereof the following title: "An Act to promote job creation, economic stability and competitiveness in the Massachusetts economy.".

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

Pending the main question on passing the bill to be engrossed, Mr. Lees moved to amend the bill by striking section 4 and inserting in place thereof the following section:—

"SECTION 4. Chapter 7 of the General Laws is hereby further amended by inserting after section 23A, as appearing in the 2002 Official Edition, the following section:—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or a state authority, when purchasing products, goods or other items, shall exercise a preference for products, goods or other items produced, manufactured, grown or harvested in the commonwealth. This requirement shall be in addition to the requirements set forth in this chapter relating to the purchase of supplies and equipment.

(b) To effectuate the preference for products, goods or other items produced, manufactured, grown or harvested in the commonwealth, the state purchasing agent responsible for procuring the products, goods or other items on behalf of the state agency or state authority: (1) in advertising for bids, contracting and otherwise, shall make reasonable efforts to facilitate the purchase of products, goods or other items produced, manufactured, grown or harvested in the commonwealth; and (2) shall purchase the products, goods or other items produced, manufactured, grown or harvested in the commonwealth unless the price of the product, good or other item exceeds by more than 10 per cent the price of the product, good or other item produced, manufactured, grown or harvested outside of the commonwealth; or unless a product of agriculture is not grown, produced using locally grown products, harvested or otherwise available from any producer in the commonwealth at the time of the procurement; or unless compliance with this section would eliminate the only bid or offer of a product of agriculture or would result in inadequate competition."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 9 — nays 28) **[Yeas and Nays No. 347]**:

YEAS.

Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Hedlund, Robert L.	Sprague, Jo Ann
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Tisei, Richard R. **— 9.**
Murray, Therese	

NAYS.

Baddour, Steven A.	
Barrios, Jarrett T.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	O'Leary, Robert A.

Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne— **28**.

ABSENT OR NOT VOTING.

Berry, Frederick E. Pacheco, Marc R. **— 2.**

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

Subsequently, Mr. Pacheco moved reconsideration and the motion prevailed.

Pending the recurring question on adoption of the amendment, Messrs. Lees and Mr. Pacheco moved to amend the bill by inserting after section 4 the following section:—

"SECTION 4A. Chapter 7 of the General Laws is hereby further amended by inserting after section 23A, as appearing in the 2002 Official Edition, the following section:—

Section 23B. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a state agency or a state authority shall, when purchasing products, goods or other items other than products of agriculture, as defined in section 1A of chapter 128, exercise a preference for products produced or manufactured in the commonwealth on the products' packaging.

(b) To effectuate the preference described in part (a), the state purchasing agent responsible for procuring the products, goods or other items on behalf of the state agency or state authority shall: (1) in advertising for bids, contracting and otherwise, make reasonable efforts to identify and facilitate the purchase of products, goods or other items produced or manufactured in the commonwealth; and (2) purchase the products, goods or other items produced or manufactured in the commonwealth unless the price of the goods exceeds by more than 5 per cent the average price, for available products of like kind and quality, of the products, goods or other items produced or manufactured outside the commonwealth; or compliance with this section would eliminate the only bid or offer or would result in inadequate competition."
After remarks, the amendment was adopted.

Mr. Hart moved to amend the bill, in section 6, by adding, in proposed paragraph (c) of section 35C of chapter 10 of the General Laws, the following sentence:— "The board may require a match or co-investment from participating organizations; provided, however, that in determining the amount of any match, the board shall establish different requirements for organizations based on the size of the organization, its profit or not-for-profit status and financial capacity."
After remarks, the amendment was adopted.

Ms. Resor moved to amend the bill by striking out section 9 and inserting in place thereof the following section:—

"SECTION 9. Chapter 23A of the General Laws is hereby amended by striking out section 3H, as appearing in the 2000 Official Edition, and inserting in place thereof the following section:—

Section 3H. The secretary of economic development shall appoint the director of the Massachusetts permit regulatory office, herein referred to as MassPRO, who shall have experience with permitting and business development and who shall serve as the ombudsman to new and expanding businesses to provide one-stop licensing for businesses and developments in order to streamline and expedite the process of obtaining state licenses, state permits, state certificates, state approvals, state registrations, state charters and other requirements of law. The ombudsman shall communicate with municipal officials responsible for local review procedures to determine the municipal perspective on the proposed project, and to facilitate communication between the municipality and state agencies. MassPRO shall have several regional offices, including 1 in the western part of the commonwealth, in order to better serve local businesses. Each executive office and each of the departments of environmental protection, business and technology, housing and community development, labor, workforce development and consumer affairs and business regulation shall appoint a senior staff member who shall be responsible for coordinating the efforts of the commonwealth to provide one-stop licensing at the state level for businesses and developments in order to streamline and

expedite the process of obtaining state licenses, state permits, state certificates, state approvals, state registrations, state charters and other requirements of law. The senior staff members shall meet at least once a month with the ombudsman and shall meet with each other on a regular basis. The secretary of administration and finance shall work with the secretary of economic development, the ombudsman and senior staff members to develop a recommended format for an application form and procedure which shall be used by all executive offices when possible. The ombudsman shall file an annual report with the house and senate committees on ways and means by January 1 of each year on the activities of MassPRO, including legislative recommendations on business development and expansion efforts."
After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 10 by striking out, in the first sentence, the words "within the agency" and inserting in place thereof the following words: "within the executive office of economic development, in sections 27 and 28, called 'the Agency'."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 32) **[Yeas and Nays No. 348]**:

YEAS.

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

NAYS.

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

ABSENT OR NOT VOTING.

Berry, Frederick E. **— 1.**

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

Mr. Panagiotakos moved to amend the bill, in section 10, in paragraph (c) of the proposed section 27 of chapter 23G, by adading the following words:— ", to make matching grants to universities, colleges, public instrumentalities, companies and other entities to induce the federal government, industry and other grant funding sources to fund advanced research and development activities in new and emerging technologies and new application of existing technologies in the commonwealth, and to thereby serve to increase and strengthen the commercial and industrial base of the commonwealth and the economic development and employment opportunities related thereto; and to provide bridge financing to universities, colleges, public instrumentalities, companies and other entities in anticipation of the receipt of such matching grants awarded or to be awarded by the federal government, industry or other sources."
The amendment was *rejected*.

Ms Resor moved to amend the bill, in section 12 in subsection (b), in clause (i), by inserting after the words "sections 1D and 1E of Chapter 69" the following words:— "but not less than $360,000 dollars shall be allocated to support a collaborative planning effort among six Workforce Investment Boards (WIB's/REB's/PIC's) to develop a pilot high school Science, Technology, Engineering and (Mathematics (S.T.E.M.) Internship program designed to increase the number of high school students pursuing post-secondary education in S.T.E.M. careers."
The amendment was adopted.

Mr. Moore moved to amend the bill, in section 12, by inserting after subsection (b) of the "proposed" section 2MMM of chapter 29 of the General Laws, the following subsection:—

"(b½) The Pipeline fund may also expend funds to establish, under Commonwealth Medicine at the University of Massachusetts Medical School and the Massachusetts department of education's office for Mathematics, Science and Technology Engineering, the Massachusetts Academy for Life Sciences. The Massachusetts Academy of Life Sciences shall create a program which shall consist of "mobile science labs" with 1 such mobile lab assigned and designated for each of the following 5 regions: western Massachusetts, central Massachusetts, metropolitan Boston, northeastern Massachusetts and southeastern Massachusetts. The mission of the Massachusetts academy of life sciences shall be to encourage students to consider careers in life sciences and health care by participating in enhanced science courses through the use of the mobile labs."
After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill, in section 17, by striking out the word "corporation", each time it appears, and inserting in place thereof, in each instance, the following words: "executive office of economic development"; and by striking out, in line 17, the words "executive director of the corporation", each time they appear, and inserting in place thereof, in each instance, the following words: "secretary of economic development"; and, in section 17, by striking out the words "executive director", each time they appear, and inserting in place thereof, in each instance, the following words:— "secretary of economic development"; and in section 17, by striking out the words "board of directors of the corporation", each time they appear, and inserting in place thereof, in each instance, the following words:— "secretary of economic development."

Ms. Menard in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter before one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32) **[Yeas and Nays No. 349]**:

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. **— 7.**
Lees, Brian P.	

NAYS.

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

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

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

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended),— **was considered, the main question being on passing it to be engrossed, in concurrence.**

Mr. Lees moved to amend the bill, in section 20, by striking out the words "on the books of the corporation", each time they appear, and inserting in place thereof, in each instance, the following words: "within the executive office of economic development"; and, in section 20, by striking the word "corporation", each time it appears, and inserting in place thereof, in each instance, the following words: "executive office of economic development"; and, in section 20, by striking the word "board", each time it appears, and inserting in place thereof, in each instance, the following words: "secretary of economic development"; and in section 20, in the last sentence in the proposed section 4F, by striking out the words "the department of economic development" and inserting in place thereof the following words: "the department of business and technology"; and, in section 20, by striking out subsections (f) and (g) of proposed section 5G.

The question on adoption of the amendment was determined by a call of yeas and nays, at six minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 31) **[Yeas and Nays No. 350]**:

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. **— 7.**
Lees, Brian P.	

NAYS.

Antonioni, Robert A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	O'Leary, Robert A.
Fargo, Susan C.	Pacheco, Marc R.
Glodis, Guy W.	Panagiotakos, Steven C.
Hart, John A., Jr.	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Jacques, Cheryl A.	Shannon, Charles E.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Melconian, Linda J.	Wilkerson, Dianne **— 31.**

ABSENT OR NOT VOTING.

Jacques, Cheryl A. **— 1.**

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

Mr. Panagiotakos moved to amend the bill, in section 20, by striking out the words "to at least $3" and inserting in place thereof the following words:— "to at least $2".
After remarks, the amendment was adopted.

Mr. Panagiotakos moved to amend the bill, in section 20, by inserting after the words “development of medical devices”, the following word:— “nanomanufacturing”.
After remarks, the amendment was adopted.

Mr. Barrios moved to amend the bill, in section 22, in the first sentence of section 2 of the proposed chapter 43D, by inserting after the words “unless the context clearly requires otherwise” the following definition:—

“ ‘Environmental justice population’ or ‘EJ population’ a neighborhood in which the annual median household income is equal to or less than 65 per cent of the statewide median or whose population is made up of 25 per cent minority, foreign born or lacking English language proficiency.”; and in said section 22, by inserting after section 6 of the proposed chapter 43D the following section:—

“SECTION 6A. The secretary of environmental affairs shall submit an annual report on the status of economic development in environmental justice population areas to the secretary of economic development and the joint committee on commerce and labor.”
The amendment was *rejected*.

Ms. Walsh moved to amend the bill by striking out section 25.
After debate, the amendment was *rejected*.

Mr. Magnani moved to amend the bill, in section 27, in the first sentence of the proposed section 38C of chapter 63, by inserting after the words “or in research and development of products” the following words:— “capable of being manufactured in the commonwealth”; by striking out the second sentence of the proposed section 38C of chapter 63 and inserting in place thereof the following sentence:— “Corporations that are engaged in research and development and that conduct manufacturing activities shall exclude expenditures related to manufacturing from total expenditures for the purpose of assessing whether two-thirds of expenditures are allocable to research and development, whether or not the manufacturing activities of the corporation are substantial.”; in section 30, in the first sentence of the proposed section 42B of chapter 63, by inserting after the words “in research and development of products” the following words:— “capable of being manufactured in the commonwealth”; and, in said section 30 by striking out the fourth sentence and inserting in place thereof the following sentence:— “Corporations that are engaged in research and development and that conduct manufacturing activities shall exclude expenditures related to manufacturing from total expenditures for the purpose of assessing whether two-thirds of expenditures are allocable to research and development, whether or not the manufacturing activities of the corporation are substantial.”
After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill, in section 27, by striking out the first sentence and inserting in place thereof the following sentence:— “Every corporation organized under or subject to chapter 156B and every limited liability company organized under chapter 156C which is not classified as a partnership and has elected to be taxed as a corporation separate from its members for federal income tax purposes which is engaged in manufacturing in the commonwealth or engaged in research and development of products in the commonwealth for the purposes of this chapter shall be considered a domestic manufacturing corporation, or a domestic research and development corporation”.; and

Said section 27 is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: “A domestic research and development corporation for the purposes of this section is one whose principal activity herein is research and development and which, during the taxable year, derives more than two-thirds of its receipts attributable to the commonwealth from the activity or incurs more than two-thirds of its expenditures attributable to the commonwealth allocable to the activity; but, that a corporation that qualifies as a domestic research and development corporation only by reason of its expenditures shall not be entitled to the credit provided in section 31A of chapter 63 by virtue of its qualification as a domestic research and development corporation.”
The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 30, by striking out the third sentence and inserting in place thereof the following sentence:— “A foreign research and development corporation for the purposes of this section is one whose principal activity herein is research and development and which derives more than two-thirds of its receipts attributable to the commonwealth from the activity or incurs more than two-thirds of its expenditures attributable to the commonwealth allocable to the activity; but, a corporation that qualifies as a foreign research and development corporation only by reason of its expenditures shall not be entitled to the credit provided in section 31A of chapter 63 by virtue of its qualification as a foreign research and development corporation.”
The amendment was *rejected*.

Mr. Hedlund moved to amend the bill by striking out sections 33, 34 and 35.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes before three o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 3 — nays 37) **[Yeas and Nays No. 351]**:

YEAS.

Hedlund, Robert L.	Walsh, Marian
Magnani, David P.	

NAYS

Antonioni, Robert A.	Lees, Brian P.
Baddour, Steven A.	McGee, Thomas M.
Barrios, Jarrett T.	Melconian, Linda J.
Berry, Frederick E.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	Morrissey, Michael W.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Glodis, Guy W.	O'Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Rosenberg, Stanley C.
Knapik, Michael R.	Travaglini, Robert E.
Shannon, Charles E.	Tolman, Steven A.
Sprague, Jo Ann	Tucker, Susan C.
Tarr, Bruce E.	Wilkerson, Dianne **— 37.**
Tisei, Richard R.	

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

Mr. Creem moved to amend the bill by striking out section 33; and by inserting after section 82 the following section:—

"SECTION 82A. It shall be the policy of the Commonwealth to permit any and all forms of stem cell research, including research and clinical applications involving somatic cell nuclear transplantation. Nothing in this section shall be construed to approve of human procreative cloning."
The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 63A, by striking out in paragraphs (b) and (d), in each instance in which it appears, the words "with the assistance of the Massachusetts Technology Park Corporation," and inserting in place thereof the following words:— "with the assistance of the Massachusetts office of business development and the Massachusetts Technology Park Corporation,".
The amendment was adopted.

Mr. Havern in the Chair, Mr. Magnani moved to amend the bill, in section 38, by adding the following paragraph:—

"This section shall only apply to establishments located in a city or town that is within 10 miles of the state border contiguous with a state that allows sales of alcoholic beverages on Sunday."
The amendment was *rejected*.

Mr. Glodis moved to amend the bill, in section 53, by inserting at the end of the paragraph entitled "Section 25", the following subsection:—

"(g) The commissioner may waive any of the net worth or total adjusted capital requirements as set forth in this section and any regulations promulgated pursuant to this section whenever satisfied that the health maintenance organization has sufficient net worth or total adjusted capital and, if applicable, an adequate history of generating net income to assure its financial viability for the next year, or its performance and obligations are guaranteed by an organization with sufficient net worth and an adequate history of generating net income, or the assets of the health maintenance organization or its contracts with insurers, hospitals or medical service corporations, governments, or other organizations are sufficient to reasonably assure the performance of its

obligations; but, in no event shall the net worth requirement be less than $100,000."
The amendment was *rejected*.

Mr. McGee moved to amend the bill by striking out section 57 and inserting in place thereof the following section:—

"SECTION 57. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, effective no later than 10 days after the effective date of this act, to the Economic Stimulus Trust Fund established pursuant to section 56, the amount of $47,420,000 from the Stabilization Fund. The amount so transferred shall be for the expenditure of programs in this act, with the exception of sections 60 to 62, inclusive and section 79."

And that it be further amended by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, $5,000,000 shall be made available from the Economic Stimulus Fund to the department of telecommunications and energy to support a grant program for municipal economic development and industrial corporations to assist in the relocation and replacement of overhead transmission lines for the purpose of economic development of real property within the respective municipality."
The amendment was *rejected*.

Mr. Lees moved to amend the bill in section 59 by striking out the words "executive director of the Massachusetts Development Finance Agency" and inserting in place thereof the following words:— "secretary of economic development".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32) **[Yeas and Nays No. 352]**:

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. **— 7.**
Lees, Brian P.	

NAYS.

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

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

Mr. Lees moved to amend the bill, in section 60, by striking out the words "Massachusetts Technology Park Corporation"; in section 60, by striking out the word "corporation" and inserting in place thereof the following words:— "executive office of

economic development"; and, in section 20, by striking out the words "executive director of the corporation" and inserting in place thereof the following words: "secretary of economic development."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 — nays 32) **[Yeas and Nays No. 353]**:

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. **— 7.**
Lees, Brian P.	

NAYS.

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

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

Mr. Lees moved to amend the bill, in section 61, by striking out the words "under the Massachusetts Technology Park Corporation"; and, in section 20, by striking out the words "executive director of the corporation" and inserting in place thereof the following words:— "secretary of economic development".
The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 64, by striking out in the first sentence, the words "Brownfields Redevelopment Fund" and inserting in place thereof the following words:— "Redevelopment Access to Capital Fund, established pursuant to section 60 of chapter 23A of the General Laws,"; and by striking out, in the second sentence, the words "secretary of economic development" and inserting in place thereof the following words:— "Massachusetts Business Development Corporation".
After debate, the amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 66, in paragraph (e), by inserting after the words "president of the senate," the following words:— ", the minority leader of the House, the minority leader of the senate".
The amendment was adopted.

Mr. Lees moved to amend the bill, in section 67, by striking out, in the first sentence, the words "for the purpose of awarding grants to not-for-profit regional training organizations or networks of community-based organizations, community development corporations or community development financial institutions for the purpose of providing technical assistance or training to small businesses and very small firms, as described in section 67" and inserting in place thereof the following:— "for the purpose of re-establishing and sustaining, through the Massachusetts Office of Business Development, focused business support and assistance in all of the various regions of the commonwealth, including the provision of technical assistance or training to small businesses and very small firms, as described in section 66"; and by striking out the second sentence of said section 67; and by

striking out, in the third sentence of said section 67, the words “not more than $100,000 may be expended for the administration of this program”; and by striking out, in the last sentence of said section 67, the words “types of grants awarded and the list of grantees” and inserting in place thereof the following words:— “the use of the funds by said department.”
After debate, the amendment was *rejected*.

Mr. Panagiotakos moved to amend the bill, in section 66, in paragraph (b), by inserting after the words “Bankers Association;” the words “Community Action Program Directors’ Association;”.
The amendment was *rejected*.

Mr. Knapik moved to amend the bill, in section 68, by inserting after the words “Building Essential Skills through Training (BEST) Initiative” the following words:— “but, not less than $250,000 shall be expended on the Western Massachusetts Precision Institute.”
The amendment was *rejected*.

Mr. Nuciforo moved to amend the bill by striking out section 74 and inserting in place thereof the following section:—

“SECTION 74. (a) The Massachusetts international trade council shall establish the Massachusetts International Tourism Fund, which shall be the fund in which private and in-kind international travel, and tourism donations shall be accepted and recorded. The fund shall be administered by the Massachusetts international trade council with monthly lists of deposits, expenses and in-kind services submitted to the house and senate committees on ways and means, the house and senate clerks, the office of the state auditor, and the executive office for administration and finance by the third Wednesday in January.

(b) The Massachusetts international trade council, in consultation with the advisory board created by this section, shall award a contract to a non-profit organization to provide international marketing and tourism promotion services on behalf of the commonwealth. The non-profit organization shall be selected through a competitive procurement process, which process shall include without limitation a written request for proposals. Expenditures for the contract shall not exceed $2,000,000 per year for a period of 5 years. The non-profit organization shall match the amount of the contract with a binding pledge of funds or in-kind contributions equal to the amount of the contract award from nongovernmental sources to be expended for the purposes established in this section.

(c) Any in-kind contributions pledged by a non-profit organization under this section shall be considered to have the value determined by the Massachusetts international trade council. The non-profit organization shall not expend more than 3 per cent of the contract funds for the cost of administrative services. The organization shall, as a condition of receiving the grant, submit, by every third Wednesday in January for the duration of the contract, a total operating budget which shall identify each source and use of operating funds, and an operating plan which shall demonstrate how the grant promotes tourism throughout 5 geographic areas of the commonwealth: the central area, the greater Boston area, the northeast area, the southeast area and the western area. The central area shall be defined as the Northern Worcester Service Delivery Area and the Southern Worcester Service Delivery Area as authorized under 20 C.F.R. section 661.280. The greater Boston area shall be defined as the Boston Service Delivery Area, the Metropolitan North Service Delivery Area and the Metropolitan South/West Service Delivery Area as authorized under 20 C.F.R. section 661.280. The northeast area shall be defined as the Lower Merrimack Valley Service Delivery Area, the Northern Middlesex Service Delivery Area and the Southern Essex Service Delivery Area as authorized under 20 C.F.R. section 661.280. The southeast area shall be defined as the Bristol Service Delivery Area, the Brockton Service Delivery Area, the Cape and Islands Service Delivery Area, the New Bedford Service Delivery Area and the South Coastal Service Delivery Area as authorized under 20 C.F.R. section 661.280. The western area shall be defined as the Berkshire Service Delivery Area, the Franklin/Hampshire Service Delivery Area and the Hampden Service Delivery Area as authorized under 20 C.F.R. section 661.280. The office may withhold the grants if the conditions outlined in this section are not met. Not more than 2 per cent of the amount shall be expended by the Massachusetts international trade council for administrative costs incurred by the council in connection with the administration of the contract.

(d) The international trade council shall establish an advisory board to advise the international trade council on the scope of services to be provided under the contract with the non-profit organization and to provide ongoing guidance assistance to the international trade council regarding the management and oversight of the contract. The advisory board shall include at least one member of each of the five geographic areas defined in section (c) and shall consist of 11 members, appointed as follows: the president of the senate and the speaker of the house of representatives shall each appoint 4 members to the board, and those members shall be broadly representative of the hotel and tourism industries in the commonwealth; 1 member shall be appointed by the Massachusetts office of travel and tourism; 1 member shall be appointed by the Massachusetts Convention Center Authority; 1 member shall be appointed by the city of Boston. The members of the advisory board shall serve without compensation and at the pleasure of their appointing authorities. The advisory board shall seek additional funding from private funding sources. Notwithstanding any general or special law to the contrary, advisory board members shall not be considered state employees for purposes of chapter 268A of the General Laws as a result of their service on the advisory board.”
The amendment was *rejected*.

Mr. Hedlund moved to amend the bill by striking out section 74.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before four o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 4 — nays 35) **[Yeas and Nays No. 354):**

YEAS.

Hedlund, Robert L.	Lees, Brian P.
Knapik, Michael R.	Sprague, Jo Ann **— 4.**

NAYS

Antonioni, Robert A.	McGee, Thomas M.
Baddour, Steven A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Tolman, Steven A.
Shannon, Charles E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne **— 35.**
Magnani, David P.	

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

Mr. Tarr moved to amend the bill, in section 74, by adding after subsection (b) the following subsection:—

"(b½) The Massachusetts International Trade Council, in consultation with film and video production industry stakeholders, shall award a contract to a non-profit organization for the purpose of promoting and marketing the commonwealth as a place of business for the production of film and video works of all types."
The amendment was *rejected*.

Mr. Tarr moved to amend the bill by striking out section 75 and inserting in place thereof the following section:—

"SECTION 75. (a) Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, $5,000,000 shall be made available from the Economic Stimulus Trust Fund to the department of housing and community development for the employer assisted housing program pursuant to section 60 of chapter 121B of the General Laws.

(b) Notwithstanding any general or special law to the contrary, not more than $100,000 per year for a period not to exceed 3 years shall be expended for the development and operations of the Massachusetts film office. The office, which shall be within the office of economic development, shall operate in consultation with entities in the film and video production industry to market and promote the commonwealth as a place of business for all aspects of the production, distribution and sale of film and video works. The Massachusetts film office may employ an executive director in order to achieve its purpose."
The amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 78, by striking out the words "Massachusetts Technology Park Corporation, established under chapter 40J of the General Laws," and inserting in place thereof the following words:— "executive office of economic development".
The amendment was *rejected*.

Messrs. Brewer and Rosenberg moved to amend the bill, in section 80, by striking out the words ", subject to appropriation," and by adding the following paragraph:—

"(c) Notwithstanding any general or special law to the contrary, the comptroller shall transfer, effective no later than 30 days after the effective date of this act, not less than $1,400,000 from the Economic Stimulus Trust Fund to the Massachusetts Development Finance Agency for the administration of the loan program established by this section."
After remarks, the amendment was *rejected*.

Mr. Lees moved to amend the bill, in section 81, by inserting after the words "3 members of the senate to be appointed by the senate president, 1 of whom shall serve as co-chair' the following words:— "and 1 of whom shall be a member of the minority party,"; and further amend in section 81 by inserting after the words "three members of the house of representatives to be appointed by the speaker of the house, 1 of whom shall serve as co-chair, the following words:— "and 1 of whom shall be member of the minority party";
The amendment was adopted.

Mr. Lees moved to amend the bill, in section 82, in subsection (b), by striking out the first sentence and inserting in place thereof the following sentence:— "In consultation with the commissioner of the division of capital asset management and maintenance the council shall develop and recommend strategies to achieve broadband internet expansion to every community in the commonwealth."
The amendment was adopted.

Mr. Lees moved to amend the bill, in section 83, by inserting after the words "senate president, including" the following words:— "the minority leader of the senate, and"; and further amend in section 83 by inserting after the words "speaker of the house, including" the following words:— "the minority leader of the house, and".
The amendment was adopted.

Mr. Lees moved to amend the bill by striking out, in section 58, the words "June 1, 2004" and inserting in place thereof the following words:— "January 1, 2006".
After debate, the amendment was *rejected*.

Mr. Lees moved to amend the bill by adding the following 2 sentences:— "The comptroller shall transfer the balance in the Workforce Training Fund established by section 2RR of chapter 29 of the General Laws to the Workforce Training Trust Fund and shall credit all amounts which would otherwise be credited to the workforce Training Fund to the Workforce Training Trust Fund. Notwithstanding any general or special law to the contrary, moneys in the Workforce Training Trust Fund may be used as determined by the director of the department of workforce development to satisfy grants awarded under section 2RR of chapter 29 of the General Laws for which full payment has not been made."
The amendment was adopted.

Ms. Menard in the Chair, Mr. Glodis moved to amend the bill by striking out section 87 and inserting in place thereof the following section:—

"SECTION 87. Sections 40 to 53, inclusive, shall take effect 90 days after enactment."
The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting, after section 56, the following 8 sections:—

"SECTION 56A. The first sentence of section 2 of chapter 405 of the acts of 1984 is hereby amended by striking out the words 'chapter three hundred and twelve of the acts of nineteen hundred and eighty-two,' and inserting in place thereof the following words:— chapter 40J of the General Laws or a limited or a limited liability company or other affiliate established by the corporation.

SECTION 56B. Said first sentence of said section 2 of said chapter 405 is hereby further amended by inserting after the words 'Massachusetts Microelectronics Center' the following words:— or for residential, commercial, residential treatment, rehabilitation and educational purposes, or for such other purposes as are not inconsistent with said chapter 40J.

SECTION 56C. Section 3 of said chapter 405 is hereby amended by striking out the words 'said chapter three hundred and twelve of the acts of nineteen hundred and eighty-two' and inserting in place thereof the following words:— said chapter 40J of the General Laws.'

SECTION 56D. Section 4 of said chapter 405 is hereby amended by inserting after the word 'commonwealth' the following words:— ; provided, that the foregoing shall only apply to that portion of the site that was transferred to the corporation before July 17, 2003, consisting of that portion of the site transferred by a deed from the division dated January 10, 1986, and recorded in the Worcester County Registry of Deeds in Book 9225, Page 159, and any easements acquired by the corporation from time to time thereafter. The corporation's existing title to, interests in, and use of the site and easements thereon are hereby confirmed. Nothing in this act shall be construed to alter, interfere with or otherwise affect the corporation's title to, interests in, and use of the site and easements thereon acquired by the corporation before July 17, 2003.

SECTION 56E. Said chapter 405 is hereby amended by adding the following section:—

Section 6. Said corporation or its affiliate may transfer all or a portion of those parcels designated as parcels B, C, D, G, and J, as generally defined and described in sections 2, 3, 4, 7 and 10 of chapter 660 of the Acts of 1987 and any appurtenant rights thereto and as may be transferred by the division to the corporation or its affiliate, to the Massachusetts Development Finance Agency, a public instrumentality created under chapter 23G of the General Laws, or to said agency's affiliate; but the corporation may retain an easement upon parcel C for the purpose of maintaining a buffer zone by preserving a line of mature trees proximate to the existing boundary of the property owned by the corporation. If any interest in the title to all or any portion of such parcels is transferred by the corporation or its affiliate to the Massachusetts Development Finance Agency or its affiliate, then, under terms and in an amount agreed upon by said agency and the commonwealth, a portion of the net proceeds from any subsequent sale or ground lease of any portion of the site by such agency or its affiliate shall be paid to the commonwealth.

SECTION 56F. Section 9 of chapter 660 of the acts of 1987 is hereby amended by inserting after the words 'education programs', in line 9, the following words:— to an individual or entity for residential or commercial purposes, or for such other purposes as are not inconsistent with said chapter 40J.

SECTION 56G. Section 10 of said chapter 660 is hereby amended by inserting after the word 'purposes', in line 4, the following words:— , to an individual or entity for residential or commercial purposes, or for such other purposes as are not inconsistent with said chapter 40J.

SECTION 56H. Section 15 of said chapter 660 is hereby amended by inserting after the word 'plan', in line 24 the following words:— , said master plan and any land disposition instruments affecting the parcels described in sections 9 and 10 existing as of July 17, 2003, except any land disposition instruments involving the Massachusetts Technology Park Corporation existing as of July 17, 2003, may be amended to carry out the purposes of this act and chapter 405 of the acts of 1984."
The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 39 the following section:—

"SECTION 39A. Chapter 164 of the General Laws is hereby amended by adding the following section:—

Section 138.

(a) In this section, unless context otherwise requires, the following words shall have the following meanings:

'Net metering', the process of measuring the difference between electricity delivered by an electric distribution company and electricity generated by a solarnet-metering facility and fed back to the distribution company.

'Solar-net-metering facility', a facility for the production of electrical energy that: uses sunlight to generate electricity, has a generating capacity of not more than 500 kilowatts, is located on or in the vicinity of a customer's premise, and is intended primarily to offset part or all of that customer's requirements for electricity.

(b) A distribution company customer that uses electricity generated by a solar-net-metering-facility may elect net metering.

(i) If the electricity generated by the solar-net-metering facility during a billing period plus any generation credits carried forward from prior billing periods exceeds the customer's kilowatt-hour usage during the billing period, the customer shall be billed for zero kilowatt-hour usage and the excess generation shall be credited to the customer's account for the following billing period.

(ii) If the customer's kilowatt-hour usage exceeds the electricity generated by the solar-net-metering facility during the billing period plus any generation credits carried forward from prior billing periods, the customer shall be billed for the net kilowatt-hour usage at the applicable rate.

(c) Net metering shall apply to all charges calculated on a kilowatt-hour basis, including distribution, transmission, generation, and transition charges.

(d) Net metering shall be implemented using a single meter. Where an electro-mechanical meter is employed, the meter shall register the flow of electric power in both directions and shall display the net flow. Where a digital meter is employed, it shall be programmed to register the net flow as implemented in electro-mechanical meters, or shall separately register the inward flow to the customer and the outward flow to the distribution company to enable subsequent calculation of the net flow.

(e) Distribution companies are prohibited from imposing special fees on net metering customers, such as backup charges, or additional controls or liability insurance as long as the solar-net-metering facility complies with the applicable interconnection, safety, and power quality standards."

The amendment was *rejected*.

Ms. Resor moved to amend the bill by inserting after section 9 the following section:—

"SECTION 9A. Subsection (c) of section 61 of chapter 23A of the General Laws, as so appearing, is hereby amended by inserting after the word 'section', in line 30, the following words:— ; but, priority shall be given to projects where the cost of clean-up is projected to be at $500,000 or less."

The amendment was *rejected*.

Mr. Brewer and Ms. Resor moved to amend the bill by inserting after section 23 the following section:—

"SECTION 23A. Said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following subsection:—

(1) There shall be allowed a credit against the tax liability imposed by this chapter, an amount equal to 50 per cent of the fair market value of land or interest in land which is conveyed for the purpose of conservation or preservation land, as a donation in perpetuity by the taxpayer to an eligible public or private conservation agency.

(2) The fair market value of qualified donations shall be substantiated by a 'qualified appraisal' as defined by federal law governing charitable contributions.

(3) The amount of credit claimed shall not exceed $50,000. In any one tax year the credit used may not exceed the amount of individual or corporate income tax otherwise due. Any portion of the credit which is unused in any one tax year may be carried over for a maximum of 5 consecutive tax years following the tax year in which the credit originated.

(4) Qualified donations shall include the conveyance of an interest in real property in perpetuity, either of a fee interest in real property or an easement interest in real property, such as a conservation restriction, agricultural preservation restriction, or watershed restriction, pursuant to chapter 184.

(5) Qualified donations of an interest in real property shall be eligible for this tax credit if such donations are made to either the commonwealth, an instrumentality thereof, or a charitable organization described in Section 501(c) of the U.S. Internal Revenue Code of 1986 and which: (a) meet the requirements of Section 509(a)(2); or (b) meets the requirements of Section 509(a)(3) and is controlled by an organization described in Section 509(a)(2).

(6) The following definitions shall apply to this section:—

(a) 'Interest in real property' shall mean any right in real property, or improvements thereto, or water including but not limited to a fee simple, easement, partial interest, mineral right, remainder, future interest, lease, license or covenant of any sort, or other interest or right concerning the use of power to transfer property.

(b) 'Land' or 'lands' shall mean real property, with or without improvements thereon; right of way, water and riparian rights; easements; privileges and all other rights or interests of any land or description in, relating to or connected with real property.

(c) 'Public or Private Conservation Agency' shall mean any Massachusetts governmental body, or any not-for-profit charitable corporation or trust authorized to do business in the commonwealth and organized and operated for natural resources, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the U.S. Internal Revenue Code of 1986, as amended, and having the power to acquire, hold and maintain land and/or interests in land for such purposes.

(7) Applicability, Fiscal Limitation and Renewal:—

(a) These tax credits shall apply to transfers of land or interests therein in taxable years beginning on or after January 1, 2004 and all taxable years thereafter.

(b) Any taxpayer claiming a tax credit under this section may not claim a credit under any similar law of the commonwealth for costs related to the same project.

(c) Any tax credits which arise under this section from the donation of land or an interest in land made by a pass-through tax entity such as, a trust, estate, partnership, limited liability corporation or partnership, limited partnership, subchapter S corporation, or other fiduciary, shall be used in the event it is the taxpayer on behalf of such tax entity, or by the member, manager, partner, shareholder and/or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions and tax liability passes through such entity to such member, manager, partner, shareholder and/or beneficiary. The tax credits may not be claimed by the entity and the member, manager, partner, shareholder and/or beneficiary for the same donation."

After debate, the amendment was *rejected*.

Mr. Antonioni moved to amend the bill, in section 32, by inserting after the words "commissioner of public health", the following words:— "and the commissioner of the department of environmental protection."

After debate, the amendment was adopted.

Mr. Antonioni moved to amend the bill by inserting after section 37 the following section:—

"SECTION 37A. The sixth paragraph of section 12 of chapter 138 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:— The licensing authority shall not decrease the hours during which sales of such alcoholic beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks' notice of the public hearing; provided further, that a local licensing authority, subject to the approval of the commission, may grant a license notwithstanding section 17 to sell wine for consumption on the winery premises to a winegrower authorized to operate a farmer-winery under section 19B, to sell malt beverages for consumption on the brewery premises to a farmer-brewer authorized to operate a farmer-brewery under section 19C and to sell spirits for consumption on the distillery premises to a farmer-distiller authorized to operate a farmer distillery under Section 19E; and provided further, that such licensees may sell for on premises consumption wine, malt beverages and spirits produced by the winery, brewery or distillery or produced for the winery, brewery or distillery and sold under the winery, brewery or distillery brand name."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. The executive office of transportation and construction shall enter into a lease with the Johnny Appleseed Trail Association for the purpose of continued operation of the Johnny Appleseed Visitors Center."

The amendment was *rejected*.

Ms. Fargo moved to amend the bill by inserting after section 23 the following section:—

"SECTION 23A. Said chapter 62 is hereby amended by inserting after section 6H the following section:—

Section 6I. (a) As used in this section, the following words shall have the following meanings:

'Allowable costs', amounts properly chargeable to capital account, other than for land, which are paid or incurred for: construction or rehabilitation; commissioning costs; interest paid or incurred during the construction or rehabilitation period; legal, architectural, engineering and other professional fees allocable to construction or rehabilitation; closing costs for construction, rehabilitation or mortgage loans; recording taxes and filing fees incurred with respect to construction or rehabilitation; site costs, such as temporary electric wiring, scaffolding, demolition costs, and fencing and security facilities; and costs of furniture, carpeting, partitions, walls and wall coverings, ceilings, drapes, blinds, lighting, plumbing, electrical wiring and ventilation; provided that such costs shall not include the cost of telephone systems and computers, other than electrical wiring costs, and shall not include the cost of fuel cells or photovoltaic modules, including installation.

'Base building', all areas of a building not intended for occupancy by a tenant or owner, including but not limited to the structural components of the building, exterior walls, floors, windows, roofs, foundations, chimneys and stacks, parking areas, mechanical rooms and mechanical systems, and owner-controlled or operated service spaces, sidewalks, main lobby, shafts and vertical transportation mechanisms, stairways and corridors.

'Credit allowance year', the later of:

(1) the taxable year during which the property, construction, completion or rehabilitation referred to in subsection (c) has been placed in service or has received a final certificate of occupancy or

(2) the first taxable year with respect to which the credit may be claimed pursuant to the initial credit component certificate issued pursuant to subsection (h).

‘Commissioning’, the testing and fine-tuning of heat, ventilating and air conditioning and other systems to assure proper functioning and adherence to design criteria and the preparation of system operation manuals and instruction of maintenance personnel.

‘DOER’, the division of energy resources.

‘EPA’, the United States Environmental Protection Agency.

‘Economic development area’, an area as defined by section 1 of chapter 121C or an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code.

‘Eligible building’, a building located in the commonwealth which is:

(1) classified as commercial pursuant to the state building code or similarly classified under any subsequent code; provided that any such building contains at least 20,000 square feet of interior space; or

(2) a residential multi-family building with at least 12 dwelling units that contain at least 20,000 square feet of interior space; or

(3) one or more residential multi-family buildings with at least 2 dwelling units that are part of a single or phased construction project that contains, in the aggregate, at least 20,000 square feet of interior space; provided that in any single phase of such project at least 10,000 square feet of interior space is under construction or rehabilitation; or

(4) any combination of buildings described in clauses (1), (2) and (3); and

(5) is not a building located on freshwater wetlands or tidal wetlands as defined by sections 40 and 40A of chapter 131, or on wetlands such that the construction thereof requires a permit pursuant to section 404 of the Federal Clean Water Act, 33 U.S.C. s 1344.

‘Energy code’, portions of the state building code that regulate energy or energy-related matters.

‘Fuel cell’, a device that produces electricity directly from hydrogen or hydrocarbon fuel through a non-combustive electrochemical process.

‘Green base building’, a base building which is part of an eligible building and which meets the following standards:

(1) energy and energy efficiency.

(i) energy use is no more than 65 per cent, in the case of new construction of a base building, or 75 per cent, in the case of rehabilitation of a base building, of the use permitted under the energy code or, in the event such standard is revised or superseded, energy use shall meet such other energy efficiency standards that DOER shall establish in regulations in effect at the time the building permit was issued for the base building or rehabilitation thereof.

(ii) all appliances and any heating, cooling and water heating equipment used in the base building and subject to the regulations promulgated by DOER shall meet the standards established by such regulations in effect at the time the building permit was issued for the base building or rehabilitation with respect to which a tax credit is claimed.

(2) zoning, indoor air quality, building materials, finishes and furnishings.

(i) the base building shall comply with all applicable zoning, land use and erosion control requirements, stormwater management ordinances, building code requirements and environmental regulations; in the case of the rehabilitation of an existing building, all existing environmental hazards shall be identified and managed in accordance with applicable laws, regulations and industry guidelines.

(ii) buildings classified pursuant to the state building code, or similarly classified under any subsequent code, shall meet all of the following indoor air quality requirements:

(A) Ventilation and exchange of indoor and outdoor air shall meet the standards established by regulations promulgated by DOER.

(B) If smoking is permitted in specific areas of the building, separate air ventilation and circulation shall be provided for smoking and non-smoking areas.

(C) The ventilation system shall include an air purging system that is capable of replacing 100 per cent of the air on any floor, on a minimum of 2 floors at a time. The air shall be purged for a period of 1 week on every floor immediately before initial occupancy and on any floor that undergoes renovation immediately prior to re-occupancy, but if a taxpayer obtains certification from a licensed professional engineer or certified industrial hygienist, pursuant to regulations, verifying that off-gassing and any other contamination can be reduced to comparable levels in less than 1 week, the period of purging may be shortened. The taxpayer shall maintain a copy of the certification.

(D) Building fresh air intake shall be located a minimum of 25 feet away from loading areas, building exhaust fans, cooling towers and other point sources of contamination and consistent with standards in regulations promulgated by DOER.

(E) During construction or rehabilitation, the ventilation system components, pathways, and interior building materials shall be protected from contamination and moisture degradation in accordance with an indoor air quality management plan for the construction or rehabilitation process that meets the standards established in regulations promulgated by DOER. In the event that such components, pathways and materials are not protected from contamination or moisture degradation in accordance with such standards, they shall be cleaned or replaced prior to occupancy.

(F) A licensed professional engineer, certified industrial hygienist, pursuant to regulations, shall conduct indoor air quality testing with respect to representative areas within the entire building, including spaces with potentially highest occupant density and use, immediately following occupancy, if any, and on an annual basis, to monitor supply and return air and occupied spaces for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. All indoor air quality testing shall meet the standards for duration and evaluation criteria in regulations promulgated by DOER. If radon measurements have been found to be satisfactory, subsequent annual radon testing shall not be required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which any part of the building is occupied, indoor air quality met the standards established in regulations promulgated by DOER, the base building shall not constitute a green base building.

(iii) the mechanical plant of the building shall be commissioned in accordance with the standards established in regulations promulgated by DOER, which standards shall be informed by documents such as ASHRAE G-1 and the United States General Services Administration ‘Model Commissioning Plan and Guide Specifications’. For purposes of this clause the term ‘ASHRAE’ shall mean the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

(iv) separate waste disposal chutes or a carousel compactor system for recyclable materials shall be provided for the recycling of waste by occupants, or recycling shall be otherwise facilitated by, at a minimum, providing a readily accessible designated collection area or areas with sufficient space to store recyclable materials separately between collection dates.

(v) all plumbing fixtures in the public areas of the building shall meet the plumbing fixture requirements of the state plumbing code or any successor provision in effect at the time the building or rehabilitation is placed in service.

(vi) before initial occupancy and upon request, the owner of the building shall provide each tenant with:

(1) written notification of the opportunity to apply for a tax credit pursuant to this section and

(2) written guidelines regarding opportunities to improve the energy efficiency and air quality of tenant space and to reduce and recycle waste streams.

(vii) all building materials, finishes and furnishings used in the base building and subject to the regulations promulgated by DOER shall meet the standards established by the regulations in effect at the time the building permit was issued for the building or rehabilitation, but with respect to furnishings, this requirement shall apply only to newly purchased items.

(viii) all tenant space in the building occupied by the owner shall be green tenant space.

'Green building', a building wherein the base building is a green base building and all tenant space is green tenant space.

'Green tenant space', tenant space in a building if the building is an eligible building and if the tenant space complies with the following requirements:

(1) energy and energy efficiency.

(i) energy use for tenant space is no more than 65 per cent in the case of new construction or 75 per cent in the case of rehabilitation of the use permitted under the energy code or, in the event the standard is revised or superseded, energy use shall meet such other energy efficiency standards that DOER shall establish by regulations in effect at the time the building permit was issued for the improvements with respect to which a tax credit is claimed.

(ii) all appliances and any heating, cooling and water heating equipment used in the tenant space and subject to the regulations promulgated by DOER shall meet the standards established by the regulations or, in the event that the standards are revised, the standards in effect at the time the improvements with respect to which a tax credit is claimed are placed in service.

(2) code requirements, indoor air quality, building materials, finishes and furnishings.

(i) the tenant space shall comply with all applicable building code requirements and environmental regulations. In the case of rehabilitation of an existing building, all existing environmental hazards shall be identified and managed in accordance with applicable laws, regulations and industry guidelines.

(ii) in the case of buildings classified, pursuant to the state building code, or similarly classified under any subsequent code, ventilation and exchange of indoor/outdoor air shall meet the standards established in regulations promulgated by DOER.

(iii) for buildings in which smoking is permitted, the taxpayer shall ensure that, if smoking is permitted in the tenant space, it is permitted only in areas in which the air ventilation and circulation is separate from that for non-smoking areas.

(iv) during construction or rehabilitation, the ventilation system components and pathways and interior building materials shall be protected from contamination and moisture degradation in accordance with an indoor air quality management plan for the construction or rehabilitation process that meets the standards established in regulations promulgated by DOER. In the event that the components, pathways and materials are not protected from contamination in accordance with the standards, they shall be cleaned or replaced prior to occupancy.

(v) a licensed professional engineer or certified industrial hygienist pursuant to regulations, shall conduct indoor air quality testing with respect to representative areas within the tenant space, including spaces with potentially highest occupant density and use immediately, following occupancy, if any, and on an annual basis, to monitor supply and return air and occupied spaces

for carbon monoxide, carbon dioxide, total volatile organic compounds, radon, and particulate matter. All indoor air quality testing shall meet the standards for duration and evaluation criteria required by regulations promulgated by DOER. If radon measurements have been found to be satisfactory, subsequent annual radon testing shall not be required. The taxpayer shall record baseline readings immediately following occupancy, if any, and annually thereafter. In the event that the taxpayer does not establish that during a taxable year during which the tenant space is occupied, indoor air quality met the standards established in regulations promulgated by DOER, the tenant space shall not constitute green tenant space.

(vi) all plumbing fixtures in the tenant space shall meet the plumbing fixture requirements of the state plumbing code or other applicable regulations in effect at the time the improvements with respect to which a tax credit is claimed are placed in service.

(vii) all building materials, finishes and furnishings selected for use in the tenant space and subject to the regulations promulgated by DOER shall meet the standards established by the regulations or, in the event that the standards are revised, the standards in effect at the time the building permit was issued for the improvements with respect to which a tax credit is claimed, but with respect to furnishings, this requirement shall apply only to newly purchased items.

‘Incremental cost of building-integrated photovoltaic modules’:

(1) the cost of building-integrated photovoltaic modules and any associated inverter, additional wiring or other electrical equipment or additional mounting or structural materials, less the cost of spandrel glass or other building material that would have been used in the event that building-integrated photovoltaic modules were not installed,

(2) incremental labor costs properly allocable to on-site preparation, assembly and original installation of photovoltaic modules, and

(3) incremental architectural and engineering services and designs and plans directly related to the construction or installation of photovoltaic modules.

‘LEED rating system’, the Leadership in Energy and Environmental Design green building rating system criteria developed by the United States Green Building Council.

‘Qualifying alternate energy sources’, building-integrated and non-building-integrated photovoltaic modules and fuel cells installed to serve the base building or tenant space which have the capability to monitor their AC output, and which are validated upon installation, and annually thereafter, to ensure that such systems meet their design specifications.

‘Substantial improvement’, the reconstruction, rehabilitation, addition, repair or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure before the ‘start of construction’ as defined in 780 CMR 3107.2.

‘Tenant improvements’, improvements which are necessary or appropriate to support or conduct, the business of a tenant or occupying owner.

‘Tenant space’, the portion of a building intended for occupancy by a tenant or occupying owner.

(b) A taxpayer subject to tax under this chapter shall be allowed a green building credit against the tax, but no credit shall be allowed under this section unless the taxpayer has complied with, the applicable requirements of subsection (j). The amount of the credit shall be the sum of all credit components, but the amount of each credit component shall not exceed the limit set forth in the initial credit component certificate obtained pursuant to subsection (h). In the determination of the credit components, no cost paid or incurred by the taxpayer shall be the basis for more than one component.

(1) If a credit is allowed to a building owner pursuant to this subsection with respect to property, and the property or an interest therein is sold, the credit for the period after the sale which would have been allowable under this subsection to the prior owner had the property not been sold shall be allowable to the new owner. Credit for the year of sale shall be allocated between the parties on the basis of the number of days during the year that the property or interest was held by each.

(2) If a credit is allowed to a tenant pursuant to this subsection with respect to property, and if the tenancy is terminated but the property remains in use in the building by a successor tenant, the credit for the period after the termination which would have been allowable under this subsection to the prior tenant had the tenancy not been

terminated shall be allowable to the successor tenant. Credit for the year of termination shall be allocated between the parties on the basis of the number of days during the year that the property was used by each.

(3) Notwithstanding any other law to the contrary, in the case of allowance of credit under this section to a successor owner or tenant, as provided in subparagraph (2) or (3), the commissioner of DOER shall have the authority to reveal to the successor owner or tenant any information, with respect to the credit of the prior owner or tenant, which is the basis for the denial in whole or in part of the credit claimed by the successor owner or tenant.

(c) The green whole-building credit component shall be equal to the applicable percentage of the allowable costs paid or incurred by the taxpayer, whether owner or tenant, for either the construction of a green building or the rehabilitation of a building which is not a green building to be a green building, but the credit component shall not exceed the maximum amount specified in the initial credit component certificate. The applicable percentage shall be 1.4 per cent, except that if the building is located in an economic development area, the applicable percentage shall be 1.6 per cent. The credit component amount so determined shall be allowed for the credit allowance year, but only if:

(1) the taxpayer has obtained and filed both an initial credit component certificate and an eligibility certificate issued pursuant to subsection (h);

(2) a certificate of occupancy for the building has been issued; and

(3) where the credit allowance year is a year described in clause (2) of the definition of 'Credit allowance year' of subsection (a), the green building or rehabilitation remains in service during that year.

The credit component amount shall be allowed also for each of the next 4 succeeding taxable years with respect to which the taxpayer has obtained and filed an eligibility certificate pursuant to subsection (h), but the allowable costs may not exceed, in the aggregate, $150 per square foot with respect to the portion of the building which comprises the base building and $75 per square foot with respect to the portion of the building which comprises the tenant space.

(d) The green base building credit component shall be equal to the applicable percentage of the allowable costs paid or incurred by the taxpayer, if the owner, for either the construction of a green base building or for the rehabilitation of a base building which is not a green base building to be a green base building, but the credit component shall not exceed the maximum amount specified in the initial credit component certificate. The applicable percentage shall be 1 per cent, except that if the building is located in an economic development area, the applicable percentage shall be 1.2 per cent. The credit component amount so determined shall be allowed for the credit allowance year, but only if:

(1) the taxpayer has obtained and filed both an initial credit component certificate and an eligibility certificate issued pursuant to subdivision (h),

(2) a certificate of occupancy for the building has been issued and

(3) where the credit allowance year is a year described in clause (2) of the definition of 'Credit allowance year' of subsection (a), the green base building or rehabilitation of a base building remains in service during that year.

Such credit component amount shall be allowed also for each of the next 4 succeeding taxable years with respect to which the taxpayer has obtained and filed an eligibility certificate pursuant to subsection (h), but the allowable costs for the base building may not exceed, in the aggregate, $150 per square foot.

(e) The green tenant space credit component shall be equal to the applicable percentage of allowable costs for tenant improvements paid or incurred by the taxpayer, whether owner or tenant, in constructing, including completing, tenant space, or rehabilitating tenant space which is not green tenant space to be green tenant space, but the credit component shall not exceed the maximum amount specified in the initial credit component certificate. The applicable percentage shall be 1 per cent, except that if the building is located in an economic development area the applicable percentage shall be 1.2 per cent, but the owner, or a tenant who occupies fewer than 10,000 square feet, shall qualify for the green tenant space credit component only in the event that the base building is a green base building. The credit component amount so determined shall be allowed for the credit allowance year, but only if:

(1) the taxpayer has obtained and filed an initial credit component certificate and an eligibility certificate issued pursuant to subsection (h) and

(2) where the credit allowance year is a year described in clause (2) of the definition of 'Credit allowance year' of subsection (a), the construction, completion or rehabilitation remains in service during that year.

The credit component amount shall be allowed also for each of the next 4 succeeding taxable years with respect to which the taxpayer has obtained and filed an eligibility certificate pursuant to subsection (h), but the allowable costs for tenant space shall not exceed, in the aggregate, $75 per square foot. In the event that both an owner and tenant incur the costs for tenant space with respect to the same tenant space and the costs in the aggregate exceed $75 per square foot, the owner shall have priority as to costs constituting the basis for the green tenant space credit component.

(f) A fuel cell credit component shall be allowed for the installation of a fuel cell which is a qualifying alternate energy source, installed to serve a green building, green base building or green tenant space. The amount of the credit component shall be 6 per cent of the sum of the capitalized costs paid or incurred by the taxpayer with respect to each fuel cell installed to serve such building or space, including the cost of the foundation or platform and the labor cost associated with installation, the capitalized costs not to exceed $1,000 per kilowatt of installed DC rated capacity, but the credit component shall not exceed the maximum amount specified in the initial credit component certificate. The fuel cell credit component amount so determined shall be allowed for the credit allowance year, but only if:

(1) the taxpayer has obtained and filed an initial credit component certificate and an eligibility certificate issued pursuant to subsection (h) and

(2) where the credit allowance year is a year described in clause (2) of the definition of 'Credit allowance year' of subsection (a), the fuel cell remains in service during that year.

The credit component amount shall be allowed also with respect to each of the 4 taxable years next following during which the fuel cell remains in service, but the amount of any federal, state or local grant received by the taxpayer and used for the purchase and installation of the fuel cell and which was not included in the federal gross income of the taxpayer shall be subtracted from the amount of the cost.

(g) A photovoltaic module credit component shall be allowed for the installation of photovoltaic modules which constitute a qualifying alternate energy source installed to serve a green building, green base building or green tenant space. The amount of the credit component shall be 20 per cent of the incremental cost paid or incurred by the taxpayer for building-integrated photovoltaic modules and 5 per cent of the cost of non-building-integrated photovoltaic modules, in either case such cost not to exceed the product of (i) $3 and (ii) the number of watts included in the DC rated capacity of the photovoltaic modules, but the credit component shall not exceed the maximum amount specified in the initial credit component certificate. The credit component amount so determined shall be allowed for the credit allowance year, but only if:

(1) the taxpayer has obtained and filed an initial credit component certificate and an eligibility certificate issued pursuant to subsection (h); and

(2) where the credit allowance year is a year described in clause (2) of the definition of 'Credit allowance year' of subsection (a), the modules remain in service during that year.

The credit amount shall be allowed also for the 4 taxable years next following during which the modules remain in service, but the amount of any federal, state or local grant received by the taxpayer and used for the purchase or installation of the photovoltaic equipment and which was not included in the federal gross income of the taxpayer shall be subtracted from the amount of the cost.

(h)(1) Upon application by a taxpayer, DOER shall issue an initial credit component certificate where the taxpayer has made a showing that the taxpayer is likely within a reasonable time to place in service property which would warrant the allowance of a credit under this section. The certificate shall state the first taxable year for which the credit may be claimed and an expiration date, and shall apply only to property for which an occupancy permit has been issued by the expiration date. The expiration date may be extended at the discretion of DOER, in order to avoid unwarranted hardship. The certificates may be issued in years 2003-2005. The certificates shall state the maximum amount of credit component allowable for each of the 5 taxable years for which the credit component is allowed under subsections (b) to (g), inclusive.

(2) For each taxable year for which a taxpayer claims a credit under this section with respect to a green building, green base building or green tenant space, a fuel cell, or photovoltaic modules, the taxpayer shall obtain from architect or professional engineer licensed to practice in this state an eligibility certificate. The certificate shall consist of a certification, under the seal of such architect or engineer, that the building, base building or tenant space with respect to which the credit is claimed is a green building, green base building or green tenant space, respectively, that the fuel cell or photovoltaic modules constitute qualifying alternate energy sources and remains in service. The certification shall be made in accordance with the standards and guidelines in effect at the time the building permit was issued for the property which is the basis for the credit. The certification shall set forth the specific findings upon which the certification was based. The taxpayer shall file the certificate, and the associated initial credit component certificate, with the claim for credit and shall file duplicate copies with

DOER. The certificate shall include sufficient information to identify each building or space, and other information as DOER and the commissioner shall prescribe.

(3) If DOER has reason to believe that an architect or professional engineer, in making any certification under this subsection, engaged in professional misconduct, then DOER shall so inform the board of registration of architects or the board of registration of engineers and land surveyors.

(i) Each taxpayer shall, for any taxable year for which the green building credit provided for under this section is claimed, maintain records of the following information:

(1) annual energy consumption for building, base building or tenant space;

(2) annual results of air monitoring;

(3) annual confirmation that the building, base building or tenant space continues to meet requirements regarding smoking areas, if provided;

(4) tenant guidelines, if applicable;

(5) all written notification of tenants and requests to remedy any indoor air quality problems;

(6) initial and annual, by month, results of validation of performance of photovoltaic modules and fuel cells; and

(7) certifications as to off-gassing and other contamination, as prescribed in this section, where applicable.

(j) Each taxpayer shall also provide to DOER the information described in subsection (i), in the form and at the time prescribed by DOER, such time to be determined in consultation with the commissioner. The information shall be provided to DOER with respect to each taxable year with respect to which the taxpayer claims a credit under this section.

(k)(1) The commissioner of DOER shall promulgate regulations necessary to the implementation of this section. The regulations establishing standards may be informed by the LEED rating system. The regulations shall construe this section in manner as to encourage the development of green buildings, green base buildings and green tenant space and to maintain high but commercially reasonable standards for obtaining tax credits hereunder. The regulations shall establish a reasonable time or period of time for submission of applications, and shall establish a method for allocating initial credit component certificates among eligible applicants. Regulations, standards or requirements adopted pursuant to this section shall apply only to a green base building, a green building or a green tenant space. DOER shall review and update the regulations at least every 2 years from the date on which the regulations are promulgated.

(2) The commissioner of DOER shall promulgate the following, with respect to base buildings:

(i) regulations establishing standards for energy use for eligible buildings.

(ii) regulations establishing standards for appliances and heating, cooling and water heating equipment that, on the effective date of this section, are covered by specifications from organizations such as the United States Department of Energy or Environmental Protection Agency. The development of the regulations shall be informed by the specifications. DOER shall review and update the regulations at least every 2 years from the date on which the regulations are promulgated.

(iii) regulations indicating the methodology by which a taxpayer shall demonstrate compliance with paragraph 1 of the definition of ‘Green base building’ of subsection (a). The regulations shall include, at a minimum, a requirement to conduct hourly computer modeling for 1 year.

(iv) regulations establishing standards for the commissioning of buildings.

(3) The commissioner of DOER shall promulgate regulations establishing standards, with respect to base buildings, for ventilation and exchange of indoor/outdoor air, indoor air quality management plans for the construction or rehabilitation process, and indoor air quality with respect to levels of carbon monoxide, carbon dioxide and total volatile organic compounds, radon and particulate matter.

(4) The commissioner of DOER shall promulgate the following, with regard to base buildings:

(i) regulations establishing standards for building materials, finishes and furnishings regarding minimum percentages of recycled content and renewable source material and maximum levels of toxicity and volatile organic compounds and any other standards that the DOER considers

appropriate. Standards shall be developed for building materials, finishes and furnishings, including, but not limited to, concrete and concrete masonry units; wood and wood products; millwork substrates; insulation; ceramic, ceramic/glass and cementitious tiles; ceiling tiles and panels; flooring and carpet; paints, coatings, sealants and adhesives; and furniture. The DOER shall review and update the regulations at least every 2 years from the date on which the regulations are promulgated.

(ii) regulations establishing standards for buildings located in areas where water use is not metered, which regulations shall require, at a minimum, that the building include one of the following features:

(A) a gray water system that recovers non-sewage waste water or uses roof or ground storm water collection systems, or recovers ground water from sump pumps;

(B) for buildings with a cooling tower system, such system shall be designed with delimiters to reduce drift and evaporation; or

(C) for buildings with exterior plants, all the plants shall be tolerant of climate, soils and natural water availability and shall not receive watering from municipal potable water after a period of establishment is complete.

(iii) regulations establishing standards for buildings located in areas that do not have sewers or that have designated storm sewers, which regulations shall require, at a minimum, that the building shall include one of the following features:

(A) an oil grit separator or water quality pond for pretreatment of runoff from any surface parking areas; or

(B) at least 50 per cent of non-landscaped areas, including roadways, surface parking, plazas and pathways, if any, shall be comprised of pervious paving materials.

(iv) regulations indicating the methodology by which taxpayers shall demonstrate compliance with subparagraphs (2) and (3) of the definition of 'Green base building' of subsection (a).

(5) The commissioner of DOER shall promulgate regulations, with respect to tenant space, indicating the methodology by which taxpayers shall demonstrate compliance with paragraph (1) of the definition of 'Green tenant space' of subsection (a).

(6) The commissioner of DOER shall promulgate regulations, with respect to tenant space, indicating the methodology by which taxpayers shall demonstrate compliance with paragraph (2) of the definition of 'Green tenant space' of subsection (a).''; and by inserting after section 82 the following section:—

"SECTION 82A. (1) Funding for 3 full-time staff positions shall be made available to DOER for completion of the regulations required under section 23A of this act and for administration of said section 23A. Additional funding of $150,000 shall be made available for state wide educational seminars and other education programs to assist developers, tenants, and any others who may participate in the green building tax credit program.''; and by inserting after section 83 the following section:—

"SECTION 83A. On or before April 1, 2006 the commissioner of the division of energy resources shall prepare a written report regarding the number of certifications and taxpayers claiming the credit provided for under section 23A; the amount of the credits claimed; the geographical distribution of the credits claimed; and any other such available information the commissioner determines to be appropriate. The commissioner shall ensure that the information is presented and classified in a manner consistent with statutory confidentiality requirements. The report shall be filed with the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the senate finance committee and the chairperson of the house ways and means committee."

After remarks, the amendment was *rejected*.

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

"SECTION ___. (a) the commissioner of the division of insurance shall in consultation with the commissioner of the department of public health, the secretary of health and human services, the commissioner of the department of medical security, the commissioner of the department of consumer affairs and business regulation and the secretary of administration and finance, to develop a system of uniform and standardized billing and payment to be utilized by every medical provider, hospital, insurer,

health maintenance organization and any other entity making payment of any type for health care goods or services of any type in the commonwealth.

(b) Not later than 60 days following the effective date of this act, the commissioner shall convene a planning group to assist in the development of the uniform payment system, hereinafter referred to as 'UPS.' The planning group shall be comprised of the agency heads listed in subsection (a) or their designees, together with the following members: Three representatives of the Massachusetts Hospital Association, 1 of whom shall represent a community hospital, 1 representative of a health maintenance organization doing business in the commonwealth, 1 of whom shall represent a commercial insurer doing business in the commonwealth, 1 representative of the commonwealth's insurer of last resort, 1 representative of a preferred provider organization doing business in the commonwealth, 1 representative of the Massachusetts Nurses Association, 3 representatives of the Massachusetts Medical Society, 3 members of the senate, at least 1 of whom shall represent the minority party, and 3 members of the house of representatives, at least 1 of whom shall represent the minority party. The planning group, in the discretion of the commissioner of insurance, shall assist in the development and implementation of a UPS having the characteristics prescribed by subsection (L).

(c) The UPS developed pursuant to this section shall employ a single, standardized format for the making and payment of claims between any provider and any payer of health care goods and services rendered to any citizen of the commonwealth. The system shall include, but not be limited to, a universal format for the identification by code of particular conditions, treatments and goods, which format shall be maintained by any entity, including Medicaid, which delivers a contract for the payment of health care costs in the commonwealth. The format shall be designed so as to be usable in electronic or printed media, shall be simplified and straightforward, shall be expendable to cover future health care developments, shall be modifiable to adapt to any changing circumstances, shall facilitate the timely making, processing, and payment of claims, and shall be commercially practicable.

(d) The UPS shall provide for the prompt notification of a claimant by a payer that a claim has been received, and that the information necessary to process the claim is either complete or incomplete.

(1) In the event that the claim is incomplete, then the notification shall include any and all remaining information necessary to the payment of the claim. The information shall, in turn, be provided on a supplementary claim form which shall bear its date of submission, which shall not be later than 30 days after the original notification of the receipt of the claim. Payment shall be issued by the payer not later than 45 days following the receipt of the supplementary claim form.

(2) In the event that all claim information is complete, then payment shall be issued within 45 days.

(3) The planning group prescribed in subsection (b) may develop the specific details of this notification process, including any appeals and further allowances for defective claim information.

(e) The UPS shall be developed in a state suitable for implementation and reported to the clerks of the house and senate and to the governor not later than 18 months following the effective date of this section. Following the report, the General Court shall have 90 days to make recommendations to the commissioner, or take legislative action to delay implementation of said UPS.

(f) The UPS shall be developed in conformity with all applicable federal laws and regulations including but not limited to the Health Insurance Portability and Accountability Act of 1996.

(g) The commissioner shall maintain the planning group for the purposes of monitoring the implementation of the UPS developed herein making recommendations to the commissioner for any necessary changes to enhance or maintain the effectiveness of the UPS, and to assist in the issuance of reports relative to the UPS prescribed by subsection (h).

(h) The commissioner shall, for the 3 year period commencing upon the implementation of the UPS, issue quarterly reports relative to the operating effectiveness of the UPS, which shall include, but not be limited to the following:

(1) The costs of implementation and operation of the system, both to the private and public sectors.

(2) Problems or difficulties encountered in implementing or operating the system.

(3) Public comment received relative to the system, either in actual or summary format.

(4) Average time periods for the making and payment of claims under the UPS.

(5) Any legislative recommendations.

The reports shall be delivered to the clerks of the house and senate and the governor.

(i) Any insurer licensed by the division of insurance, or any health care provider practicing in the commonwealth may, in a written form approved and promulgated by the commissioner, petition for a change in the UPS, which shall be considered in a timely fashion by the commissioner.

(j) The commissioner shall conduct a public hearing to receive public comment, in person and in writing, within 90 days of receiving the petition, and shall issue a ruling on the proposed change within 30 days of the conclusion of the hearing. The commissioner, within his or her discretion, may consolidate the hearings for the purpose of promoting efficiency. Any changes so approved shall be implemented in the next semi-annual modification period following the ruling.

(k) The commissioner shall establish 2 semi-annual modification dates whereby any changes to the UPS shall be implemented. The commissioner may develop regulations to ensure that adequate notice is given of any changes, and that prompt compliance is accomplished with regard to the changes."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 8 —nays 30) **[Yeas and Nays No. 355]**:

YEAS.

Baddour, Steven A.	Sprague, Jo Ann
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tucker, Susan C.— **8.**

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Barrios, Jarrett T.	Menard, Joan M.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	Murray, Therese
Creem, Cynthia Stone	Nuciforo, Andrea F., Jr.
Fargo, Susan C.	O'Leary, Robert A.
Glodis, Guy W.	Pacheco, Marc R.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Resor, Pamela
Jacques, Cheryl A.	Rosenberg, Stanley C.
Joyce, Brian A.	Tolman, Steven A.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — **30.**

ABSENT OR NOT VOTING.

Shannon, Charles E.— **1.**

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

Mr. Tarr moved to amend the bill by inserting after section 83, the following section:—

"SECTION 83A. The secretary of administration and finance, the secretary of health and human services, the chancellor of the board of higher education and the office of consumer affairs and business regulation shall study and evaluate the current and future availability of medical service professionals in the commonwealth in comparison to the relevant demand for said professionals presently and for the next 10 years. In completing the study, a commission shall be appointed by the governor which shall include the chief executive of those agencies named above or their designee, a representative of the Massachusetts Hospital Association, a representative of the Massachusetts Nurses Association, a member representing commercial insurers in the commonwealth, a member of the Massachusetts Association of Health Maintenance Organizations, a member representing teaching hospitals in Massachusetts, 2 members representing private institutions of higher learning involving the medical professions in Massachusetts, a member representing the University of Massachusetts Medical School, a member representing

the Massachusetts College of Pharmacy, the commissioner of the department of employment and training or his designee, 3 representatives of community colleges in the commonwealth representing diverse geographic locations in the commonwealth, 2 representatives of state colleges representing diverse geographic locations in the commonwealth, and a representative of the American Red Cross.

The study shall include, but not be limited to, the availability of medical service professionals, as described above, strategies for recruitment and retention of such professionals, and the employment of incentives such as reduced tuition or tuition forgiveness. The results of said study, together with any and all legislative recommendations and cost estimates, shall be submitted to the clerks of the senate and the house of representatives and the house and senate committees on ways and means no later than 10 months following the effective date of this act."
The amendment was *rejected.*

Mr. Havern moved to amend the bill by inserting after section 38 the following new section:—

"SECTION 38A. The first paragraph of section 1A of chapter 151 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following sentence:— In any workweek in which an employee of a retail business is employed on a Sunday or certain holidays at a rate of 1½ times the regular rate at which he or she is employed as provided in chapter 136, the hours worked on Sunday and on certain holidays shall be excluded from the calculation of overtime pay as required by this section, unless a collectively bargained labor agreement provides otherwise. Nothing in this section shall be construed to limit an employee's right to time and one-half the employee's regular rate of pay on Sundays or certain holidays, or the voluntariness of Sunday or certain holiday work, pursuant to said chapter 136."
The amendment was adopted.

Mr. Havern moved to amend the bill by inserting after section 83 the following section:—

"SECTION 82A. No corporation, partnership, company or business entity shall benefit from this act if they have exported jobs from the United States to a foreign country. No corporation, partnership, company or business entity shall benefit from this act if they have outsourced any service or function to a foreign country that has directly or indirectly resulted in a loss or elimination of jobs in the United States. No sale of tax credits under this act shall be allowed to any entity that has engaged in the such exportation or outsourcing. Mergers of fact or interest shall be considered as stated above. In order to benefit under this act no cooperation, partnership, company or business entity shall certify to Massachusetts department of revenue under pains and penalty of perjury that they have not engaged in activities described above."
The amendment was *rejected.*

Mr. Baddour moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, the comptroller shall transfer, effective no later than 10 days after the effective date of this act, to the department of education's budget item 7035-0002, the amount of $5,000,000. The amount so transferred shall supplement and not replace any state appropriations under said line item. The amount so transferred shall be for the expenditure of adult basic education programs under the federal Workforce Investment Act, Title II and state appropriations under item 7035-0002 for grants to provide and strengthen adult basic education services, including reading, writing, mathematics, pre-GED, GED and ESOL, to a diverse network of organizations which have demonstrated commitment and effectiveness in the provision of such services especially to low-skilled adults, and that are selected competitively by the department of education. Such grants shall support the successful transition of students from other adult basic education programs to community college certificate and degree granting programs or enable students to improve their skills sufficiently to enroll in job training programs; provided further, that such grants shall be contingent upon satisfactory levels of performance as defined and determined by said department. In no case shall grants be considered an entitlement to a grant recipient. The department shall consult with the community colleges and other service providers in establishing and implementing content, performance and professional standards for adult basic education programs and services. Not more than 7.5 per cent of the funds appropriated herein may be expended for non-grant purposes."
The amendment was *rejected.*

Messrs. Nuciforo and Brewer moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, $250,000 shall be made available from the Economic Stimulus Fund to the Massachusetts department of agricultural resources to provide funding for the 5 Massachusetts locally grown campaigns. The commissioner of the department shall distribute not more than $50,000 to each of Berkshire Grown, Buy Fresh, SouthEastern Massachusetts Agricultural Partnership, Central Massachusetts Fresh Farm Products, and Community Involved in Sustaining Agriculture, for the purpose of supporting locally grown agricultural products and food."
After remarks, the amendment was *rejected.*

Senator Lees moved to amend the bill, in section 6, by adding the following 3 paragraphs:—

“Section 35Z. (a) There shall be established upon the books of the commonwealth a separate trust fund to be known as the Career Development Loan Trust Fund to be expended, without prior appropriation, by the department of workforce development. The fund shall consist of 100 per cent of the surcharge revenue collected in accordance with subsection (b). The surcharges shall be in addition to any existing fees collected for obtaining and renewing a license, certificate, registration, permit or authority to operate a private proprietary school in the commonwealth as determined by the secretary of administration and finance. There shall be credited to such fund all revenues received by the commonwealth from surcharges imposed under subsection (b); from appropriations; from gifts, grants, contributions and bequests of funds from any department, agency or subdivision of federal, state or municipal government, and any individual foundation, corporation, association or public authority; from revenue derived from the investment of amounts credited to the fund; and from any federal funds made available for the purposes in section 25 of chapter 23.

(b) There shall be a surcharge on all fees assessed by the department of education for the licensure, registration or certification of all private proprietary schools in the commonwealth, and on fees assessed for the renewal or duplication of such licenses, registrations or certifications, in accordance with this section and 603 CMR 3.00. The amount of the surcharge shall be set by the secretary of administration and finance in consultation with the commissioner of education. The surcharge shall be collected for each original application and upon each renewal of a license, registration, permit or certification of a private proprietary school. These surcharges shall be collected by the department of education and transmitted to the treasurer for deposit into the trust account.

(c) Amounts credited to the Career Development Loan Trust Fund shall be available for expenditure by the director of workforce development without further appropriation for the administration and operation of the 1oan fund established pursuant to section 25 of chapter 23. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund. The director shall report annually to the general court its planned expenditures for the next fiscal year; the uses to which the fund was used in the last fiscal year and the balance remaining in the fund; and the aggregate surcharges collected in the last fiscal year. The report shall also include a request, if necessary, for appropriation for deposit in the fund.”; and

By inserting after section 8 the following section:—

“SECTION 8A. Chapter 23 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following section:—

Section 25. (a) The department of workforce development shall establish a loan program to provide loans to individuals for training and retraining of no more than 2 years in total length.

(b) Loans may be provided to applicants for expenses and for tuition for public and private training programs licensed by the department of education or otherwise approved by the department of workforce development.

(c) Loans under this program shall only be made for programs that result in an associate’s degree or a recognized certificate or credential in an identified growth or labor demand industry or occupation.

(d) Priority for loans under this program shall first be given to unemployed individuals and then to underemployed individuals.

(e) The department shall make all possible efforts to minimize costs, interest rates, and fees, charged to borrowers. Repayment terms shall be designed to minimize default and to recognize the financial circumstances and needs of borrowers.

(f) The program shall be administered by the department of workforce development, and application intake and coordination shall be through the commonwealth’s one-stop career centers. The one-stop career centers shall provide the following services in connection with the program:

(1) assistance with program promotion;

(2) applicant assistance including an upfront process for financial pre-qualification screening with the program lender;

(3) mandatory pre-application career counseling to assist with industry, occupation and training program selection;

(4) case management and follow up performance tracking of participants.

(g) participants approved for loans under this program shall agree to participate in performance evaluation of the program through the Massachusetts one-stop employment system and wage record matching.

(h) The department shall consult with the business community to develop the list of training programs and providers and to recruit business sponsors for the program.

(i) This program shall be implemented in cooperation with the Massachusetts Educational Financing Authority and other lenders both public and private at the discretion of the director. Funds appropriated for this program may be used for direct loans and as loan loss guarantee money for public and private lenders in order to leverage additional loan funding both public and private for the program. The Massachusetts Educational Financing Authority may provide direct loans upon guarantee consistent with its mandate and act as an application and loan servicing agent for program loan funds provided to the program from other sources in order to fund loans for training providers and programs outside is mandate.

(j) Funds appropriated or received for this program shall be deposited into an expendable trust account for the purposes of this program and may be expended, without further appropriation, under the direction of the director of workforce development. The trust may solicit and accept funds in the form of gifts, grants, and bequests both public and private to further the goals of the program. Net proceeds from the program shall be credited to the trust."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past four o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 32) **[Yeas and Nays No. 356]**:

YEAS.

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

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne **— 32.**

ABSENT OR NOT VOTING.

O'Leary, Robert A. **— 1.**

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

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

"SECTION 25A. Said chapter 63, is hereby amended by inserting after section 38Q the following section:—

Section 38R. A credit shall be allowed against income tax due under this chapter for those persons or entities engaged in manufacturing in the commonwealth. The amount of the credit shall be equal to not more than 50 per cent of the total amount of new employees' salaries added during any given calendar year. The amount of the credit pursuant to this section shall not exceed

40 per cent of the excise taxes imposed by this chapter. The new employees shall have been hired on or after January 1, 2003. The commissioner of revenue may issue such rulings or regulations as are necessary to implement this section. Credits pursuant to this subsection shall be available in tax years ending on or after December 31, 2003."
The amendment was *rejected*.

Ms. Walsh, Mr. Barrios, Ms. Jacques, Mrs. Sprague and Mr. Hart moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. (a) The general court finds that: (1) in today's economy, employers face a shortage of skilled labor; Whereas, lower-wage workers do not earn enough to support their families; (2) lack of an adequately prepared workforce can cause employers to turn to workers outside of the commonwealth; (3) a skilled labor shortage can have an impact on the economic strength of the commonwealth; (4) the poverty guidelines as measured by the federal government do not adequately reflect the costs of living in Massachusetts; (5) therefore, it shall be the responsibility of the commonwealth to define a self-sufficiency standard in order to provide a measure of the extent to which the incomes of households in Massachusetts are sufficient to support the costs of living, working, raising a family, and paying taxes in Massachusetts.

(b) Not later than June 30, 2004, the Commonwealth Corporation, known in this section as the Corporation, shall develop a self-sufficiency standard for the commonwealth, known in this section as the standard. As used in this section, the term 'self-sufficiency standard,' shall mean the amount of income needed by a family or household to provide for adequate housing, food, child care, health care, transportation and employment-related expenses, and to pay taxes. The Corporation may enter into a contract through the competitive procurement process for the development of such standard.

(c) Such standard shall take into account the family size and age of children, and shall take into account regional variations in the costs of housing and child care, the differential inflation rates that affect the growth of these costs, and the effect of existing tax laws, including state sales tax, payroll taxes, federal and state income tax, child care tax credits and the earned income tax credit. In developing the standard, the Corporation shall rely, to the extent possible, on data reported by the United States Census Bureau, United States Department of Housing and Urban Development and on other data reported to state and federal agencies using standardized methodology and shall consult with state departments or agencies that serve low-income populations. Housing costs will be determined using fair market rents for apartments as reported by the United States Department of Housing and Urban Development. Child care costs will be determined using average costs for licensed child care facilities, including, but not limited to, family day care, as reported to the commonwealth's child care resource and referral agencies for children of different ages in different areas of the state. The president of the Commonwealth Corporation shall establish an advisory board to advise the Corporation on all matters relating to the development of a self-sufficiency standard and future revisions to it. The advisory board shall be composed of 25 members, each of whom shall serve a term of 2 years. The following shall be members of the board: the secretary of administration and finance or his designee, the director of labor and workforce development or his designee; the secretary of health and human services or his designee; the commissioner of the department of revenue or his designee; the director of housing and community development or her designee; 4 members of the senate, 3 of whom shall be appointed by the president of the senate and 1 by the senate minority leader; 4 members of the house of representatives, 3 of whom shall be appointed by the speaker and 1 by the house minority leader; the chairman of the board of higher education or his designee; 1 faculty member of a Massachusetts university or college with research expertise in the areas of demographics, living costs and labor markets to be selected by the Commonwealth Corporation; and representatives of the following 10 organizations to be nominated by their respective organizations and selected by the Commonwealth Corporation: the Massachusetts Family Economic Self-Sufficiency Project; the Massachusetts AFL-CIO; the Associated Industries of Massachusetts; the Massachusetts Association of Community Colleges; the Massachusetts Taxpayers Foundation; the Massachusetts Workforce Boards Association; the Massachusetts Community Action Program Directors' Association; the Women's Industrial and Educational Union; the Citizens' Housing and Planning Association; and the Massachusetts Association of Day Care Agencies. Members of the advisory board shall serve without compensation.

(d) Not later than June 30, 2004, the Commonwealth Corporation shall report the self-sufficiency standard, including the methodology used to arrive at the standard to the clerks of the house of representatives and senate, the house and senate committees on ways and means and the joint committee on commerce and labor. The standard shall be distributed to each of the state executive offices and state agencies that counsel individuals who are seeking education, training or employment, including, but not limited to, the executive office of health and human services, the department of labor and workforce development, the department of transitional assistance, the department of public health, the department of social services, the Massachusetts rehabilitation commission, the department of housing and community development, the department of economic development, the Massachusetts office of business development, the office of child care services, the board of higher education, all workforce investment boards and One Stop Career Centers. The standard shall be made available to educational

institutions, nonprofit organizations, and the general public upon request. The standard shall also be made available on any internet site established and maintained by the Commonwealth Corporation. Such state agencies and other entities may use the updated standard to assist and guide individuals who are seeking education, training or employment in establishing personal financial goals and estimating the amount of income such individuals may need to support their families.

(e) The standard shall be updated and issued every other year by the Commonwealth Corporation and shall be reported on June 30 in the second year of each sitting of the general court, with the next update on June 30, 2006.

(f) The standard shall not be used to increase the amount of entitlement benefits provided by the commonwealth, unless enacted by the legislature and subject to appropriation, and said standard shall not give rise to enforceable legal rights in any party to services or entitlements or an enforceable entitlement to services or benefits not currently provided."

After debate the amendment was adopted.

Ms. Wilkerson moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, not more than 10 days after the effective date of this act, the state treasurer shall make available $2,000,000 to the Massachusetts Community Development Finance Corporation for the purpose of capitalizing the Urban Initiative Fund, created pursuant to section 137 of chapter 133 of the acts of 1992."
The amendment was *rejected.*

Ms. Wilkerson moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. (a) Notwithstanding any general or special law to the contrary, within 10 days of the effective date of this act, the state treasurer acting on behalf of the commonwealth shall enter into an agreement with the Massachusetts Community Development Finance Corporation, hereinafter 'the corporation', reassuring that the commonwealth shall purchase shares of the corporation in the amount of $1,000,000 per fiscal year of the commonwealth for a period of 2 such years. In return for the investment the commonwealth shall receive 100,000 shares, designated Class A shares, of stock in the corporation per year upon each purchase for a total of 200,000 Class A shares by the end of the second year. The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the corporation requiring that the commonwealth shall purchase shares of the corporation in the amount of $1,000,000 per fiscal year of the commonwealth for a period of 2 years; in return for the investment the commonwealth shall receive 200,000 shares, designated Class B shares, of stock in the corporation per year upon each purchase for a total of 400,000 Class B shares by the end of the second year. These shares, together with the shares purchased by the state treasurer pursuant to section 4 of chapter 40F of the General Laws, shall constitute the entire issues of stock of the corporation.

(b) The stock purchase agreements shall provide for purchase of stock at a time during each year and upon terms and under conditions as the corporation may stipulate. The corporation may pledge the agreements and the rights of the corporation to receive amounts thereunder as security for the payment of debt obligations issued by the corporation. Each agreement shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the corporation and of the holders of any debt obligations of the corporation which may be secured by a pledge of the agreement or of amounts to be received by the corporation under the agreement.

(c) Amounts received by the corporation under the stock purchase agreement relating to Class A shares of stock may be used: (1) to purchase capital participation instruments from community development corporations in return for an investment in specific projects as described in section 4 of chapter 40F of the General Laws; (2) as security for the payment of debt obligations issued by the corporation to finance the purchase of capital participation instruments as aforesaid; (3) to pay the normal business expenses of the corporation; or (4) for any combination of the foregoing.

(d) Amounts received by the corporation under the stock purchase agreement relating to Class B shares of stock may be used (1) to provide financial assistance, loan instruments and guaranties for performance bonds to minority-owned or women-owned businesses, including contractors, notwithstanding the conditions described in section 4 of chapter 40F of the General Laws, except that the CDFC shall find (i) that the project plans conform to all applicable environmental, zoning, building, planning or sanitation laws, (ii) that there is a reasonable expectation that the project will be successful, and (iii) that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project, (2) as security for the payment of debt obligations issued by the corporation to finance the purchase of capital participation

instruments as aforesaid, (3) to pay the normal business expenses of the corporation, or (4) for any combination of the foregoing."

The amendment was *rejected*.

Ms. Wilkerson moved to amend the bill by inserting after section 64 the following 2 sections:—

"SECTION 64A. Chapter 133 of the acts of 1992 is hereby amended by striking out section 137 and inserting in place thereof the following section:—

Section 137. Notwithstanding any general or special law, rule or regulation to the contrary, there shall be established an Urban Initiative Fund, a loan program for inner-city neighborhoods, for the purpose of business development, employment creation and employment preservation; provided, that loans shall be made to non-profit organizations and profit-motivated businesses located in targeted communities; provided further, that said organizations and businesses must be owned and controlled by minority group members; provided further, that notwithstanding sections 4, 4A, and 5 of chapter 40F of the General Laws to the contrary, the Massachusetts Community Development Finance Corporation shall administer the Urban Initative Fund for the purposes of the loan program; provided further, that interest income received from loans issued pursuant to the Urban Initiative Fund program shall be applied to the administrative costs of the Massachusetts Community Development Finance Corporation; and provided further, that all expenditures made pursuant to the program shall be reviewed as part of the state auditor's annual field audit of the Massachusetts Community Development Finance Corporation, pursuant to section 7A of chapter 324 of the acts of 1987.

SECTION 64B. Chapter 19 of the acts of 1993 is hereby amended by striking out section 31."; and by inserting after section 82 the following section:—

"SECTION 82A. All assets of the Urban Initiative Fund on the effective date of this act shall be transferred to the sole control of the Massachusetts Community Development Finance Corporation; provided, that said transfer shall take effect upon the effective date of this act; provided further, that all loans issued pursuant to the Urban Initiative Fund loan program and outstanding as of the effective date of this act shall remain in full force and effect and shall be administered by the Massachusetts Community Development Finance Corporation; provided further, that 5 per cent of any cash assets of the Urban Initiative Fund transferred to the sole control of the corporation pursuant to this section shall fund loans to newly-organized and start-up, profit-motivated businesses, and to existing businesses that do not generate more than $500,000 in yearly gross receipts, for the purposes of education, job training, business development, health care, day care, youth activities, violence and crime prevention, and housing; provided further, that the businesses shall be located in targeted communities and shall be owned and controlled by minority group members; provided further, that all funds received by the Massachusetts Community Development Finance Corporation as payments of principal on said outstanding loans shall be considered funds available for loans to newly-organized and start-up, profit-motivated businesses, and to existing businesses that do not generate more than $500,000 in yearly gross receipts, for the purposes of education, job training, business development, health care, day care, youth activities, violence and crime prevention, and housing; provided further, that businesses shall be located in targeted communities and shall be owned and controlled by minority group members; provided further, that all funds received by the Massachusetts Community Development Finance Corporation as interest payments on said outstanding loans shall be applied to the administrative costs of said corporation; and provided further, that any other assets of the Urban Initiative Fund transferred to the sole control of the Massachusetts Community Development Finance Corporation pursuant to this section shall be loaned pursuant to section 137 of chapter 133 of the acts of 1992."

The amendment was *rejected*.

Mr. Tolman moved to amend the bill by inserting after section 38 the following section:—

"SECTION 38A. Subsection (c) of section 7 of chapter 150E of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following sentence:— If the governor recommends such a request, but the general court does not enact the requested appropriation within 90 days after the governor's request, any retroactive increase in compensation shall bear interest from that ninetieth day at the late penalty interest rate computed under clause (b) of section 29C of chapter 29, subject to appropriation."; and by adding the following section:—

"SECTION 88. Section 38A shall apply only to collective bargaining agreements entered into after the effective date of this act."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 357]**:

YEAS.

Antonioni, Robert A.	Knapik, Michael R.
Baddour, Steven A.	Lees, Brian P.
Barrios, Jarrett T.	Magnani, David P.

Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Melconian, Linda J.
Chandler, Harriette L.	Menard, Joan M.
Creedon, Robert S., Jr.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	Morrissey, Michael W.
Glodis, Guy W.	Murray, Therese
Hart, John A., Jr.	Nuciforo, Andrea F., Jr.
Havern, Robert A.	Pacheco, Marc R.
Hedlund, Robert L.	Panagiotakos, Steven C.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Rosenberg, Stanley C.
Shannon, Charles E.	Tolman, Steven A.
Sprague, Jo Ann	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne **— 38.**

NAYS — 0.

ABSENT OR NOT VOTING.

O'Leary, Robert A. **— 1.**

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

Mr. Lees moved reconsideration of this vote; and, after debate, the question on reconsideration of the vote by which the Senate had adopted the amendment was determined by a call of the yeas and nays at nine minutes before five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 — nays 32) **[Yeas and Nays No. 358]**:

YEAS.

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

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Chandler, Harriette L.	Murray, Therese
Creedon, Robert S., Jr.	Nuciforo, Andrea F., Jr.
Creem, Cynthia Stone	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Shannon, Charles E.
Jacques, Cheryl A.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Magnani, David P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne **— 32.**

ABSENT OR NOT VOTING.

O'Leary, Robert A. **— 1.**

Ms. Walsh in the Chair, the yeas and nays having been completed at four minutes before five o'clock P.M., the motion to reconsider was *negatived.*

Mr. Morrissey moved to amend the House bill in section 3, by adding the following paragraph:—

"(i) Any employee who performs information technology functions that are transferred to a different department or agency under this section shall also be transferred to that department or agency and shall retain all civil service and seniority rights as the employee possessed before the transfer."
After debate, the amendment was adopted.

Mr. Lees moved to amend the bill in section 3, by inserting after the words "report with the governor, the speaker of the house, the president of the senate," the following words:— "the minority leader of the house, the minority leader of the senate".
After remarks, the amendment was adopted.

Mr. Lees moved to amend the bill in section 6, by adding the following subsection:—

"(g) The director shall make no grant under this section to any person or entity from the Fund, nor shall any technical assistance be provided by the department out of the proceeds of the Fund, to any person or entity unless the person or entity applies for and receives a certificate of tax in good standing with the department of revenue with respect to all tax types for which it should be registered and for which it is obligated to file reports or returns. A certified copy of the certificate shall be presented to the director before the issuance of any grant under this section or before the department's providing any technical assistance to the person or entity."
After debate, the amendment was adopted.

Mr. Hart moved to amend the bill in section 6 by adding the following subsection to the proposed section 35 of chapter 10 of the General Laws:—

"(g) There is hereby established a board to be known as the Workforce Training Fund Advisory Board of consisting of 9 members, who are citizens of the commonwealth, to be appointed by the governor. Three members shall be persons representing businesses or employers; 3 shall be persons representing employees or employee or labor organizations, 2 of whom shall be selected from a list of 5 recommended by the President of the Massachusetts AFL-CIO; and 3 shall be persons representative of the public, 2 of whom shall be have expertise or experience in workforce training and 1 of whom shall represent a non-profit workforce training provider. The governor shall designate as chairman of the advisory board 1 of the members appointed as representative of the public. Members shall serve for a term of 6 years. Of the members originally appointed, 1 employer representative and 1 employee representative shall serve for a term of 4 years, and 1 employer representative and 1 employee representative shall serve for a term of 6 years; and thereafter, as their terms expire, the governor shall appoint members for terms of 6 years. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term. All members shall serve until the qualification of their respective successors. Members shall serve without compensation. The advisory board shall advise the director of the department of workforce development on the administration of the workforce training fund grant program, including but not limited to reviewing and making recommendations on grant requirements and selection criteria and reviewing grant applications and making recommendations about grant awards. The advisory board shall, from time to time, submit recommendations to the legislature on any legislative changes it deems necessary for the successful operation of the program."
After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill by inserting after section 55 the following 3 sections:—

"SECTION 55A. Item 6033-9015 of section 2 of chapter 246 of the acts of 2002 is hereby amended by striking out the words 'For the Mystic Valley development commission to be allocated for engineering and construction costs', in lines 1 and 2, and inserting in place thereof the following words:— For the Mystic Valley development commission to pay for and reimburse the costs of the acquisition of parcels of land designated as parcels numbered 4-7, 4-8, 4-12 and 4-14 on a plan of land entitled 'Plan of Land in the Cities of Malden, Medford and Everett, MA; Mystic Valley Development Commission; Composite Plan of Property Acquisitions in a Portion of Land in the Telecom City Project; Fay, Spofford & Thorndike, LLC; May 1, 2003' and the relocation of occupants therefrom.

SECTION 55B. Item 6033-9015 of said section 2 of said chapter 246 is hereby further amended by adding the following words:— provided, however, that said payment and reimbursement shall not diminish the portion of the bond cap available to the department of highways in any year in which payment and reimbursement is made.

SECTION 55C. The definition of ‘project’ in subsection (a) of section 11 of chapter 294 of the acts of 1996 is hereby amended by inserting after the word ‘park’, in line 2, the following words:— and residential housing.”
The amendment was adopted.

Mr. Nuciforo moved to amend the bill by striking out section 10 and inserting in place thereof the following section:—

“SECTION 10. Chapter 23G of the General Laws is hereby amended by striking out sections 27 and 28, as appearing in the 2002 Official Edition, and inserting in place thereof the following 2 sections:—

Section 27. (a) There is hereby established and placed within the agency the Emerging Technology Fund, referred to in this section as the Fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, such additional funds as are subject to the direction and control of the Agency, any pension funds, federal grants or loans or private investment capital which may properly be applied in furtherance of the objectives of the Fund, any proceeds from the sale of qualified investments secured or held by the Fund, any fees and charges imposed relative to the making of qualified investments, as the same shall be defined by the advisory committee created pursuant to section 28 and pursuant to rules approved by the Agency for the Fund, secured or held by the Fund, and any other monies which may be available to the Agency for the purposes of the Fund from any other source or sources. The Agency shall hold the Fund in an account or accounts separate from other funds or accounts.

(b) The Agency shall invest and reinvest the Fund and the income thereof, except as hereinafter provided, only as follows:

(1) in the making of qualified investments, pursuant to rules approved by the Agency;

(2) in defraying the ordinary and necessary expenses of administration and operation associated with the Fund;

(3) in the investment of any funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth;

(4) for the payment of binding obligations associated with such qualified investments which are secured by the Fund as the same become payable; and

(5) for the payment of principal or interest on qualified investments secured by the Fund or the payment of any redemption premium required to be paid when such qualified investments are redeemed before maturity; but, monies in the Fund shall not be withdrawn at any time in such an amount as would reduce the amount of the Fund to less than the minimum requirement thereof established by the Agency, except for the purpose of paying binding obligations associated with qualified investments which are secured by the Fund as the same become payable.

(c) The Fund shall be held and applied by the Agency to make qualified investments designed to stimulate increased financing for public economic development interests by leveraging private financing for highly, productive state-of-the-art facilities, which will lead to increased and more rewarding employment opportunities for the citizens hereof by providing financing related thereto including, without limitation, financing of the construction or expansion of the facilities, including specialized real estate improvements and specialized equipment therefore. Public economic development interests to be advanced through the Agency’s actions shall include employment opportunities in biomedical technology, information technology, life sciences technology, wireless technology, energy technology including hydrogen technology, fuel cell technology, energy storage technology, as well as renewable energy technologies such as wind, solar and bio-mass technologies. In furtherance of these purposes and interests, the Agency may expend monies from the fund to make grants, contracts, loans, and equity investments, under such terms and conditions and pursuant to such selection procedures as the Agency deems appropriate and otherwise in a manner consistent with good business practices. The Agency shall endeavor to leverage the full range of the resources, expertise, and participation of other state and federal agencies and instrumentalities in the design and implementation of programs, provided such actions are calculated by the Agency to advance the public interests set forth in this section, including, but not limited to: (i), the creation of employment opportunities in the Commonwealth (ii) the growth of the emerging technology sector; (iii) product and market development and (iv) pilot and demonstration projects.

The agency shall make no such qualified investment unless the agency finds that, to the extent possible, said qualified investment is such that a definite benefit to the economy of the commonwealth may reasonably be expected therefrom. In addition, the agency shall make no such qualified investment unless such qualified investment is in conformity with rules approved by the agency.

The rules and regulations shall also set the terms and conditions for investments which are to constitute qualified investments, which may include, without limitation, loans, guarantees, loan insurance or reinsurance, equity investments or other financing or credit enhancing devices, as made by the agency directly, on its own behalf, in conjunction with other public instrumentalities, private institutions, or the federal government. The rules and regulations shall provide that each such qualified investment made pursuant to subsection (c) shall involve a transaction with the participation of at least two at-risk private parties and that the qualified investment provided in any particular instance provides no more than 25 per cent of the overall financing of the new manufacturing, research and development or related facility referred to therein.

These rules shall, in addition, set forth the terms, procedures, standards and conditions which the Agency shall employ to identify qualified applications, process applications, make investment determinations, safeguard the Fund, advance the objective of increasing employment opportunities for the citizens of the commonwealth, oversee the progress of qualified investments, and secure the participation of other public instrumentalities, private institutions, or the federal government in such qualified investments; provided, however, that the rules shall provide that each recipient of a qualified investment shall be required to pay a fee as a condition of such receipt, which may take the form of points, an interest rate premium or a contribution of warrants or other form of equity or consideration to the Fund as prescribed by the advisory committee; and provided, further, that the rules shall provide for negotiated agreements between the Agency and each recipient of a qualified investment regarding the terms and conditions by which the Fund's support thereof could be reduced or withdrawn.

(d) The Agency may solicit investments by private institutions or investors in the activities of the Fund and may reach agreements with such private institutions or investors regarding the terms of any such investments including, without limitation, the rights of such investors to participate in the income or appropriation of the Fund. In furtherance of the objective of securing investments by private institutions or investors in the activities of the Fund as set forth in the preceding sentence, the Agency may develop a proposal relative to the creation of a separate investment entity which would allow for the commingling of the resources of the Fund with the maximum participation by the private institutions or investors in a manner which is consistent with the public purpose of the Fund and under terms and conditions calculated to protect and preserve the assets of the Fund; but, if the creation or operation of such a separate entity as proposed by the Agency would require additional or clarifying amendments to the enabling act of the Agency, the proposal shall include proposed statutory language with regard thereto.

(e) Copies of the approved rules, and any modifications thereto, shall be submitted to the chairpersons of the house and senate committees on ways and means and the clerks of the house of representatives and senate.

(f) Qualified investment transactions undertaken by the Agency pursuant to the provisions of this section shall not, except as specified in this chapter, be subject to the provisions of chapter 175, or any successor thereto, and shall be payable solely from the Emerging Technology Fund established by this section and shall not constitute a debt or pledge of the faith and credit of the commonwealth, the Agency or of any subdivision of the commonwealth.

(g) The Agency shall not at any time make expenditure from or commitment of the assets of the Fund, including, without limitation, the making of qualified investments secured by the Fund, if following the making of said qualified investment, the amount of the Fund shall be less than the minimum requirement established by law, unless the Agency, at the time of making of such qualified investment, deposits in the Fund from the proceeds thereof or from any fees and charges imposed relative to the making of qualified investments, or otherwise, an amount which, together with the amount in the Fund, shall not be less than the minimum requirement; but, at no time shall the minimum requirement of the Fund be less than the maximum amount of principal and interest becoming due in the current and succeeding fiscal year of the Agency on all outstanding bonds and other obligations which are secured by the Fund or such greater amount as may be set forth in the rules governing the Fund.

(h) In order to assure that the economic development benefits of the fund are distributed throughout the commonwealth, the Agency shall apportion funds equally between five geographic regions of the state, the Central area, the Greater Boston area, the North East area, the South East area and the Western area in proportion to each region's percentage of the total state population. The Central area shall be defined as Northern Worcester Service Delivery Area and Southern Worcester Service Delivery Area as authorized under 20 C.F.R. section 661.280. The Greater Boston area shall be defined as the Boston Service Delivery Area, the Metropolitan North Service Delivery Area and the Metropolitan South/West Service Delivery Area as authorized under 20 C.F.R. section 661.280. North East Area shall be defined as Lower Merrimack Valley Service Delivery Area, Northern Middlesex Service Delivery Area and Southern Essex Service Delivery Area as authorized under 20 C.F.R. section 661.280. The South East area shall be defined as Bristol Service Delivery Area, Brockton Service Delivery Area, Cape and Islands Service Delivery Area, New Bedford Service Delivery Area and South Coastal Service Delivery Area as authorized under 20 CFR section 661.280. The Western area shall be defined as

Berkshire Service Delivery Area, Franklin/Hampshire Service Delivery Area and Hampden Service Delivery Area as authorized under 20 CFR section 661.280.

(i) In order to nurture small and medium size businesses throughout the commonwealth, and to enable them to employ state of the art technology, a portion of the Fund shall be allocated to the economic stabilization trust established by section 8 of chapter 23D of the General Laws. Commencing on January 1, 2005, the secretary of economic development shall report annually to the house and senate committees on ways and means, the house and senate committees on science and technology, and the joint committee on commerce and labor on the following: (i) the number of businesses which have applied for and received financing through the trust and the associated amount of the financing including, but not limited to, the number of working capital loans made to manufacturers from said fund; (ii) the amount and nature of any management assistance that has been made to companies utilizing revenues from the Fund; (iii) the number of loans, lines of credit and guaranties that have been provided to companies from said fund including, but not limited to, (1) working capital, term loans for trade payables and receivables (2) lines of credit for inventory, (3) bank guaranties on lines of credit, (4) term financing, (5) assistance in employee stock ownership plan funding, and (6) direct loans to provide working capital; (iv) a detailed description of the administrative costs charged to the Fund; (v) an analysis of the businesses receiving financing based on the goals of the financing packages and the return on investment in each case; (vi) the amount of funding leveraged from private sources prior to, and after receiving financing from the Fund, a forecast of future payments based on current binding obligations and the number and nature of potential new job opportunities in the commonwealth that have been supported through the various forms of financial assistance disbursed from the Fund to companies.

Section 28. (a) There is hereby created an advisory committee relative to the Fund consisting of the director of business and technology who shall serve as chairperson, and 6 other persons, 3 to be appointed by the governor and 3 to be appointed by the board of the agency; provided, however, that said director of business and technology may designate another person from time to time to act in his or her place for a particular purpose, including the right to attend and vote at a meeting of the advisory committee; provided, further, that at least 2 members of the advisory committee appointed by the governor shall be representatives of an emerging technology industry and at least 1 member of the advisory committee appointed by the governor shall have knowledge of financing of emerging technology companies; and provided, further, that at least 1 member of the advisory committee appointed by the board of the agency shall be a representative of an emerging technology industry, and at least 1 member of the advisory committee appointed by the board of the agency shall have knowledge of financing of emerging technology companies and 1 member of the advisory committee appointed by the board of the Agency shall be a member of the Agency's board of directors. Massachusetts Technology Park corporation shall serve as vice chairperson of the advisory committee.

Each appointed member of the advisory committee shall serve for a term of 3 years and thereafter until such member's successor is appointed; provided, however, that of those initially appointed, 1 of each of the governor's appointees and the board of the agency's appointees shall serve for a term of 1 year, 1 of each of the governor's appointees and the board of the agency's appointees shall serve for a term of 2 years, and one of each the governor's appointees and the board of the agency's appointees shall serve for a term of 3 years. Any person appointed to fill a vacancy on the advisory committee shall be appointed in a like manner and shall be eligible for reappointment. Any member of the advisory committee appointed by the governor may be removed by the governor for cause. Any member of the advisory committee appointed by the board of the agency may be removed by the board of the agency for cause. The advisory committee and the agency are encouraged to award 1 or more contracts with regard to the management of the Fund, which may provide performance-based incentives, with regard to such management.

(b) The members shall adopt by-laws governing the affairs of the advisory committee. Four members of the advisory committee shall constitute a quorum and the affirmative vote of a majority of the members present and eligible to vote at a meeting shall be necessary for any action to be taken by the advisory committee; and, except as set forth in the preceding subsection, no vacancy in the membership of the advisory committee shall impair the right of a quorum to exercise the powers of the advisory committee. The members shall serve without compensation, but each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee may meet as often as the members shall decide: provided, that it shall meet at least once in each calendar quarter and its approval shall be necessary for any expenditure from or commitment of the assets of the Fund or entry into contracts of the type specified in the last sentence of subsection (a) provided, further, that the advisory committee may, by majority vote, elect, in its discretion, to delegate some or all of the approval rights to the board or the staff of the agency; and provided, further, that the delegation may be revoked at any time by majority vote of the advisory committee. The Agency shall manage the qualified investments made from the Fund including, without limitation, the closing, servicing, monitoring, underwriting, and where appropriate, the enforcement of rights with respect thereto and shall provide such staff and supporting assistance as deemed appropriate by the board of directors of the agency to enable the advisory committee to discharge its duties in a manner consistent with its public purpose. Subsections (d), (f) to (i), inclusive, of section 2 and subsection (1) of said section 2 shall apply as well to the members and affairs of the advisory committee created pursuant to this section."

The amendment was *rejected*.

Ms. Resor moved to amend the bill in section 22, by inserting after the word “completeness”, in paragraph (e), the following sentence:— “A finding that the application is complete shall not prevent the municipality from requesting additional information during the course of project review.”; and in said section 22, in paragraph (f), by inserting after the words “public notices” the following 2 sentences:— “Public notices shall appear in a local newspaper and the Environmental Monitor at least twice before the hearing date. At the written request of 10 citizens, an additional public hearing shall be held, if the 120-day time period for review, established under this section, has not been exceeded.”
After remarks, the amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 82 the following section:—

“SECTION 82A. (a) There is hereby established a sustainable business task force of the commonwealth development coordinating council.

(b) The task force shall have the following powers and duties:

(1) to establish a one-stop-shop for Massachusetts businesses and non-profit organizations to help them realize the economic benefits associated with environmentally preferable business activities.

(2) to support business initiatives and investments that provide the following benefits, including:

(i) economic benefits, such as: increased productivity or competitiveness from reduced operating costs or avoided capital costs; increased capacity and revenues; increased employment; and, job retention.

(ii) environmental benefits, such as: recycling and waste reduction; mitigating climate change; promoting environmentally preferable products; reducing the use of mercury and toxics; sustainable design and construction; and, water conservation and quality.

(c) The task force shall prepare a plan and develop an implementation strategy to achieve the objective and goals of the sustainable business initiative. The plan shall identify:

(1.) barriers faced by businesses attempting to establish or expand on sustainable business initiatives;

(2.) strategies, programs, services, tools and resources to address these barriers;

(3.) existing public and private sector programs and other resources; and,

(4.) gaps in the infrastructure that the commonwealth should address.

(d) The plan shall also make recommendations regarding the infrastructure of sustainable business programs, services, tools and resources:

(1.) prioritizing the sustainability issues and focusing the services to have the greatest environmental and economic impact possible;

(2.) the coordination, integration and streamlining of the existing economic development and environmental infrastructure;

(3.) changes to existing infrastructure;

(4.) the establishment of new programs, services, tools and resources;

(5.) the budget required to achieve the objective and goals;

(6.) the appropriate agency to host the program and any staffing additions required.

(e) The plan shall recommend the development, implementation and promotion of the revised infrastructure. Based on the Plan, the infrastructure offered by the sustainable business initiative may include the following:

(1.) technical assistance: information and facilitation;

(2.) financial assistance: Provide access to existing public and private financial support; Provide grants for capital equipment, pilot and demonstration projects, and product testing and development; Provide loans, loan guarantees, and price risk hedging mechanisms; Propose tax incentives to encourage certain types of behavior.

(3.) research and development assistance: provide product development and testing grants and referrals to researchers and research institutions.

(4.) other services, programs, tools and resources that would help achieve the objective and goals of the Sustainable Business Initiative.

(f) Support through this program shall be offered to projects that

(1.) the economic benefits derive directly from the environmental improvement;

(2.) the environmental improvement occurs at the site where the investment is made;

(3.) the economic and environmental benefits are easily identified and measured;

(4.) the benefits are consistent with the goals and objectives of the coordinating council and the priorities shall be established by the task force;

(5.) the project has the potential for replication elsewhere in the state; and,

(6.) the benefits of projects should be realized within two to three years.

(g) The following are not eligible for support through this program:

(1.) end-of-pipe pollution control technologies;

(2.) practices that are designed primarily to achieve compliance with Massachusetts environmental protection laws or regulations;

(3.) technologies employed for energy recovery, incineration of processing of waste for use as a refuse derived fuel;

(4.) clean-up or remediation of contaminated sites; and

(5.) the shifting of waste from one medium to another with no net environmental or associated economic benefit.

(h) The task force shall provide the plan to the governor and the senate and house committees on ways and means within 1 year of the enactment of this section."

After remarks, the amendment was adopted.

Ms. Creem moved to amend the bill by striking out section 33 and inserting in place thereof the following section:—

"SECTION 33. Chapter 112 of the General Laws is hereby amended by inserting after section 12CC the following 2 sections:—

Section 12DD. The general court finds and declares that:

(a) human embryonic stem cell research, and other research in regenerative medicine present a significant chance of yielding fundamental biological knowledge from which may emanate therapies to relieve, on a large scale, human suffering from disease and injury; and

(b) the extraordinary biomedical scientists situated within institutions of higher education, research institutes, hospitals and biotechnology and pharmaceutical companies possess the capability of contributing significantly to the welfare of mankind by performing outstanding research in this field.

Section 12EE. (a) For the purposes of this section and section 12DD, the following words shall have the following meanings unless the context clearly requires otherwise:

'Donated to medicine', human embryonic stem cells, human embryonic germ cells, placental and umbilical cord cells and any human adult stem cells if, in the absence of financial inducement and after fulfillment of the requirements of applicable federal

and state laws concerning informed consent, a person from whose body, the donation originates gives the cells to another under instructions that the recipient shall use such donation in biomedical research or to pursue medical care or treatment.

‘Embryo’, a human conceptus, whether formed by fertilization, somatic cell nuclear transfer or parthenogenesis.

‘Financial inducement’, any valuable consideration, excluding: (i) reimbursement for reasonable costs incurred in connection with a donation; and (ii) reasonable compensation to a donor from whom an oocyte is recovered and to a donor of any other cell recovered by an invasive procedure for the time, burden and risk of such recovery and the preparation for it.

‘Uterus’, a uterus, artificial uterus or fallopian tube.

(b) It shall be the policy of the commonwealth to foster research and therapies in regenerative medicine, including, in particular, that research and clinical applications involving the derivation and use of human embryonic stem cells, human embryonic germ cells, placental and umbilical cord cells and any human adult stem cells donated to medicine, including research and clinical applications involving somatic cell nuclear transplantation, shall be permitted.

(c) No person shall use an human embryo donated to medicine in a scientific research or other kind of experimentation or study without the prior written approval of a duly appointed Institutional Review Board setting forth the approval of the Board for the research, experimentation or study. The written approval shall contain a detailed description of the research, experimentation or study by attachment of a protocol or other writing and shall be maintained as a permanent record by the board or by the hospital or other institution for which the Board acts.

(d) An embryo donated to medicine, pursuant to this section, shall not be transferred to a uterus.

(e) Human procreative cloning is hereby prohibited.

(f) A person who violates subsections (d) or (e) shall be punished by imprisonment in a jail or house of correction for not less than 1 year nor more than 2½ years or by imprisonment in the state prison for not more than 5 years and by the imposition of a fine of up to $25,000.”

After remarks, the amendment was adopted.

Mr. Magnani moved to amend the bill (House, No. 3955), in section 33, by inserting after the proposed paragraph (c) of section 12EE of chapter 112 the following paragraph:—

“(c½) Only embryos created for the original purpose of human reproduction and thereafter abandoned or discarded may be donated to medicine, provided that nothing in this section shall be interpreted to prohibit somatic cell nuclear transplantation for medical research or therapeutic purposes.”

The amendment was *rejected*.

Recess.

The President in the Chair, there being no objection, at eleven minutes past five o’clock P.M., the President declared a recess subject to the call of the Chair; and, at ten minutes past seven o’clock P.M., the Senate reassembled, the President in the Chair.

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunities in the Commonwealth (House, No. 3955, printed as amended), — **was further considered, the main question being on passing it to be engrossed, in concurrence.**

Mr. Magnani moved to amend the bill, in section 62, by adding the following 2 sentences:— “Provided further, that not less than $300,000 shall be expended for the Engineering in Mass Collaborative program. These funds shall be expended by the Engineering in Mass Collaborative for the purposes of directing and managing a process for collaborating with school districts to develop a model plan for encouraging middle school and high school students to prepare for and enter careers in the fields of engineering, science and technology.”
The amendment was adopted.

Messrs. Nuciforo and Panagiotakos moved to amend the bill by striking out section 64 and inserting in place thereof the following section:—

“SECTION 64. Notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, $8,000,000 shall be made available to the Redevelopment Access to Capital Fund from the Economic Stimulus Trust Fund.

Commencing on April 1, 2004, the secretary of economic development shall report quarterly to the house and senate committees on ways and means, the house and senate committees on science and technology, the joint committee on commerce and labor and the joint committee on natural resources on the location and amounts of assistance provided to applicants under this program and the administrative costs charged to the fund."
The amendment was adopted.

Messrs. Pacheco, Antonioni, Nuficoro, Mrs. Sprague and Mr. Magnani moved to amend the bill by striking out sections 37 and 38 and inserting in place thereof the following section:—

"SECTION 37. Clause (52) of section 6 of chapter 136 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the word 'border', in line 175, the following words:— or within 10 miles of the New York border."

Mr. Rosenberg in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes before eight o'clock P.M., on motion of Ms. Murray, as follows, to wit (yeas 16 — nays 22) **[Yeas and Nays No. 359]**:

YEAS.

Antonioni, Robert A.	Morrissey, Michael W.
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Fargo, Susan C.	Rosenberg, Stanley C.
Magnani, David P.	Sprague, Jo Ann
McGee, Thomas M.	Tolman, Steven A.
Moore, Richard T.	Walsh, Marian **— 16.**

NAYS.

Baddour, Steven A.	Melconian, Linda J.
Berry, Frederick E.	Menard, Joan M.
Creedon, Robert S., Jr.	Montigny, Mark C.
Creem, Cynthia Stone	Murray, Therese
Glodis, Guy W.	Resor, Pamela
Hart, John A., Jr.	Shannon, Charles E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Wilkerson, Dianne **— 22.**

ABSENT OR NOT VOTING.

Jacques, Cheryl A.	O'Leary, Robert A. **— 2.**

The yeas and nays having been completed at a quarter before eight o'clock P.M., the amendment was *rejected.*

Suspension of Senate Rule 38A.

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

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended), — **was further considered, the main question being on passing it to be engrossed, in concurrence.**

Mr. Pacheco and Ms. Sprague moved to amend the bill by striking out section 37 and section 38.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes before eight o'clock P.M., on motion of Ms. Sprague, as follows, to wit (yeas 17 — nays 22) **[Yeas and Nays No. 360]**:

YEAS.

Antonioni, Robert A. McGee, Thomas M.

Barrios, Jarrett T. Moore, Richard T.

Brewer, Stephen M. Morrissey, Michael W.

Chandler, Harriette L. Pacheco, Marc R.

Fargo, Susan C. Resor, Pamela

Hedlund, Robert L. Sprague, Jo Ann

Jacques, Cheryl A. Walsh, Marian

Knapik, Michael R. Wilkerson, Dianne — 17.

Magnani, David P.

NAYS.

Baddour, Steven A. Montigny, Mark C.

Berry, Frederick E. Murray, Therese

Creedon, Robert S., Jr. Nuciforo, Andrea F., Jr.

Creem, Cynthia Stone Panagiotakos, Steven C.

Glodis, Guy W. Rosenberg, Stanley C.

Hart, John A., Jr. Shannon, Charles E.

Havern, Robert A. Tarr, Bruce E.

Joyce, Brian A. Tisei, Richard R.

Lees, Brian P. Tolman, Steven A.

Melconian, Linda J. Travaglini, Robert E.

Menard, Joan M. Tucker, Susan C. — 22.

ABSENT OR NOT VOTING.

O'Leary, Robert A. — 1.

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

Messrs. Lees and Tarr moved to amend the bill by inserting after section 9 the following section:—

"SECTION 9A. Said chapter 23A of the General Laws is hereby amended by inserting after section 3H, as appearing in the 2002 Official Edition, the following section:—

Section 3I. (a) A controlling business may file a project proposal with the EACC requesting the designation of a project as a brownfields certified project. The EACC shall approve the proposal, and shall designate the project as a brownfields certified project, if the proposal (1) satisfies the criteria for a certified project stated in section 3F and the controlling business complies with the procedures for the certification of a project stated in said section 3F, and (2) the project directly and substantially involves the development or improvement of a brownfields site.

(b) For purposes of this section, a 'brownfields site' refers to a vacant, abandoned or underutilized industrial or commercial property where real or perceived environmental contamination and liability is an obstacle to the redevelopment or improvement of the property. If a controlling business has, in connection with the project, been previously awarded grants, loans or other benefits under section 29A of chapter 23G, section 60 of chapter 23A, or any other state or federal program specifically targeted towards brownfields redevelopment, the EACC shall, absent exceptional circumstances, consider the proposed project to involve a brownfields site."

The amendment was *rejected*.

Mr. Antonioni moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. The boards of higher education and or education shall establish a pilot program to encourage manufacturers to donate modern plastics manufacturing equipment and tools to the Leominster Center for Technical Education, the Montachusett Regional Vocational School, the Robert D. Wetmore Manufacturing Center at Mount Wachusett Community College and Fitchburg State College. Massachusetts companies making a donation of modern manufacturing equipment or tools to any of these institutions shall be eligible to take a tax credit of 25 per cent of the total value of the donated machinery, not to exceed $5,000. The pilot program would begin with donations made after December 31, 2003, with a tax credit available for donations made until December 31, 2206. On December 31, 2004 and each subsequent year, said boards shall file with the joint committee on education a report documenting the number of firms taking advantage of this credit, the cost to the commonwealth, the type of machine donated, and the number of students using said equipment."

The amendment was *rejected*.

Mr. Montigny moved to amend the bill by inserting before section 1 the following section:—

"SECTION 1. Chapter 6A of the General Laws is hereby amended by inserting after section 16 the following section:—

Section 16A½ (a) Notwithstanding any general or special law to the contrary, the secretary of the executive office of health and human services, in consultation with the secretary of administration and finance and the secretary of public safety, shall develop and implement a coordinated prescription drug procurement plan for all pharmacy benefit plans funded or subsidized, in whole or in part, by the commonwealth. The plan shall maximize cost savings, efficiencies, affordability and be designed to improve health outcomes, benefits and coverage in the pharmacy benefit plans.

(b) As it management services and negotiate pharmaceutical discounts, rebates and other prescription related cost savings with pharmaceutical manufacturers on behalf of the commonwealth. The secretary shall contract with a nonprofit corporation or establish an inter-governmental service agreement for the provision of pharmacy benefit management services. The non-profit pharmacy benefits management corporation shall have experience in the administration of publicly-funded health benefit plans and shall be qualified to assess and manage the clinical efficacy and cost-effectiveness of the pharmacy benefit plans for the commonwealth. The non-profit pharmacy benefits management corporation shall be considered to possess a fiduciary responsibility to the pharmacy plans.

(c) The secretary shall ensure that the procurement plan employs clinically-based tools to maximize cost savings, efficiencies, affordability, and to improve health outcomes an part of the prescription drug procurement plan, the secretary shall contract with a third party nonprofit pharmacy benefits manager to provide pharmacy benefits and access to pharmacy benefits and coverage and effectively management the pharmacy plans of the commonwealth. The tools shall include, but shall not be limited to:

(1) a statewide preferred drug list including negotiations with pharmaceutical companies for the payment of supplemental rebates or price discounts, in compliance with 42 U.S. C. section 1396r-8;

(2) clinically appropriate and effective disease management programs;

(3) a prescription drug discount program; and

(4) development of appropriate processes to ensure access to clinically appropriate prescription drug therapies and medically-necessary prescriptions.

(d) A contract in existence with any agency or pharmacy benefit plan shall not be terminated before its expiration date solely due to this section. A contract currently in existence with any agency or pharmacy benefit plan shall not be renewed or extended in a manner inconsistent with this section.

(e) For the purposes of subsection (c) of section 39 of chapter 19A, this section shall be considered a successor statute to section 62 of chapter 177 of the acts of 2001 but shall not be construed to have the effect of repealing chapter 62.

(f) The secretary shall submit, on April 15 of each year, a report detailing the coordinated prescription drug procurement plan to the house and senate clerks, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on health care. The report shall include, but not be limited to, a review of the pharmacy benefit manager's designated formulary and an analysis of: (1) the actual discounts or rebates received as a result of the plan and other prescription related cost savings information for each prescription benefit plan funded in whole or in part by the commonwealth; (2) administrative costs relating to the prescription drug benefits in each plan; and (3) disease management or other programs implemented to improve health outcomes including drug therapy coordination and safe utilization of prescription drugs. The report shall also include recommendations for enhancing the benefits provided by each plan, saving costs, reducing inefficiencies and otherwise improving access and quality."

After debate, the amendment was adopted.

Mr. Baddour moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, the Massachusetts Port Authority may use alternative methods for procurement of design and construction services for the following projects, without such procurement being subject to the competitive bid process set forth in sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30, and sections 44A to 44H, inclusive, of chapter 149 of the General Laws: access control; terminal barriers on the airfields; west concourse; new operations center; Black Falcon cruise terminal security; and terminal B security areas."
The amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Five million dollars is hereby authorized for the Downtown Upper Floor Reinvestment Fund for grants up to $300,000, matched by an investment equal to 25 per cent of the amount granted, for upper floor rehabilitation projects in downtown where the cost of building-wide compliance with required building codes and architectural access removal, including the design and construction of elevators, is such that a grant is necessary to make the project economically viable."
The amendment was *rejected*.

Mr. Rosenberg moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. $400,000 is hereby authorized for an economic development circuit rider program to be established within the Department of Housing and Community Development to make grants to support regional economic development circuit riders to provide feasibility analysis, engineering, design and other technical assistance to local economic development projects in a regional area, including $60,000 for a 2 year grant to the Franklin Regional Council of Governments for the Franklin Regional Economic Development Council."
The amendment was *rejected*.

Ms. Chandler moved to amend the bill by inserting after section 55 the following section:—

"SECTION 55A. Subsection (d) of section 580B as appearing after section 631 of chapter 26 of the acts of 2003 is hereby amended by adding the following sentence:— This allocation of capital funds shall include not less than 25 per cent each year for repair, rehabilitation, and modernization of existing public housing units under chapter 121B of the General Laws."
The amendment was *rejected*.

Mr. Chandler moved to amend the bill in section 24, in proposed subsection (b) of section 6J, by adding the following paragraph:—

"(3) Taxpayers eligible for an income-producing property credit may assign, transfer or convey the credits, in whole or in part, by sale or otherwise to any individual or entity, and the transferee may offset income imposed by this chapter with the same effect as if the transferee had incurred the qualified rehabilitation expenditures. The assignor shall perfect the transfer by notifying the department of revenue in writing within 90 days after the effective date of the transfer and shall provide any information required by the department of revenue to administer and carry out this section."
The amendment was *rejected*.

Mr. Magnani moved to amend the bill in section 62 by adding the following 7 sentences:— Of the $5,000,000, not less than $75,000 shall be expended for the Retirees Science and Technology Training Initiative, to be operated by the Massachusetts board of higher education. The Retirees Science and Technology Training Initiative shall recruit and train retirees with technical backgrounds to participate in part-time volunteer work in their local school districts. The volunteers shall engage in activities including, but not limited to: tutoring, mentoring, curriculum advisory groups and teacher classroom assistance in the subjects of science, mathematics, computer skills and technology. The volunteers shall be exempt from the teacher certification requirements applicable to teachers in public and and private school systems in the commonwealth. The initiative shall train the retirees in classroom teaching skills or arrange for such training where appropriate. The Retirees Science and Technology Training Initiative shall be funded jointly by public and private sources. The Retirees Science and Technology Training Initiative shall collaborate with the training program of the Northeastern University RE-SEED, the Engineering in Mass Collaborative, and other organizations that share the goal of increasing the number of scientists and engineers in the commonwealth."
The amendment was *rejected.*

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

"SECTION 12A. Chapter 29 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after section 2MMM the following section:—

Section 2NNN. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Workforce Development Fund.

(b) Subject to appropriation, the director of workforce development shall make expenditures from the fund to provide grants to providers of workforce development services for projects targeted to residents and immigrants of the commonwealth. In determining who shall receive grants, the director of workforce development shall consider the following criteria:

(1) whether the project will lead to employment on the part of unemployed individuals and improved employment for low-wage workers;

(2) whether the project will result in employment at wages sufficient to support a family or place individuals on a career path leading to such employment and wages;

(3) whether the project will have a positive economic impact on a region with high levels of unemployment or a high concentration of low-skilled workers; and

(4) whether the project will lead to employment of older adults, which, for the purposes of this section shall mean individuals who are at least 45 years of age.

(c) Unless otherwise specified, grants shall be for amounts not to exceed $200,000, shall be for terms not to exceed 2 years and shall be subject to the following additional limitations:

(i) twenty per cent of the funds allocated shall be for grants under the health professions worker training program;

(ii) twenty per cent of the funds allocated shall be for grants under the Biotechnology, pharmaceutical and chemical industries worker training program; and

(iii) ten per cent of the funds allocated shall be for grants to providers of workforce development and job skills training services for projects benefiting older adults; and

(iv) remaining funds shall be made available to support workforce training efforts conducted by eligible service providers.

(d) A recipient provider shall match the grant in an amount of not less than 30 per cent of the value of the grant. The match may be in the form of funding, equipment, or personnel.

(e) The director of workforce development shall adopt regulations to carry out the purposes of this section.

(f) Funds appropriated to the fund that are not expended at the end of the fiscal year shall not revert to the general fund but shall remain available for the purposes established in this section.

(g) Not later than September 1 of each year, the director of workforce development shall file a report in writing with the joint committee on commerce and labor and the house and senate committees on ways and means concerning the grants made in the fiscal year ending on the preceding June 30, together with such

recommendations and additional information as the director considers appropriate."; and by inserting after section 82 the following:—

"SECTION 82A. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective July 31, 2003, the amount of $6,000,000 from the health care security fund, established pursuant to section 2XX of chapter 29 of the General Laws, to the Workforce Development Fund, established pursuant to section 2NNN of chapter 29 of the General Laws for the purpose of making available funds to support workforce development initiatives available under this act.

SECTION 82B (a) Notwithstanding any general or special law to the contrary, funding made available through the Workforce Development Fund shall be used to implement this section, which shall be known and cited as the Workforce Development Services Act of 2003.

(b) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:—

'Department', the department of workforce development established in chapter 23H of the General Laws.

'Director', the director of workforce development.

'Eligible service provider', a community-based nonprofit organization that provides services, such as job skills training, education, placement services and supportive services.

'Fund', the Workforce Development Fund established pursuant to section 2NNN of chapter 29 of the General Laws.

'Potential employee target groups', persons receiving aid to families with dependent children TAFDC, older adults, immigrants, persons residing in economic opportunity areas and other persons who are underemployed or unemployed.

'Qualifying consortium', a collaborative program of service that includes a community-based nonprofit organization or union or labor-management program or institution of higher education and an employer.

(c)(1) The director may provide grants to educational and community-based nonprofit organizations using the following guidelines:

(i) the educational or community-based nonprofit organization shall be an existing, experienced and effective provider of workforce development services within the Commonwealth.

(2) the program involves workforce development services that is an area of local employment need, particularly for low income residents or low wage workers; and

(3) preference shall be given to educational and community-based nonprofit organizations that provide workforce development services which operate in economic opportunity areas as defined in section 3E of chapter 23A of the General Laws or serve residents of economic opportunity areas.

(4) A single grant to organization shall not exceed $200,000.

(d) The director shall annually, by March 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on education, arts and humanities, the joint committee on state administration and the joint committee on commerce and labor on the partnership program, including the number of educational and nonprofit organizations receiving grants, the number of participants receiving services, the number of participants placed in employment, the salary and benefits that participants receive post placement, and the cost per participant, and job retention or promotion rates one year after training ends.

The director, working with and through the workforce investment board, may collect and disseminate information concerning areas of projected employment need. The workforce investment board may also prepare and publish studies, organize conferences and conduct special projects to increase knowledge and communication in the areas of employment need, skills training and education.

(e)(1) By April 1, 2004, the workforce investment board shall develop performance standards for workforce development and job training programs receiving state funding. The standards may vary across program types. The workforce investment board may contract with a consultant to develop the performance standards. The workforce investment board shall consult with stakeholder advocacy groups, community-based nonprofit service

providers, and local workforce investment boards in the development of both performance standards and reporting requirements. The standard shall at a minimum, measure:

(i) the employability levels of individuals as defined by basic skill level, the amount of work experience and barriers to employment prior to program entry;

(ii) the individual's annual income and employability level for the 12 months prior to entering the program, the starting annual income upon placement after completing the program, employability level annual income 1 year after completion of program and the individual's reported satisfaction;

(iii) the program completion rate, placement rate, employability level upon placement and 1 year retention rate; and

(iv) the cost per placement and per job retained at 1 year and the percentage of program funding coming from the state and other levels of government.

(2) Commencing April 1, 2005, all workforce development and job skills training programs receiving state funds shall submit an annual performance report to the workforce investment board. The workforce investment board may develop a uniform format for the report and prescribe the manner in which the report shall be submitted.

(f)(1) The director, after consultation with the workforce investment board, is hereby authorized to use funds appropriated to the workforce development fund as defined in section 2DDD of chapter 29 of the Massachusetts General Laws.

(2) By December 31 of each odd-numbered year and commencing December 31, 2005, the director of workforce development, in consultation with the workforce investment board, shall submit recommendations to the house and senate clerks regarding modifications to, including the elimination of, existing statutory requirements with respect to workforce development and job training programs. The recommendations shall include recommendations regarding funding levels required to meet worker and employer skill development needs, with a particular focus on low-income and low-wage workers.

(g) A health professions worker training grant program shall be established to respond to the need for workers in various health care professions, subject to the requirements of section 2NNN of chapter 29 of the General Laws.

A qualifying consortium shall apply for grant funding from the fund in the manner specified by the director.

Applications for grants shall describe targeted participants of the proposed grant application and shall describe the specific critical workforce shortage the program is designed to alleviate. The application shall include verification that in the process of determining that a critical workforce shortage exists in the target area, the applicant has (1) consulted available data on worker shortages; and (2) conferred with employers in the target area.

Within the limits of available appropriations and subject to the limitations imposed by section 2NNN of chapter 29 of the General Laws, the director shall make grants not to exceed $200,000 each to qualifying consortia to operate local or regional workforce development and job skills training programs. Grant awards shall establish specific, measurable outcomes and timelines for achieving those outcomes.

A consortium shall satisfy the match requirements established in subsection (d) of section 2NNN of chapter 29 of the General Laws.

A qualifying consortium shall implement a marketing and outreach strategy to recruit into the health care professions persons from 1 or more of the potential employee target groups. Recruitment strategies shall include:

(1) a screening process to evaluate whether potential employees may be disqualified as the result of a required background check or are otherwise unlikely to succeed in the position for which they are being recruited; and

(2) a process for modifying course work to meet the training needs of non-English-speaking persons, when appropriate.

High school students participating in a training program shall not be permitted to work more than 20 hours per week when school is in session.

(h) A biotechnology, pharmaceutical and chemical industries training grant program shall be established for the purpose of responding to the need for workers in the various professions in the biotechnology, pharmaceutical and chemical industries.

The director, in coordination with the board of higher education, shall develop a comprehensive system for the delivery of biotechnology, pharmaceutical and chemical industry education that will ensure opportunities leading to employment opportunities. The system shall be designed to strengthen, enhance and, where needed, create intensive community-based programs for potential employee target groups.

The director shall make grants available to qualifying consortia from the workforce development training fund subject to requirements of clause (ii) of subsection (c) of section 2NNN of chapter 29 of the General Laws.

A qualifying consortium shall apply for grant funding in the manner specified by the director.

Within the limits of available appropriations, the department shall make available grants not to exceed $250,000 each to participating community colleges to implement or expand biotechnology, pharmaceutical and chemical industry education. Grant awards shall establish specific, measurable outcomes and timelines for achieving those outcomes.

A qualifying consortium shall satisfy the match requirements established in subsection (d) of said section 2DDD of said chapter 29.

(i) An older adult worker training grant program shall be established for the purpose of responding to the needs of older workers.

The director shall make available grant funding to providers of workforce development services for projects with older adults as the target population.

The director shall make grants available to qualifying service providers from the workforce development training fund subject to requirements of clause (iv) of subsection (c) section 2NNN of chapter 29 of the General Laws.

An eligible service provider shall apply for grant funding in the manner specified by the director.

Within the limits of available appropriations, the director shall make grants not to exceed $200,000 each to participating, eligible service providers to implement or expand workforce development and job skills training services to older adults. Grant awards shall establish specific, measurable outcomes and timelines for achieving those outcomes.

A participating eligible service provider shall satisfy the match requirements established in subsection (d) of said section 2DDD of said chapter 29.

After remarks, the amendment was *rejected.*

Mr. Hart moved to amend the bill in section 64 by inserting after the words:— "Brownfields Redevelopment Fund" the following words:— ", established pursuant to section 29A of Chapter 23G,".
The amendment was *rejected.*

Ms. Resor moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding section 40F½ of chapter 7 of the General Laws or any other general or special law to the contrary, the commissioner of the division of capital asset management and maintenance shall not declare as surplus and shall not convey state owned real property located in the town of Harvard on which is located the Route 2 Rest Stop."
After debate, the amendment was adopted.

Ms. Walsh, Messrs. Barrios, Tolman and Ms. Fargo moved to amend the bill by inserting after section 26 the following section:—

"SECTION 26A. Chapter 62C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following 3 sections:—

Section 88. When used in this section, and sections 89 and 90, the following terms shall have the following meanings:

'Affiliated corporation', any corporation eligible to file a combined return of income with the recipient corporation under section 32B of chapter 63.

'Engaged in business in Massachusetts', (a) having a business location in the commonwealth; (b) having employees, representatives or independent contractors conducting business activities on its behalf in the commonwealth; (c) maintaining,

renting or owning any tangible or real property in the commonwealth that results in income flowing to the taxpayer; (d) regularly performing services in the commonwealth that results in income flowing to the taxpayer; (e) regularly engaging in transactions with customers in the commonwealth that involve intangible property and result in income flowing to the taxpayer; (f) regularly receiving interest income from loans secured by tangible personal or real property located in the commonwealth; or (g) regularly soliciting and receiving deposits from customers in the commonwealth.

‘Permanent job’, a job in which the individual employee, at the inception of the employment relationship, does not have a termination date which is either a date certain or determined with reference to the completion of a season or specified scope of work.

‘Taxpayer’, any person or any entity, organization, business, corporation, partnership, group, association, or joint venture engaged in business in the commonwealth that files a return and applies for a tax expenditure.

‘Tax expenditures’, single sales factor apportionment, as provided for by section 38 of chapter 63, research and development credit, as provided for by section 38M of chapter 63, investment tax credit, as provided for by section 31A of chapter 63, economic opportunity area credit, as provided for by section 38N of chapter 63, tax credit for building in a poverty area, as provided for by section 38E of chapter 63, and tax deduction for abandoned building renovation, as provided for by section 38O of chapter 63.

‘Temporary job’, a job in which the individual employee is hired for a specific duration of time or season, or has a termination date determined with reference to the completion of a specified scope of work.

‘Wage groups’ means the following bands of wages: $6.75 an hour or the current minimum wage, $6.76 or 1 cent above the current minimum wage to $8.00 an hour; $8.01 to $10.00 an hour, $10.01 to $12.00 an hour, $12.01 to $14.00 an hour, $14.01 to $16.00 an hour, $16.01 to $18.00 an hour, $18.01 to $20.00 an hour, and $20.01 or more an hour.

Section 89. Notwithstanding the provisions of any other general or special law, rule or regulation to contrary, the commissioner of administration, as defined in section 4 of chapter 7, shall annually on or before December 15 prepare, publish, and submit to the General Court a business tax expenditure report. The report shall include but not be limited to, the following information:

(1) Estimates of the total amount of tax revenue foregone as a result of each type of tax expenditure as defined in section 87 that, in the judgment of the commissioner, will occur during the ensuing fiscal year and has occurred during each of the preceding 2 fiscal years;

(2) An itemized list including:

(a) The name of each taxpayer that has had its total tax liability reduced by more than $5,000 as a result of a tax expenditure or combination of tax expenditures for the previous taxable year;

(b) Each such tax expenditure claimed by the taxpayer;

(c) The specific dollar amount by which each tax expenditure reduces the taxpayer’s tax liability;

(d) The information contained in the schedule developed by the department of revenue as required by section 90 for taxable years beginning on or after January 1, 2004 for each taxpayer that has had its total tax liability reduced by more than $5,000 as a result of a tax expenditure or combination of tax expenditures; and

(e) The information contained in the report filed by any taxpayer as required by section 91 that has had its total tax liability reduced by more than $5,000 as a result of a tax expenditure or combination of tax expenditures.

(3) A summary, setting forth (i) the number of taxpayers claiming a tax expenditure that reduces their tax liability by more than $5,000; (ii) a description of the different types of businesses engaged in by the taxpayers; (iii) the number of jobs that taxpayers claiming the expenditures expected to create or retain; (iv) the number of jobs actually created or retained, and (v) the changes for clauses (i), (iii) and (iv) over the previous taxable year.

(4) The information specified in paragraphs 2 and 3 of this subsection shall be based on returns for the taxable years beginning in the calendar year 2 years prior to the year in which the report is submitted.

(C) Notwithstanding section 21 of this chapter, or any other general or special law to the contrary, all data produced in compliance with this section shall be made available to the public and shall be considered a public record for the purposes of paragraph twenty-sixth of section 7 of chapter 4.

Section 90. (A) For taxable years beginning on or after January 1, 2004, the department of revenue shall create a schedule for use by all taxpayers claiming eligibility for 1 or more of the tax expenditures defined in section 88. The schedule shall be no more than 3 pages in length and shall require data including but not limited to the following:

(1) The name of any affiliated corporations of the taxpayer, their street and mailing addresses, their phone numbers, and the names of their corporate officers.

(2) The total number of employees employed by the taxpayer and all of the taxpayer's affiliated corporations in Massachusetts on December 31 of the taxable year for which the return is filed listed as follows: employees in permanent jobs and working 35 hours per week or more, employees in permanent jobs and working less than 35 hours per week, employees in temporary jobs and working 35 hours per week or more, and employees in temporary jobs and working less than 35 hours per week, and with each such job category broken down by wage group as defined in section 88.

(3) The total number of employees employed by the taxpayer and all of the taxpayer's affiliated corporations in Massachusetts as of the December 31 preceding the taxable year for which the return is filed listed as follows: employees in permanent jobs and working 35 hours per week or more, employees in permanent jobs and working less than 35 hours per week, employees in temporary jobs and working 35 hours per week or more, and employees in temporary jobs and working less than 35 hours per week, and with each such job category broken down by wage group as defined in section 88.

(4) The use to which the taxpayer expects to put the monies received from the tax expenditure.

(5) If the taxpayer will create or retain any jobs as a result of receiving the tax expenditure, the number, type of job as classified by the taxpayer, wage group, and benefits of any such jobs. For the purposes of this paragraph, benefits shall include, but not be limited to, the type and amount of health care coverage, pensions, or deferred compensation plans provided to current employees in Massachusetts, including any costs borne by the employees.

(B) For taxable years beginning on or after January 1, 2004, every taxpayer claiming a tax expenditure as defined in section 88 shall complete the schedule as prescribed in subsection (A) of this section. Failure to complete the schedule shall result in a denial of the claimed tax expenditure.

Section 91. (A) For taxable years beginning on or after January 1, 2004, any taxpayer that had its total tax liability reduced by more than $5,000 as a result of a tax expenditure or combination of tax expenditures shall submit a written report to the department of revenue no later than August 1 of the following year, or no later than 6 months from the date the taxpayer's return is due to be filed without regard to extensions, containing but not limited to the following:

(1) The amount of the tax expenditures received by the taxpayer in the preceding year and the uses to which those monies have been put;

(2) The number, type of job as classified by the taxpayer, wage group, and benefits of any jobs created or retained as a result of receiving the tax expenditure. For the purposes of this paragraph, benefits shall include, but not be limited to, the type and amount of health care coverage, pensions, or deferred compensation plans provided to current employees in the Commonwealth including any costs borne by the employees;

(3) The reasons for not creating or retaining any jobs as a result of receiving the tax expenditure;

(4) The number, type of job as classified by the taxpayer, wage group, and benefits of the taxpayer's current jobs in Massachusetts, including any of its affiliated corporations within Massachusetts; and

(5) Any changes in employment levels that have occurred over the preceding year.

The department of revenue shall mail report forms by May 15 of each year to every taxpayer required to file a report under this section. The report form shall be no more than 3 pages in length. Failure to file the report, or filing an incomplete report as determined by the department of revenue, shall result in a reassessment of the taxpayer's tax liability for the previous year without receipt of the claimed tax expenditure"; by adding the following section:—

"SECTION 88. Section 26A shall be effective on January 1, 2004 and shall not apply to tax expenditures granted or applied for before the effective date."; and by inserting after section 12 the following section:—

"SECTION 12A. Chapter 30 of the General Laws, as most recently amended by section 113 of chapter 26 of the acts of 2003, is hereby further amended by adding the following section:—

Section __. Each agency of the commonwealth shall create a report detailing the current number of employees with data broken down to the smallest office within the agency. The report shall include, but not be limited to, the racial, ethnic, and gender makeup of employees within each agency, reductions and increases in the workforce in past fiscal years and shall be submitted on a quarterly basis. The report shall be submitted to the secretary of administration and finance, the joint committee on public service and the house and senate committees on ways and means."
The amendment was adopted.

Mr. Tarr moved to amend the bill in section 20, by adding in subsection (b) of section 4G, after the words "health care delivery", the following words:— ", the development and implementation of standardized systems for health care billing and payment."
The amendment was *rejected*.

Report of a Committee.

There being no objection, during consideration of the Orders of the Day, Ms. Jacques, for the committee on Steering and Policy, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing the sale of certain conservation land in the town of North Reading (printed in House, No. 4131, changed).
There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Order Adopted.

There being no objection, Mr. Knapik offered the following order, to wit:

Ordered, That notwithstanding the provisions of any rules to the contrary, the Clerk shall not print the adopted amendments to the House Bill making one-time investments in emerging technologies to stimulate job creation and economic opportunity throughout the Commonwealth (House, No. 3955) in the Calendar for Thursday, November 6th, 2003.
The order was considered forthwith and accepted.

The President in the Chair, the House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended), — was further considered, the main question being on passing it to be engrossed, in concurrence.

Messrs. O'Leary and Tisei moved to amend the bill, in section 6, subsection (b), by striking out paragraph (2) and inserting in place thereof the following paragraph:—

"(2) To provide technical assistance to increase training opportunities available to employees. The director may provide this direct technical assistance by using existing institutions such as local workforce investment boards, community colleges, labor organizations, administrative entities for service delivery areas under the federal Workforce Investment Act, or its successor statute, and other entities that have expertise in providing technical assistance regarding employee training or with employees of the departments of labor and workforce development or of the commonwealth corporation. Such expenditures shall not exceed $3,000,000 each year and the director shall demonstrate that each dollar expended generates not less than $5 in private investment in job training. Of the $3,000,000, not less than $75,000 shall be provided annually to the Workforce Investment Board Association to support the activities of business, labor, education, youth councils and community members in leading regional workforce development systems; each of the 16 workforce investment boards shall receive $75,000 annually; and each of the 16 workforce investment boards shall receive $20,000 annually ; and each of the 16 workforce investment boards shall receive $20,000 annually for youth councils."

The amendment was adopted.

Mr. Rosenberg moved to amend the bill by inserting after section 10 the following section:—

"SECTION 10A. Section 42 of chapter 23G of the General Laws is hereby amended by striking out paragraph (b), as appearing in the Official Edition, and inserting in place thereof the following subsection:—

(b)(1) There is hereby established and placed under the control of the Agency the Regional Tourism Facilities Fund, in this section referred to as the fund, to which shall be credited, subject to appropriation, for any fiscal year in which revenues deposited into the Massachusetts Tourism Fund exceed the amounts deposited into the Massachusetts Tourism Fund in the previous fiscal year, 50 per cent of the increase in revenues beyond amounts received in the prior fiscal year received by said Massachusetts Tourism Fund from the tax imposed by section 3 of chapter 64G, section 22 of chapter 546 of the acts of 1969 or any appropriation made pursuant to section 35J of chapter 10. In addition, the fund shall be credited, subject to appropriation, in

each fiscal year after the first appropriation to the fund, an amount equal to the previous fiscal year's appropriation. Notwithstanding the previous two sentences, the fund shall also be credited with all bond proceeds, federal funds, private contributions, loans or other monies lawfully made available to said fund. The purpose of said fund shall be to make loans or grants for infrastructure projects and eligible projects. Applicants may apply for assistance from the fund for a feasibility grant, grant or loan from the construction, expansion, renovation or repair of cultural, entertainment, public venues, regional tourism facilities or other commercial facilities hereinafter referred to as a project, and the Agency may make a qualified investment in a project upon its funding that: (i) the project is an eligible project or infrastructure project; (ii) there is a demonstrated need for the project; (iii) the project will benefit tourism in the local area; (iv) there is local support from the project; and (v) if the project is in a community that has exercised its right to impose a local option hotel-motel tax, pursuant to section 3A of said chapter 64G, there is a commitment for partial financing of the project through such local option hotel-motel excise tax revenue. The Agency shall hold said fund and the income therefrom, except, as hereinafter provided, only (i) in the making of qualified investments; (ii) in the investment of funds not required for immediate disbursement in the purchase of such securities as may be lawful investments for fiduciaries in the commonwealth; (iii) for the payment of binding obligations associated with the qualified investments which are secured by said fund as the same became payable; and (iv) for the payment of principal or interest on qualified investments secured by said fund or the payments of any redemption premium required to be paid when such qualified investments are redeemed prior to maturity. Not less than 50 per cent of the fund shall be expended for cultural facilities projects as defined herein. The Agency shall award the first round of grants from the fund in fiscal year 2002.

(2) At the request of the regional tourism facilities board established by section 43, the Agency may issue bonds on behalf of the fund. Revenue from issued bonds shall be used for the purposes authorized by this section.

(3) The Agency shall adopt the bylaws and regulations necessary to establish a minimum reserve to be maintained by the fund for the purpose of ensuring the fulfillment of any obligations incurred as a result of any bonds issued by the Agency on behalf of the fund. No grants may be made where said grant would reduce the fund's assets to an amount below the minimum reserve. The ability to make loans shall not be affected.

(4) At no time shall the fund have total obligations in excess of _____

(5) If there is a decline in the revenue generated by the taxes referred to in this section, the amount appropriated towards the fund may be adjusted appropriately."

The amendment was adopted.

Resolutions.

There being no objection; during the consideration of the Orders of the Day, Messrs. Tolman, Hart and Pacheco offered Resolutions "honoring International Human Rights Day."

Pending the question on adoption of the resolutions, Mr. Lees moved that the resolutions be laid on the table; and, under the provisions of Senate Rule 24, the motion was laid over until the next session.

The House Bill providing for investments in emerging technologies to stimulate job creation and economic opportunity in the Commonwealth (House, No. 3955, printed as amended),— was further considered, the main question being on passing it to be engrossed, in concurrence.

Mr. Baddour moved to amend the bill by inserting after section 82 the following section:—

"SECTION 82A. Notwithstanding any general or special law to the contrary, the comptroller shall transfer $2,000,000 from the Economic Stimulus Fund, to be expended for one-time grants to fund: (a) local enforcement of youth access regulations and other requirements; (b) youth smoking prevention efforts; (c) tobacco reduction partnerships; and (c) other initiatives to prevent tobacco-related illnesses in the commonwealth."

After debate, the amendment was adopted.

Recess.

There being no objection, without further action on the Orders of the Day, at fourteen minutes past nine o'clock P.M., on motion of Mr. Lees, the President declared a recess until the following day at eleven o'clock A.M.