

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, May 24, 2006 .

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

Recess.

There being no objection, at six minutes past eleven o'clock A.M. , the Chair (Mr. Moore) declared a recess subject to the call of the Chair; and, at twenty minutes past eleven o'clock A.M. , the Senate reassembled, the President in the Chair.

Distinguished Guests.

There being no objection, during the consideration of the Orders of the Day, several guests were recognized as follows:-

The President handed the gavel to Mr. Hedlund for the purpose of an introduction. Mr. Hedlund then introduced, seated in the Senate Gallery, students from the Foster School in Hingham. The forty second graders were accompanied by their teachers Mrs. Barbara Comearney and Mrs. Lynn Peterson.

The President handed the gavel to Mr. Antonioni for the purpose of an introduction. Mr. Antonioni then introduced, seated in the rear of the Chamber, the Leominster Historical Commission. The members, accompanied by Representative Flanagan, recently published a book entitled, "Combing through Leominster's History".

The President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced from Randolph, Meg, Keith, Greta and Abigail Boone and from Milton Kate Carroll, Paul Crehan and Julie Tracy.

The President handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer then introduced State Representative Harold P. Naughton, Jr., who has recently returned from a tour of duty in Iraq.

The President recognized, seated in the Senate Gallery, Denise Kelcey, a long-time employee in the district office of Senate Minority Leader Brian Lees, who was in Boston to attend the formal budget session.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

The Senator from Worcester and Middlesex, Mr. Antonioni, offered the following prayer:

Source of all Goodness,
May we be granted health enough to perform our daily tasks,
Wealth enough to answer our needs,
Compassion enough to feel the needs of others,
Strength enough to recognize our faults,
Wisdom enough to understand what is required of us,
Loyalty enough to discharge our duties,

Courage enough to be true to the best within us,
Charity enough to see the best in others,
Patience enough that we not become discouraged,
Hope enough to overcome all fears for the future,
And faith enough to feel the Divine Presence in our lives. Amen.

Resolutions.

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

Resolutions (filed by Mr. Brown, Ms. Spilka, Ms. Resor, Ms. Murray, Mr. Joyce, Ms. Tucker, Mr. Morrissey, Ms. Chandler, Messrs. Travaglini, Tisei, Montigny, Tolman, Hedlund, Barrios, Rosenberg, McGee, Antonioni, Lees, Pacheco, Ms. Fargo and Mr. Moore) "congratulating Doug Flutie on the occasion of his retirement from the National Football League".

Orders of the Day.

The Orders of the Day were considered as follows:-

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),-- was read a second time.

After remarks, pending the main question on ordering the bill to a third reading and pending the question on adoption of the amendment 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 3, the following amendments were considered:-

Mr. Brown moved that the bill amended by inserting, after Section ____, the following new Section:-

SECTION _____. "SECTION 1. In addition to the provisions of Chapter 59, Section 5 of the General Laws of the Commonwealth upon reaching his/her eightieth birthday, an assessed owner of his/her primary residence located in the Town of Sherborn, who has been the assessed owner for not less than thirty consecutive years, may claim an exemption from taxation on fifty percent of the assessed value of the land, building lot only, containing this residence. The exemption will be valid beginning with the fiscal year that follows the fiscal year in which the qualifying birthday falls.

SECTION 2. Any assessed owner in the Town of Sherborn claiming said exemption shall file application to the Assessors by January 1 for the fiscal year which starts on the following July 1, and said application must be made each year.

SECTION 3. Notwithstanding Section 1 of this Section, any residence, that is also the residence of school-aged children, does not qualify for the purposes of this Act.

SECTION 4. Notwithstanding Section 1 of this Section, no exemption shall exceed in dollar amount twenty-five percent of the average single-family tax bill as determined by the Department of Revenue for the Town of Sherborn fiscal year then underway at the January 1 application date. No more than one such exemption per property may be granted pursuant to this Act irrespective of the number of qualifying co-owners.

SECTION 5. An assessed owner of his/her primary residence, who is a surviving spouse of an assessed owner who qualified for the exemption in Section 1, shall also qualify for said exemption, provided he or she is not less than eighty years of age prior to July 1 of the year for which an exemption pursuant to this act is claimed, notwithstanding any other requirement of Section 1 of this Act".

The amendment was *rejected*.

Messrs. Havern and Brewer moved that the bill be amended in section 2, in item 1232-0100, by striking out the figure "\$18,200,000" and inserting in place thereof the following figure:- "\$28,200,000".

The amendment was *rejected*.

Ms. Tucker and Messrs. Brown and Tarr and moved that the bill be amended by inserting, after Section ____, the following new Section:-

"Section _____. On or before April 15th, a consensus local aid resolution for chapter 70 and lottery aid for the budget for the ensuing fiscal year shall be released. A special commission will be formed to review timelines and establish process for meeting this deadline. The commission shall consist of three members appointed by the president of the senate; three members appointed by the speaker of house of representatives; three members of the Massachusetts Municipal Association, one each representing an urban, suburban and rural community; and the secretary of administration and finance. The commission shall file a report and

recommendations with the house and senate committees on ways and means no later than December 31, 2006.
The amendment was *rejected*.

Messrs. Moore and Hedlund moved that the bill amended in section 2, in item 9500-0000, by inserting at the end thereof the following:- “provided, further, that \$100,000 be authorized for a cooperative agreement with the National Conference of State Legislatures for a salary and classification study of the Senate staff”.
The amendment was *rejected*

Messrs. Moore, Hedlund and Tarr moved that the bill be amended by striking in its entirety Section 29.
After remarks, the amendment was **adopted**

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after Section ____, the following new Section:-

“SECTION _____. Section 7 of Chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the second sentence of clause eighteenth and inserting in place thereof the following:- “Legal holiday” shall also include, with respect to Suffolk county only, March seventeenth, or the day following when said days occur on Sunday; provided, however, that the words “legal holiday” as used in section forty-five of chapter one hundred and forty-nine shall not include March seventeenth, or the day following when said day occurs on a Sunday”.
After remarks, the amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after Section ____, the following new Section:-

“SECTION _____. Section 7 of Chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the second sentence of clause eighteenth and inserting in place thereof the following:- “Legal holiday” shall also include, with respect to Suffolk county only, June seventeenth, or the day following when said days occur on Sunday”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at four minutes before twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 12 - nays 27) [**Yeas and Nays No. 260**]:

YEAS.	
Baddour, Steven A.	Lees, Brian P.
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O’Leary, Robert A.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 12.
NAYS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 27.
Menard, Joan M.	

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

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after Section ____, the following new Section:-

“SECTION _____. Section 7 of Chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the following words contained in lines 87 and 88 of clause eighteenth:- “, with respect to Suffolk county only,”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at three minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 23 - nays 16) **[Yeas and Nays No. 261]:**

YEAS.	
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Tolman, Steven A. — 23.
McGee, Thomas M.	
NAYS.	
Antonioni, Robert A.	Morrissey, Michael W.
Augustus, Edward M., Jr.	Murray, Therese

Berry, Frederick E.	O'Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone	Timilty, James E.
Havern, Robert A.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 16.

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

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown, Timilty and Joyce moved that the bill be amended by inserting, after Section ____, the following new Section:-

“SECTION _____. Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after clause Forty-first C the following clause:-

Forty-first C 1/2, Real property, of an amount equal to 5 per cent of the average assessed value of all Class One parcels within such city or town of the principal residence of a taxpayer as used by the taxpayer for income tax purposes of a person who has reached his seventieth birthday before to the fiscal year for which an exemption is sought and occupied by the person as his domicile, or of a person who owns the same jointly with his spouse, either of whom has reached his seventieth birthday before to the fiscal year for which an exemption is sought and occupied by them as their domicile, or for a person who has reached his seventieth birthday before to the fiscal year for which an exemption is sought who owns the same jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile; provided: (A) that such person (1) has been domiciled in the commonwealth for the preceding 10 years, (2) has so owned and occupied such real property or other real property in the commonwealth for 5 years, or (3) is a surviving spouse who inherits such real property and has occupied such real property in the commonwealth 5 years and who otherwise qualified under this clause; and (B) that such taxpayer's gross receipts from all sources do not exceed the dollar amount calculated to be the income limits on a taxpayer's total income for a single individual who is not the head of a household for the purposes of paragraph (3) of subsection (k) of section 6 of chapter 62 for the most recently completed state tax year, as determined by the commissioner of revenue.

A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may adjust the following factors contained in these provisions by: (1) increasing the amount of the exemption to as much as 20 per cent of the average assessed value of all Class One parcels within such city or town; (2) reducing the requisite age of eligibility to any person age 65 years or older; and (3) reducing the residency requirements to not less than 5 years.

This clause shall take effect in any city or town that votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2006. The question appearing on the official ballot shall be in the following form:

“Shall section ____ of the Acts of ____ granting real estate property tax reductions to qualifying senior citizens be accepted?”

If a majority of the votes cast in answer to said question is in the affirmative, said clause shall take effect, but not otherwise.

In those cities and towns that accept this clause, clauses Forty-first, Forty-first B and Forty-first C shall not be applicable; provided, however, that any amount of money annually appropriated by the commonwealth for the purpose of reimbursing cities and towns for taxes abated under this clause, clause Forty-first, clause Forty-first B and clause Forty-first C shall be distributed as provided in said clause Forty-first.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at ten minutes past twelve o'clock noon, on motion of Mr. Lees, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 262**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.

Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS —0.	

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

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after Section ___, the following new Sections:-

“SECTION _____. Section 13 of chapter 186 of the Acts of 2002 is hereby repealed.

SECTION _____. Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION _____. Section 4 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.2 per cent for tax years beginning on or after January 1, 2007.

SECTION _____. Section 4 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.1 per cent for tax years beginning on or after January 1, 2008.

SECTION _____. Section 4 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for tax years beginning on or after January 1, 2009.

SECTION _____. The preceding three Sections shall become effective on January 1, 2007, January 1, 2008, and January 1, 2009, respectively.

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown, Joyce, Montigny and Timilty moved that the bill be amended by inserting, after Section ___, the following new Section:-

“SECTION _____. Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION _____. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out subsection (b) in its entirety and inserting in place thereof the following subsection:—

(b) Part B taxable income shall be taxed at the rate of 5 per cent for taxable years beginning on or after January 1, 2007”.

Pending the question on adoption of the amendment, Messrs. Panagiotakos, Havern, Baddour, Brown, Hedlund, Joyce, Knapik, Lees, Montigny, Tarr and Tisei moved that the amendment (Lees et al) be amended by striking out the amendment and inserting in place thereof the following:-

SECTION 1. Subsection (a) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out subdivision (13) and inserting in place thereof the following subdivision:-

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004, no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

SECTION 2. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.2 per cent for tax years beginning on or after January 1, 2007.

SECTION 3. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.1 per cent for tax years beginning on or after January 1, 2008.

SECTION 4. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for tax years beginning on or after January 1, 2009.

SECTION 5. Section 2 shall take effect on January 1, 2007 and shall expire on December 31, 2007.

SECTION 6. Section 3 shall take effect on January 1, 2008 and shall expire on December 31, 2008.

SECTION 7. Section 4 shall take effect on January 1, 2009 and shall expire on December 31, 2009.

SECTION 8. Sections 1 through 4 shall take effect only after the amount distributed to cities and towns as Chapter 70 aid, Additional Assistance, and Lottery Aid reach the amounts provided for such purposes in fiscal year 2002, as increased by inflation.

After remarks, the question on adoption of the further amendment (Panagiotakos et al) was determined by a call of the yeas and the nays at seventeen minutes before one o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 39 - nays 0) [**Yeas and Nays No. 263**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS —0.	

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

The pending amendment (Lees et al), as amended (Panagiotakos et al) was then adopted.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown and Joyce moved that the bill be amended by inserting, after Section ____, the following new Section:-

“SECTION _____. Section 5 of chapter 59 of the General Laws, as appearing in the 2004 official edition, is hereby amended by inserting after clause fifty-fourth the following:-

Fifty-fifth. Notwithstanding any other provision of this section, any person eligible for an exemption under clause Twenty-second (a), Twenty-second (B), Twenty-second (c), Twenty-second (d), Twenty-second (e), Twenty-second (f), Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, and Twenty-second E shall be eligible for an increase in the exemption, up to four times the amount of the exemption, for a city, by vote of its council and approval of its mayor, or for a town, by vote of town meeting. This paragraph shall take effect in a city or town upon its acceptance by such city or town”.

The question on adoption of the amendment was determined by a call of the yeas and the nays at twelve minutes before one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 264]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	

NAYS —0.

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

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown and Timilty moved that the bill be amended by inserting, after Section ___, the following new Sections:-

“SECTION ___. Notwithstanding any general or special law to the contrary, for the time from 12:00 a.m. on Monday, May 29, 2006 to 11:59 p.m. on Monday, September 4, 2006, inclusive, an excise shall not be imposed upon the sale of fuel by a distributor or an unclassified importer for transfer into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles, as defined in section 1 of chapter 64A and section 1 of chapter 64E of the General Laws.

SECTION ___. Notwithstanding any general or special law to the contrary, for the time from 12:00 a.m. on Monday, May 29, 2006 to 11:59 p.m. on Monday, September 4, 2006, inclusive, a distributor or unclassified importer in the commonwealth shall not add to the sales price or collect from any purchaser an excise upon the sale of fuel by a distributor or an unclassified importer for transfer into a motor vehicle or into a receptacle from which fuel is supplied by him to his own or other motor vehicles, as defined in section 1 of chapter 64A and section 1 of chapter 64E of the General Laws. The commissioner of revenue shall not require any distributor or unclassified importer to collect and pay excise upon such transfers made for the time from 12:00 a.m. on Monday, May 29, 2006 to 11:59 p.m. on Monday, September 4, 2006, inclusive, but any excise erroneously or improperly collected during such period shall be remitted to the department of revenue.

SECTION ___. Reporting requirements imposed upon distributors and unclassified importers, by law or regulation including, but not limited to the requirements for filing returns required by chapter 64A and 64E of the General Laws, shall remain in effect for sales for the time from 12:00 a.m. on Monday, May 29, 2006 to 11:59 p.m. on Monday, September 4, 2006, inclusive.

SECTION ___. On June 30, 2006, the commissioner of revenue shall certify to the comptroller the amount of sales tax revenue foregone due to the operation of this act up until that time. The commissioner shall issue a report, detailing by fund the amounts which would have been deposited into each fund listed in section 13 of chapter 64A of the General Laws and section 13 of chapter 64E of the General Laws, notwithstanding this act, for the period from May 29, 2006 to June 30, 2006, inclusive. The respective amounts so reported by the commissioner shall, within 30 days following such report and without further appropriation, be transferred ratably by the treasurer from the general fund to the respective funds set forth in said section 13 of chapter 64A and said section 13 of chapter 64E; provided, that the total amount of transfers made by the treasurer according to this section shall not exceed \$60 million.

SECTION ___. On or before September 30, 2006, the commissioner of revenue shall certify to the comptroller the amount of sales tax revenue foregone due to the operation of this act, since the reporting deadline set forth in section 4 hereof. The commissioner shall issue a report, detailing by fund the amounts which would have been deposited into each fund listed in Section 13 of chapter 64A of the General Laws and section 13 of chapter 64E provided; that the total amount of transfers made by the treasurer according to this section shall not exceed \$ 140 million.

SECTION ___. Notwithstanding any provision of this act to the contrary, the provisions of sections ___, ___ and ___ of this act shall cease to be effective any time upon which certification is made by the commissioner of revenue that AAA Southern New England has reported in their daily fuel gauge report that the average price of regular gasoline in Massachusetts has fallen below \$1.25 per gallon for at least three consecutive days.

SECTION ___. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary to carry out this act”.

After debate, on motion of Mr. Lees, by vote of 7 to 19, the amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Knapik, Brown, Timilty, Hart, and Ms. Creem moved that the bill be amended by inserting, after Section ___, the following new section:-

“SECTION ___. (a) Notwithstanding any general or special law to the contrary, for the days of August 12, 2006 and August 13, 2006, an excise shall not be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of chapter 64H of the General Laws, but for the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or a single item whose price is in excess of \$2,500.

(b) Notwithstanding any general or special law to the contrary, for the days of August 12, 2006 and August 13, 2006, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 12, 2006 and August 13, 2006, but any excise erroneously or improperly collected during the days of August 12, 2006 and August 13, 2006 shall

be remitted to the department of revenue. The provisions of this section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

(c) Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 12, 2006 and August 13, 2006.

(d) On or before December 31, 2006, the commissioner of revenue shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this act. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, notwithstanding this act.

(e) The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary to carry out this act”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-eight minutes past one o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 37 - nays 2) **[Yeas and Nays No. 265]**:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Buoniconti, Stephen J.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 37.
Menard, Joan M.	
NAYS.	

Hedlund, Robert L.	Jehlen, Patricia D. —2.
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The yeas and nays having been completed at twenty-nine minutes before two o'clock P.M. , the amendment was adopted.

At twenty-eight minutes before two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at five minutes past four o'clock P.M., the Senate reassembled, the President in the Chair.

Matter Taken Out of the Orders of the Day.

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

A message from His Excellency the Governor, returning, with his disapproval of certain sections contained in the engrossed Bill promoting access to affordable, quality, accountable health care (see House, No. 4479, amended), which on Wednesday, April 5, 2006 , had been laid before the Governor for his approbation,— came from the House, in part, several sections having been passed by the House notwithstanding the disapproval of the Governor.

The message (House, No. 4857) was read; and the Senate proceeded to reconsider Section 27, which had been disapproved in accordance with the provisions of the Constitution.

Section 27 (MassHealth Eligibility) was considered as follows:

“SECTION 27. Section 16D of said chapter 118E, as so appearing, is hereby amended by adding the following subsection:—

(7) Notwithstanding subsection (3), a person who is not a citizen of the United States but who is either a qualified alien within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 or is otherwise permanently residing in the United States under color of law shall be eligible to receive benefits under MassHealth Essential if such individual meets the categorical and financial eligibility requirements under MassHealth; provided further that such individual is either age 65 or older, or between age 19 and 64, inclusive, and disabled. Such individual shall not be subject to sponsor income deeming or related restrictions”.

Pending the question on passing Section 27, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, the motion to lay the matter upon the table was withdrawn, on motion of Mr. Lees.

After debate, the question on passing Section 27, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-seven minutes before five o'clock P.M., as follows, to wit (yeas 34 — nays 5) **[Yeas and Nays No. No. 266]:**

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	

The yeas and nays having been completed at twenty-four minutes before five o'clock P.M., Section 27, stands, in concurrence, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Papers from the House

Engrossed Bill -- Land Taking for Conservation, Etc.

Mr. Nuciforo in the Chair, an engrossed Bill authorizing the town of Canton to grant certain easements (see House, No. 4948, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-two minutes before five o'clock P.M., as follows, to wit (yeas 38 -nays 1) [**Yeas and Nays No. No. 267**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS.	
Lees, Brian P. — 1.	

The yeas and nays having been completed at eighteen minutes before five o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Nuciforo) and laid before the Governor for his approbation.

Engrossed Bill Returned by Governor With His Objections Thereto.

The engrossed Bill relative to authorizing the town of Westborough to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises (see House, No. 4559), which, on Thursday, February 23, 2006, had been laid before His Excellency the Governor for his approbation,— came from the House the same having been returned by His Excellency the Governor, with his objections thereto in writing, [for message, see House, No. 4717] and having passed that branch, notwithstanding said objections.

The message (House, No. 4717) was read; and the Senate proceeded to reconsider the bill, in accordance with the provisions of the Constitution.

The question on passing the bill, in concurrence, the objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes before five o'clock P.M., as follows, to wit (yeas 35 — nays 4) **[Yeas and Nays No. No. 268]:**

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 35.
Menard, Joan M.	
NAYS.	
Brown, Scott P.	Lees, Brian P.
Knapik, Michael R.	Tisei, Richard R. — 4.

The yeas and nays having been completed at twelve minutes before five o'clock, the bill was passed by the Senate, notwithstanding the objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Orders — Adopted.

Mr. Tarr presented an Order relative to creating a special joint committee on rain storm and flood recovery for the purpose of studying issues arising from the extraordinary rain and flooding events occurring in May 2006 in the Commonwealth (Senate, No. 2561), -- and the same was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently, Mr. Buoniconti, for the said committees, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith; and, after remarks, it was adopted. Sent to the House for concurrence.

Mr. Barrios offered the following order, to wit:

Ordered, That notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until May 14, 2006 within which to make its final report on current Senate documents numbered 1334 and 1338, relative to public safety.

Under the rules, referred to the committees on Rules of the two Branches, acting concurrently. Subsequently, Mr. Buoniconti, for the said committees, reported, recommending that the order ought to be adopted. The rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith; and it was adopted. Sent to the House for concurrence.

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to betterment assessments in the town of Marion (House, No. 4201, amended),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act regulating betterment assessments in the town of Marion".**

Papers from the House.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4990) of Ronald Mariano and Andrea F. Nuciforo, Jr., relative to home service contracts under the jurisdiction of the commissioner of Insurance;
Under suspension of Joint Rule 12, to the committee on Financial Services.

Petition (accompanied by bill, House, No. 4991) of Martin J. Walsh and others for legislation to place certain employee of the Turnpike and of the toll roads, bridges and tunnels of the Commonwealth in Group 2 of the public employees retirement law; and

Petition (accompanied by bill, House, No. 4992) of John P. Fresolo and others for legislation to include certain steelworkers employed by the Turnpike Authority in Group 2 of the public employees retirement law;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),-- was further considered, the main question being on ordering it to a third reading.

Messrs. Lees, Tarr and Brown moved that the bill be amended by inserting, after Section ____, the following new Section:-

“Section ____. Chapter 64C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 10 the following new section:-

Section 10A. Online Cigarette Sales.

It is unlawful for any public or private postal or package delivery service to knowingly deliver a tobacco product to a person under the age of 18 years. A tobacco product shall not be accepted for delivery by such a package delivery service if the package does not have affixed thereto a label which plainly and visibly states that the package contains tobacco and that it is not for delivery to any person under age 18. Any public or private postal or package delivery service that knowingly delivers a tobacco product directly to a purchaser shall:

(a). Deliver solely to the purchaser at the address given by the purchaser as specified on a valid Massachusetts driver's license, passport, state issued identification, United States military identification, or immigration card.

(b). Require the signature of the purchaser.

(c). Receive and inspect the identification of the purchaser showing the purchaser's date of birth to verify that he is 18 years of age or older.

(d). Receive an attestation from the purchaser, on a form prepared by the delivery service, certifying that the information on the identification required under subsection (a) of this section truly and correctly identifies the purchaser, his current address and age. The certification shall be retained on file by the distributor for no less than one year.

(e). Submit a copy of the invoice for each delivered package to the Department of Revenue which shall ensure that the appropriate excise taxes are paid thereon. To be accepted by the delivery service, each invoice shall include the name and address of the purchaser, the brand, and the type and quantity of tobacco.

Any person who delivers a tobacco product in violation of this act shall be fined no less than \$250 or more than \$1,000 for each offense. A person who falsely certifies information required by this act shall be fined no less than \$100 or more than \$500 for each offense”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at a quarter past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 269]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS —0.	

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

Messrs. Lees and Knapik moved that the bill be amended in section 2, in item 8100-0000 by inserting at the end thereof the following:- “; provided further, that there shall be a study of the number of traffic citations written by state police officers in each measured mile of Massachusetts highways, including those operated by the Massachusetts Turnpike Authority”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-two minutes past five o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 - nays 1) **[Yeas and Nays No. 270]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	Murray, Therese
Brown, Scott P.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.

Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 38.
NAYS.	
Barrios, Jarrett T. — 1.	

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

Suspension of Senate Rule 38A.

Mr. Lees 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 the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

At a half past five o'clock P.M. , at the request of Mr. Lees, for the purpose of a minority party caucus, the President declared a recess; and, at twenty-four minutes past seven o'clock P.M. , the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),-- was further considered, the main question being on ordering it to a third reading.

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

Messrs. Pacheco, Brown and Tarr moved that the bill amended in section 2, in item 1775-0100, by striking out the figure "\$2,061,364" and inserting in place thereof the following figure: "\$2,124,565".

The amendment was **adopted**.

Messrs. Berry and Tarr moved that the bill be amended in Section 98, by inserting at the end thereof the following:-

“The Inspector General shall also expend not less than \$1,450,000 of the remaining funds appropriated in chapter 240 of the acts of 2004 for a study on the prevention and prosecution of Medicaid fraud. The study shall include a technical analysis and audit of clinical and financial data related to claims and payments including all the various disciplines of current Medicaid programs. The study shall review the programs and procedures utilized by various state agencies to prevent fraud and abuse and file a report with the House and Senate Ways and Means Committees and the Office of the State Auditor by April 1, 2007 recommending parameters, policies and procedures and a baseline analysis of any abuse of claims for a comprehensive and coordinated program for the prevention and prosecution of fraud waste and mismanagement and the recovery of unlawful payments”.

The amendment was **adopted**.

Mr. Berry moved that the bill amended in section 2, in item in item 7004-0099 by striking the figure \$8,262,633 and inserting in place thereof the following figure:- “\$8,287,633”; and in item 7004-0099 by adding at the end thereof the following:- “Provided

further, that not less than \$25,000 shall be expended for the Beverly Affordable Housing Coalition".
The amendment was **adopted**.

Mr. Pacheco moved that the bill be amended by inserting, after Section ___, the following new Section: -

"SECTION ___. There shall be a state procurement advisory board in FY 2007 that shall consist of eight members including: the State Purchasing Agent and Deputy State Purchasing Agent; and 6 members appointed by the governor, 2 of whom shall be from a Massachusetts business with fewer than 10 employees, 2 of whom shall be from a Massachusetts business with between 10 and 50 employees, and 2 of whom shall be from a Massachusetts business with more than 50 employees. The composition of the 6 member board will include, at least 1 business that holds contracts with another state government, 1 business that is a current statewide contractor and 1 business that is SOMWBA certified.

The advisory board shall review the process of state procurement of goods and services and make recommendations to reduce the administrative burden on bidders, including but not limited to reduction of paperwork, facilitation of internet procurements, and education on the statewide contract process. In reviewing existing procurement processes and making recommendations about potential reforms, the advisory board shall consider the benefit of removing administrative burdens and opportunities for maximizing savings to the commonwealth.

The advisory board shall be chaired by the state purchasing agent and shall meet not less than two times prior to issuing a report, with recommendations if necessary, to the senate committee on ways and means and the senate committee on post audit and oversight. The report shall be filed no later than July 1, 2007".

The amendment was **adopted**.

Messrs. Berry and Joyce, Ms. Chandler and Ms. Creem moved that the bill amended by inserting, after Section 104, the following new Section:-

"SECTION ___. Chapter 32A of the General Laws is hereby amended by inserting after section 17H the following new section:

Section 17I. (a) The commission shall provide to any active or retired employee of the commonwealth who is insured under the group insurance commission coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

(b) In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

(c) Such coverage shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(d) Such coverage shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(e) Such coverage may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 20% of the allowable cost of the prosthetic device or repair. If the health policy provides coverage for services from nonparticipating providers, the policy may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 40% of the allowable cost of the device or repair when obtained from a nonparticipating provider.

(f) Such coverage may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47T the following new section:

Section 47U. (a) Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to Medicare or other governmental programs, described in subdivision (A), (C) or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policy holder, within or without the commonwealth, during the period this provision is effective, or any policy of accident or sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to Medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policy holder in the commonwealth, during the period that this provision is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this provision is effective, shall provide coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

(b) In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

(c)Any such policy as described in this section shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(d)Any such policy as described in this section shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy.

(e)Any such policy as described in this section may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 20% of the allowable cost of the prosthetic device or repair. If such policy provides coverage for services from nonparticipating providers, the contract may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 40% of the allowable cost of the device or repair when obtained from a nonparticipating provider.

(f)Any such policy may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 3.Chapter 176A of the General Laws is hereby amended by inserting after section 8T the following new section:

Section 8U. (a) A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits to all individual subscribers and members within the commonwealth and to all group members having a principal place of employment within the commonwealth for coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the contract, except as otherwise provided in this section.

(b)In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

(c)Any such contract as described in this section shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(d)Any such contract as described in this section shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the policy other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(e) Any such contract as described in this section may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 20% of the allowable cost of the prosthetic device or repair. If the contract provides coverage for services from nonparticipating providers, the contract may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 40% of the allowable cost of the device or repair when obtained from a nonparticipating provider.

(f)Any such contract may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 4.Chapter 176B of the General Laws is hereby amended by inserting after section 4R the following new section:

Section 4S. (a) Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs, that shall be delivered, issued or renewed within the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the policy, except as otherwise provided in this section.

(b)In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

(c)Any such certificate as described in this section shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the certificate.

(d)Any such certificate as described in this section shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the certificate other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the certificate.

(e)Any such certificate as described in this section may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 20% of the allowable cost of the prosthetic device or repair. If the certificate provides coverage for services

from nonparticipating providers, the contract may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 40% of the allowable cost of the device or repair when obtained from a nonparticipating provider.

(f) Any such certificate may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4Q the following new section:

Section 4R. (a) Individual and group health maintenance contracts shall provide coverage for prosthetic devices and repairs under the same terms and conditions that apply to other durable medical equipment covered under the contracts, except as otherwise provided in this section.

(b) In this section, "prosthetic device" means an artificial limb device to replace, in whole or in part, an arm or leg.

(c) A health maintenance contract shall not impose any annual or lifetime dollar maximum on coverage for prosthetic devices other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(d) A health maintenance contract shall not apply amounts paid for prosthetic devices to any annual or lifetime dollar maximum applicable to other durable medical equipment covered under the contract other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the contract.

(e) A health maintenance contract may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 20% of the allowable cost of the prosthetic device or repair. If the health maintenance contract provides coverage for services from nonparticipating providers, the contract may include a reasonable co-insurance requirement for prosthetic devices and repairs, not to exceed 40% of the allowable cost of the device or repair when obtained from a nonparticipating provider.

(f) A health maintenance contract may require prior authorization as a condition of coverage for prosthetic devices.

SECTION 6. This act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within commonwealth on or after July 1, 2006, and to all policies, contracts, agreements, plans or certificates of insurance in effect before July 1, 2006 upon renewal on or after July 1, 2006".

The amendment was **adopted**.

Ms. Fargo, Messrs. Brown, Tarr, Montigny, Ms. Resor and Ms. Tucker moved that the bill be amended by inserting after Section 21 of the outside sections the following new section:-

SECTION 21A. Section 6 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is amended by adding after the figure "\$750" as so appearing at the end of paragraph (2) the following text:- "; except, in the event that the taxpayer's total income does not exceed 50 percent of the income limitation as applicable to the taxpayer under clause (i) of paragraph (3) of this subsection, as increased under paragraph (4) of this subsection, then such amount to which the real estate tax payment or the rent constituting real estate tax payment exceeds the taxpayer's total income shall be calculated based on 8 ½ percent of such total income".

The amendment was **adopted**.

Mr. Barrios moved that the bill amended by inserting, after section 104, the following new section:-

"SECTION _____. Pursuant to a request by the Board of Alderman and the Common Council of Everett, in compliance with section three b of chapter eighty-five of the Massachusetts General Laws, the portion of the Everett Route 16 Ramp, from Santili Circle to General Sweetzer Circle shall now be named "Krystyl's Way", in honor of Krystyl Poirier who lost her life in a tragedy at the hands of a drunk driver in Everett on Saturday, April 8, 2006".

The amendment was **adopted**.

Messrs. Barrios and Tarr moved that the bill be amended in section 2, in item 4000-0500 by inserting after the phrase "acts of 2006" the following:- provided further, MGL Chapter 7, Section 56 and Sec. 681 of Chapter 26 of the Acts of 2003 shall pertain to all monies dispersed from this line item.

The amendment was **adopted**.

Mr. Barrios moved that the bill be amended by inserting after section 104 the following section:- Notwithstanding any general or special law to the contrary, for the purpose of developing an innovative, kosher, skilled nursing facility in the city of Chelsea, and that has been designated to develop an urban, "Greenhouse Program" nursing home facility in said city, is hereby granted a Determination of Need for 100 new skilled nursing facility beds; provided, that the construction of said beds shall be assigned a maximum capital expenditure consistent with the Greenhouse Program, as determined by the Department of Public Health, and shall be entitled to reimbursements for said capital expenditures as determined by the Division of Health Care Finance & Policy.

The amendment was **adopted**.

Messrs. Barrios, Augustus, Antonioni and Buoniconti, Ms. Chandler, Ms. Creem, Mr. Havern, Ms. Jehlen, Messrs. Joyce, Knapik, Lees and McGee, Ms. Resor, Ms. Spilka, Messrs. Tisei, Tolman, and Rosenberg moved that the bill be amended in section 2, in item 4590-0250, by striking out the words “governor’s commission on gay and lesbian youth” and inserting in place thereof the following words:- “commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws”; in said section 2, in item 7010-0005, by striking out the words “Governor’s Commission on Gay and Lesbian Youth” and inserting in place thereof the following words:- “commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws”; by inserting after section 3 the following section:-

“SECTION 3A. Chapter 3 of the General Laws is hereby amended by adding the following section:-

Section 67. (a) There shall be a permanent commission on gay and lesbian youth, which shall consist of 27 persons as follows: 3 persons appointed by the Massachusetts Chapter of the National Association of Social Workers, 3 persons appointed by the Massachusetts Coalition for Suicide Prevention, 2 persons appointed by the Fenway Community Health Center, 4 persons appointed by the Greater Boston Parents, Families and Friends of Lesbians and Gays, 2 persons appointed by the Massachusetts Gay and Lesbian Political Caucus, 1 person appointed by MassEquality, 1 persons appointed by the Massachusetts Teachers Association, 1 persons appointed by the Massachusetts Federation of Teachers, 3 persons appointed by the Massachusetts Chapter of the American Academy of Pediatricians, 2 persons appointed by the Gay, Lesbian and Straight Education Network of Boston, 2 persons appointed by the Massachusetts Public Health Association, and 3 persons appointed by the Association of School Superintendents. The membership of the commission shall include at least 1 parent of a gay or lesbian person; 1 high school student; 1 college student; 1 representative from an educational institution; and 1 representative of the mental health professions. Members of the commission shall be drawn from diverse racial, ethnic, religious, age, sexual-orientation and socio-economic backgrounds from throughout the commonwealth. Members shall be subject to chapter 268A as it applies to special state employees. The commission shall be an independent agency of the government of the commonwealth and shall not be subject to the control of any other department or agency.

(b)(1) Members shall serve terms of 2 years and until their successors are appointed.

(2) Vacancies in the membership of the commission shall be filled by the original appointing authority for the balance of the unexpired term.

(3) Appointments shall be made in consultation with gay and lesbian organizations. Nominations shall be solicited between August 1 and November 1 of each year through an open application process using a uniform application that is widely distributed throughout the state.

(4) The commission shall elect from among its members a chair annually. The chair of the commission may designate on an annual basis 1 or more commission members as vice-chairs of the commission, and may appoint on an annual basis members of the commission as chairs of advisory committees on high school education, higher education, human services and youth. The chair of the commission may create other advisory committees as needed after consultation with the commission.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(c) The commission shall investigate the use of resources from both the public and private sectors to enhance and improve the ability of state agencies to provide services to gay and lesbian youth. In furtherance of that responsibility, the commission shall: (1) work in partnership with the department of education and the department of public health to create school-based and community-based programs focusing on suicide prevention, violence intervention, and the promotion of zero-tolerance policies regarding harassment and discrimination against gay and lesbian youth; and (2) make recommendations about policies and programs supporting gay and lesbian youth on an ongoing basis to the department of education, the department of public health and the executive office of health and human services. The commission shall annually, on or before June 2, report the results of its findings and activities of the preceding year and make recommendations relating to the concerns of gay and lesbian youth to the governor and to the clerks of the senate and house of representatives.

(d) The powers of the commission shall include but not be limited to the following: (1) to use voluntary and uncompensated services of private individuals, agencies and organizations that may from time to time be offered and needed; (2) to recommend policies and make recommendations to agencies and officers of the commonwealth and local subdivisions of government to effectuate the purposes of subsection (c); (3) to select an executive director and to acquire adequate staff to perform its duties, subject to appropriation; (4) to establish and maintain such offices as it may deem necessary, subject to appropriation; (5) to enact bylaws for its own governance; (f) to appoint members to regional chapters of the commission; and (6) to hold regular, public meetings and to hold fact-finding hearings and other public forums as it may deem necessary.

(e)(1) The commission may request from all state agencies such information and assistance as the commission may require.

(2) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds, for any of the purposes of this section. These funds shall be deposited in a separate account with the state treasurer, be received by the

treasurer on behalf of the commonwealth, and be expended by the commission in accordance with law”; and by inserting after section 103 the following section:-

“SECTION 103A. Notwithstanding section 67 of chapter 3 of the General Laws, until January 1, 2007, the commission on gay and lesbian youth established by said section 67 of said chapter 3 shall consist of the members of the governor’s commission on gay and lesbian youth on the effective date of this act.

The amendment was **adopted**.

Mr. Havern moved that the bill amended by inserting at the end thereof the following new Section :-

“SECTION ____ . Paragraph (a) of section 12 of chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as appearing in section 1 of chapter 83 of the acts of 2001, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under authority of this act shall not exceed \$6,100,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

Section 2. Section 16 of said chapter 372 is hereby amended by striking out the fourth sentence, as appearing in section 2 of said chapter 83, and inserting in place thereof the following sentence:- The aggregate principal amount of all bonds issued under the authority of this act shall not exceed \$6,100,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds”.

The amendment was **adopted**.

Mr. Pacheco moved that the bill be amended in section 2, in item 2200-0100 by adding at the end thereof after the word “supply” the following wording:- “provided further that not less than \$100,000 be expended for DEP pump testing at the Cole property site for a municipal water supply for the Town of Carver\$32,030,671”.

The amendment was **adopted**.

Mr. Brewer moved that the bill amended in section 2, in item 2800-0100, by adding at the end thereof the following:- “; provided further, that not less than \$25,000 shall be appropriated for the Orange River Front Park Project;”; and by striking the figure “20,485,304” and inserting in place thereof the following:- “\$20,510,304”.

The amendment was **adopted**.

Mr. Moore moved that the bill amended in section 2, in item 2200-0100, by inserting at the end therein the following:-“provided further that not less than \$15,000 shall be provided to the Town of Blackstone for emergency water contamination services”; and by striking the figure, "\$31,930,671" and replacing therein the following figure:- \$31,945,671.

The amendment was **adopted**.

Mr. Moore moved that the bill be amended in section 2, in item 2200-0100 by adding at the end thereof, the following:-“provided further, that \$168,000 shall be expended for sediment control in Lake Webster;”; and by striking the figure, "\$31,930,671" and replacing therein the following figure:- \$32,098,671.

The amendment was **adopted**.

Messrs. Tarr and Montigny moved that the bill be amended in section 2, in item 7007-0515 by inserting after the words “Fisheries Recovery Commission” the following:- “, not less than \$60,000 of which shall be expended for the continuation of a socio-economic study and analysis of the commonwealth's fishing industry”.

The amendment was **adopted**.

Mr. Pacheco moved that the bill be amended in section 2, in item 2800-0101, by striking out the words “the executive office of environmental affairs ‘Proposal for Watershed Work Affecting Water Quality-Wastewater Quality-Wastewater Discharges and Stormwater Discharges’, dated February 11, 2003,” and inserting in place thereof the following words:- "Scope of Work: Taunton River Comprehensive Water Management Plan”, dated May 1, 2006”

The amendment was **adopted**.

Mr. Brown moved that the bill amended in section 2, in item 2800-0101, in line 6 by inserting after “the bureau of forestry development “the following words:- “and provided further, that not less than \$25,000 shall be awarded as a one-time grant to the Dudley Pond Association in Wayland to fund the expense of removing the invasive weed Eurasian Milfoil from the pond”; and in said item by striking out the figures “2,349,209 “ and inserting in place thereof the figures “2,374,209“.

The amendment was **adopted**.

Ms. Resor, Ms. Jehlen, Mr. Tarr, Ms. Chandler, Messrs. Tarr, Creedon, Brewer and Rosenberg moved that the bill amended by inserting, after Section 21, the following new Section: -

SECTION 21A. Subsection (p) of section 6 of chapter 64H of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking clause (3) and inserting in place thereof the following clause:-

(3) sales of fertilizer, including ground limestone, hydrated lime, seed inoculants and plant hormones, as well as other substances commonly regarded in the same category and for the same use, but not including any sales of pesticides, including insecticides, herbicides, fungicides, miticides and all materials registered with the Environmental Protection agency as pesticides under Federal Insecticide, Fungicide and Rodenticide Act as well as other pesticides commonly regarded in the same category and for the same purpose except when purchased by a person licensed pursuant to chapter one hundred thirty-two B; or purchased as an agricultural input which become an ingredient or component part of tangible personal property to be sold or which are consumed and used directly and exclusively in agricultural production, pursuant to section (6)(r) of chapter 64H.

The amendment was **adopted**.

Messrs. Joyce, Brown and Timilty moved that the bill amended by inserting, after Section 103, the following new Section:-

SECTION 104. Notwithstanding the provisions of sections 40E to 40K and 52 to 55, inclusive, of chapter 7 of the General Laws, and utilizing such competitive proposal process or processes as said division deems necessary or appropriate, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to one or more proponents, for the Blue Hills Ski Area in Canton, so as to provide for the continued use, operation, maintenance, repair, and improvement of this state-owned recreational facility together with the land and appurtenances associated therewith.

Such lease or other agreement shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance, after consultation with the commissioner of department of conservation and recreation, and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessee to operate, manage, improve, repair, and maintain the properties. Any such leases or other arrangements requiring improvements to be made to any portion of the facility may include a description of the initially required improvements and, at minimum, performance specifications.

All consideration received from the lease or other agreement shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with the provisions of section 34C of chapter 92 of the General Laws. The lessee or recipient of said property shall bear all costs deemed necessary or appropriate by the commissioner of the department of conservation and recreation for the transactions including, without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications.

The amendment was **adopted**.

Ms. Jehlen, Messrs. Tisei, Tarr, Barrios, Lees, Knapik, Brown and Hedlund moved that the bill amended, in section 93, by striking out subsection (c) and inserting in place thereof the following subsection:-

SECTION 93: “(c) Before the division, in consultation with the department, sends out any request for proposals under this section, the division shall hold open a pre-qualification period of 45 days for cities and towns and youth oriented non-profits that desire to bid on rinks that are listed in this section and are located within the city or town, or for a partnership of municipalities which share geographic boundaries as long the subject rink or rinks are located within the geographic area of the municipalities comprising the partnership. A city, town, youth oriented non-profit or partnership of municipalities that desires to lease a rink under this section may submit materials for prequalification. The pre-qualification determination may consider, but need not be limited to consideration of, the city’s, town’s, youth oriented non-profit’s or partnership’s ability to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties. Preference shall be given to the city or town in which the rink is located. The division, in consultation with the department, shall determine whether a city, town, youth oriented non-profit or partnership is pre-qualified within 15 days of the end of the prequalification period. If a city, town, youth oriented non-profit or partnership is determined to be pre-qualified, that city, town, youth oriented non-profit or partnership shall be awarded the lease for that rink under the terms and conditions set forth in this section. If a city, town, youth oriented non-profit or partnership is determined to be pre-qualified, the city, town, youth-oriented non-profit or partnership shall pay consideration for a lease subject to the required capital improvements, performance specifications, and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the city, town, youth oriented non-profit or partnership”.

The amendment was **adopted**.

Ms. Walsh moved that the bill be amended by inserting after section ___, the following new section:-

“SECTION ___. Item 2800-7993 of chapter 238 of the acts of 2000 is hereby amended by adding at the end of said item the following words: provided that not less than \$100,000 shall be expended as a reimbursement to the Eileen Patricia Sullivan Roche Foundation”.

The amendment was **adopted**.

Mr. Joyce moved that the bill amended in section 2, in item 2820-0100, by inserting after the word "Lynn": "; provided further, that no less than \$250,000 shall be expended for the construction of two DCR athletic fields and parking lots at the Nike Site, so-called, in the High Street area in the Town of Randolph"; and in section 2, in item 2820-0100, by striking out the figure "\$24,349,586" and inserting in place thereof "\$24,599,586".

The amendment was **adopted**.

Messrs. Joyce and Hart moved that the bill be amended in section 2, in item 2820-0100, by inserting after the word "duties" "; provided further that not less than \$75,000 shall be expended for staff and equipment for maintenance and management of the Neponset Reservation including Pope John Paul Park and the Multiuse Trail in Dorchester and Milton"; and in section 2, in item 2820-0100, by striking out the figure "\$5,968,515" and inserting in place thereof "\$6,043,515".

The amendment was **adopted**.

Ms. Resor and Mr. Timilty moved that the bill amended in section 2, in item 2260-8881 by striking out the figure "\$356,933" and inserting in place thereof the figure:- "\$370,101".

The amendment was **adopted**.

Mr. Hart moved that the bill be amended by inserting, after Section ____, the following new Section: -

"SECTION _____. Section 1. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary, and pursuant to the provisions of Article 97 of the Amendments to the Constitution of The Commonwealth of Massachusetts, the City of Boston, through its Parks and Recreation Commission, is hereby authorized to transfer easement interests in such land to the Massachusetts Water Resources Authority, the Boston Water and Sewer Commission and the Commonwealth of Massachusetts Department of Conservation and Recreation, in accordance herewith.

Section 2. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the City of Boston is hereby authorized to grant, for nominal consideration of \$1.00, a permanent sewer easement in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the City of Boston and acquired by the City of Boston for park purposes, to the Massachusetts Water Resources Authority, such easement being more particularly described as Parcel "MWRA PE-9" in the document entitled "Grant of Permanent Easement for Sewer Purposes between the City of Boston and the Massachusetts Water Resources Authority" on file with the Massachusetts Water Resources Authority and to be recorded with the Suffolk County Registry of Deeds, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel.

Section 3. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the City of Boston is hereby authorized to grant, for nominal consideration of \$1.00, two permanent drainage easements in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the City of Boston and acquired by the City of Boston for park purposes, to the Boston Water and Sewer Commission, such easements being more particularly described as Parcels "BWSC-PE-10" and "BWSC-PE-11" in the document entitled "Grant of Permanent Easements for Sewer Purposes between the City of Boston Parks and Recreation Commission and the Boston Water and Sewer Commission" on file with the Massachusetts Water Resources Authority and to be recorded with the Suffolk County Registry of Deeds, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel.

Section 4. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the City of Boston is hereby authorized to grant, for nominal consideration of \$1.00, two permanent sewer easement in, through, and under a certain parcel of land known as Moakley Park, located in the South Boston section of the City of Boston and acquired by the City of Boston for park purposes, to the Commonwealth of Massachusetts through its Department of Conservation and Recreation, such easements being more particularly described as Parcels "DCR-PE-8" and "DCRPE-12" in the document entitled "Grant of Permanent Easements for Sewer Purposes between the City of Boston and the Commonwealth of Massachusetts Division of Conservation and Recreation" on file with the Massachusetts Water Resources Authority and to be recorded with the Suffolk County Registry of Deeds, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel.

Section 5. The Massachusetts Water Resources Authority shall be responsible for all costs associated with any recording, survey, document preparation, plan preparation, or other expenses incurred by the City of Boston, the Boston Water and Sewer Commission or the Commonwealth relating to the grants authorized by this Act.

Section 6. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Commissioner of Capital Asset Management and Operations acting for and on behalf of the commonwealth is hereby authorized and directed to grant, for nominal consideration of \$1.00, two (2) permanent volumetric subsurface sewer easements in, through, and under certain parcels of land located in the South Boston section of the City of Boston, which parcels were acquired by the commonwealth through its Department of Conservation and Recreation as part of the system of metropolitan parks placed under its control for park purposes, to the Massachusetts Water Resources Authority, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances, including a combined sewer overflow storage tunnel, as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. Access shall not be made to the permanent subsurface easements from the surface level, except in cases of emergency as may be necessary for temporary repair and restoration to service of said sewers, structures, facilities and appurtenances in order to preserve the health and safety of persons or property. Said easements are shown as parcels MWRA-PVE-4 and MWRA-PVE-6 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel" prepared for the Massachusetts Water Resources Authority, prepared by Bryant Associates, Inc., dated August 8, 2005 and having an area of about 114,485 square feet, 2.6282 acres and 495,496 square feet, 11.3750 acres, respectively. Said parcels are limited vertically from elevation = 50.0 feet to elevation = 110.0 feet, as shown on said plan. The vertical datum is Massachusetts Water Resources Authority.

Section 7. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Commissioner of Capital Asset Management and Operations acting for and on behalf of the commonwealth is hereby authorized and directed to grant, for nominal consideration of \$1.00, seven (7) permanent sewer easements in, through, and under certain parcels of land located in the South Boston section of the City of Boston, which parcels were acquired by the commonwealth through its Department of Conservation and Recreation as part of the system of metropolitan parks placed under the control for park purposes, to the Massachusetts Water Resources Authority, for the purposes of the development, construction, installation, operation and maintenance of sewers, together with any necessary structures, facilities and appurtenances as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel. Said easements are shown as parcels MWRA-PE-16, MWRA-PE-17, MWRA-PE-18, MWRA-PE-19, MWRA-PE-20, MWRA-PE-21, and MWRA-PE-22 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel" prepared for the Massachusetts Water Resources Authority, prepared by Bryant Associates, Inc., dated August 8, 2005 and having an area of about 4,154 square feet, 12,249 square feet, 4,525 square feet, 12,917 square feet, 706 square feet, 2,569 square feet, and 18,368 square feet, respectively.

Section 8. Notwithstanding the provisions of sections forty E through forty N, inclusive, of chapter seven of the General Laws or any other general or special law to the contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Commissioner of Capital Asset Management and Operations acting for and on behalf of the commonwealth is hereby authorized and directed to grant, for nominal consideration of \$1.00, a permanent sewer easement in, through, and under a certain parcel of land located in the South Boston section of the City of Boston, which parcels were acquired by the commonwealth through its Department of Conservation and Recreation as part of the system of metropolitan parks placed under the control for park purposes, to the Boston Water and Sewer Commission, for the purposes of the development, construction, installation, operation and maintenance of storm drains, together with any necessary structures, facilities and appurtenances, as may be needed in connection with the so-called Long Term CSO Control Plan for North Dorchester Bay and the Reserved Channel, said easement being shown as parcel BWSC-PE-14 on a plan entitled "Article 97 Easement Plan North Dorchester Bay CSO Storage Tunnel" prepared for the Massachusetts Water Resources Authority, prepared by Bryant Associates, Inc., dated August 8, 2005 and having an area of about 591 square feet, 0.0136 acres.

Section 9. The Massachusetts Water Resources Authority shall be responsible for all costs associated with any recording, survey, document preparation, plan preparation, or other expenses incurred by the City of Boston, the Boston Water and Sewer Commission or the Commonwealth relating to the grants authorized by this Act".

The amendment was **adopted**.

Messrs. Brewer and Timilty, Ms. Tucker, Mr. Creedon and Ms. Resor moved that the bill amended in section 2, in item 2000-9900, by striking out the figures "289,422" and inserting in place thereof the figures "455,677".

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in Section 93 by striking out the following:- "Reilly memorial rink, Brighton district, Boston;"

The amendment was **adopted**.

Mr. O'Leary moved that the bill be amended by inserting, after Section __, the following new Section:-

“SECTION __. Section 6 of chapter 29C of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the words “2 per cent”, in line 34, the following words:- “, provided that all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the department’s intended use plan for calendar year 2007 and any subsequent calendar year that are undertaken by municipalities with a commonwealth capital score, as determined by the commonwealth development coordinating council established by section 8B of chapter 6A. of not less than 70 at the date of publication of such intended use plan (and which are determined by such council to be consistent with the commonwealth’s sustainable development policies) or for projects that address a regional wastewater issue, shall provide for a subsidy or other assistance in the payment of debt service such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at a zero rate of interest, and provided further that the costs of water pollution abatement projects on any such intended use plan that are eligible for a permanent loan or other financial assistance from the trust at the financial equivalent of a loan made at a zero rate of interest shall not exceed 20% of the total costs of all water pollution abatement projects on such intended use plan”.

SECTION __ Section 18 of said chapter 29C, as so appearing, is hereby amended by inserting after the words “2 per cent”, in line 31, the following words:- “, provided that all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the department’s intended use plan for calendar year 2007 and any subsequent calendar year that are undertaken by municipalities with a commonwealth capital score, as determined by the commonwealth development coordinating council established by section 8B of chapter 6A. of not less than 70 at the date of publication of such intended use plan (and which are determined by such council to be consistent with the commonwealth’s sustainable development policies) or for projects that address a regional wastewater issue, shall provide for a subsidy or other assistance in the payment of debt service such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at a zero rate of interest, and provided further that the costs of water pollution abatement projects on any such intended use plan that are eligible for a permanent loan or other financial assistance from the trust at the financial equivalent of a loan made at a zero rate of interest shall not exceed 20% of the total costs of all drinking water projects on such intended use plan”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 2820-0100 by inserting after the words “infrastructure repair” the following: - “and horticulturalist personnel”.

The amendment was **adopted**.

Messrs. Brewer, Morrissey, and O'Leary moved that the bill be amended by inserting after Section 55 the following section:-

“Section 55A.Item 2300-2016 of said chapter 236 is hereby amended by striking out the figure “3,500,000” and inserting in place thereof the following figure “8,500,000”; and in section 60 by striking the figure “763,828,784” and inserting in place thereof the following figure:- “768,828,784”.

The amendment was **adopted**.

Messrs. Tarr and O'Leary moved that the bill be amended in section 2, in item 2030-1000 by inserting after the words “item 2030-1000;” the following:- “ provided further that not less than \$18,000 shall be expended for patrols related to enforcement of shellfish bed closures caused by the presence of ‘red tide,’ so-called;”; by striking the figure “\$10,554,604” and inserting in place thereof the following new figure:- “\$10,572,604”.

The amendment was **adopted**.

Messrs. Augustus, O'Leary, Panagiotakos, Brown, Moore, Tarr, Timilty, and Tarr moved that the bill amended in section 2, in item 22100-0100 by adding after the words “regional water supply” the following:- There is hereby established in the Office of Commonwealth Development a Water Management Act Blue Ribbon Panel, whose members shall be appointed by the Chief of the Office of Commonwealth Development and which shall include balanced representation from the Executive Office of Environmental Affairs, Department of Environmental Protection, Office of Commonwealth Development, Massachusetts Municipal Association, Massachusetts Water Works Association, Massachusetts Water Resources Authority, Massachusetts Audubon Society, Trout Unlimited and a local Rivershed or Watershed Association.

The panel will study the effectiveness of the Department of Environmental Protection’s guidance policy regarding the water management act and will submit a report to the Joint Committee on the Environment, Natural Resources and Agriculture and to the Senate and House Committees on Ways and Means no later then December 31, 2006.

The amendment was **adopted**.

Ms. Resor moved that the bill amended in section 2, in item in item 7004-0099 by adding at the end thereof the following:- “;provided, further that not less than \$25,000 be expended for Marlborough community Development Corporation”; and by striking out the figures \$8,262,633 and inserting in place thereof the figures \$8,287,633.

The amendment was **adopted**.

Mr. Augustus moved that the bill amended in section 2, in item 7007-0900 after the words "Cranberry Harvest Map" by adding the following:- "provided further that no less than \$5,000 be expended for the historical gazebo in the town of Auburn".

The amendment was **adopted**.

Ms. Tucker moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words "town of Hopedale;" the following:- "provided further, that not less than \$100,000 shall be expended for Neighbors in Need in Lawrence". and striking out the figure "\$8,262,633" and inserting in place thereof the following figure:-"8,362,633".

The amendment was **adopted**.

Mr. Brewer moved that the bill amended in section 2, in item 7007-0900, by adding at the end thereof the following:- "; provided further, that not less than \$25,000 shall be expended for the Central Quabbin Area Tourism and Visitors Center;".

The amendment was **adopted**.

Mr. Brewer moved that the bill amended in section 2, in item 7007-0900, by adding at the end thereof the following:- "; provided further, that not less than \$25,000 shall be expended for the Phillipston Historical Society;".

The amendment was **adopted**.

Ms. Menard moved that the bill amended in section 2, in item 7007-0900 by inserting after the words "Cranberry Harvest Map" the following words:- "; provided further, that not less than \$8,000 shall be expended for a recreational program in the town of Freetown".

The amendment was **adopted**.

Ms. Menard and Mr. Montigny moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words "City Stage" the following words:- "; provided further, that not less than \$185,000 shall be expended for the International Trade Assistance Center in Fall River".

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words "Cranberry Harvest Map" the following:- "provided further, that not less than \$40,000 shall be expended from this item for the purpose of the operation and the promotion of the Ipswich Shuttle Bus service;".

The amendment was **adopted**.

Ms. Menard moved that the bill amended by inserting, after Section 104, the following new Section: -

"Section 105. There is hereby established a special legislative commission on the issuance, reissuance, sale and resale of tickets in the Commonwealth. Said commission shall consist of the Chairs of the Joint Legislative Committee on Consumer Protection and Professional Licensure, the Chairs of the Joint Legislative Committee on Community Development and Small Business; one member of the Senate to be appointed by the Senate Minority Leader, and one member of the House to be appointed by the House Minority Leader.

Said commission shall conduct public hearings to examine the issues pertaining to the issuance, reissuance, sale and resale of sports and entertainment tickets in the Commonwealth including but not limited to, the issuance, reissuance, sale and resale of tickets by sports franchises in the Commonwealth, the sale and resale of tickets by independent ticket agencies and brokers in the Commonwealth and the sale and resale of tickets in the Commonwealth and outside of the Commonwealth by individuals, ticket agencies, ticket brokers, sports franchises and entertainment venues through the use of the internet or other electronic means, the sale or resale of tickets in the Commonwealth for sports and entertainment events held outside of the Commonwealth and the sale or resale of tickets outside of the Commonwealth for sports and entertainment events held inside of the Commonwealth. The commission shall also consider the conflict of laws with other states and jurisdictions and the fees, service charges and surcharges associated with the sale and resale of said tickets in the Commonwealth.

Said commission shall file a report of its findings together with any legislative recommendations to the Clerk of the House of Representatives and the Clerk of the Senate no later than December 6, 2006".

The amendment was **adopted**.

Mr. Lees moved that the bill be amended by inserting after Section ___, the following new sections:-

"SECTION ___. Notwithstanding any general or special law to the contrary, sections 44A through 44H, inclusive, of chapter 149 of the General Laws, as appearing in the 2004 Official Edition, shall not apply to the construction, repair and maintenance work being performed on the Cottage Avenue Bridge, connecting Ludlow and Wilbraham.

SECTION ___. The provisions of Section ___ shall expire on July 1, 2007".

The amendment was **adopted**.

Messrs. Joyce and Barrios, Ms. Resor, Ms. Jehlen, Messrs. Nuciforo, Augustus and O'Leary, Ms. Spilka, Mr. Antonioni and Ms. Fargo moved that the bill be amended in section 2, in item 7004-9030, by striking out the figure "\$3,000,000" and inserting in place thereof the following figure:- "\$3,500,000".

The amendment was **adopted**.

Mr. Joyce moved that the bill amended in section 2, in item 7007-0900, by inserting the following: "provided further, that 30,000 in matching funds be expended to the town of Avon for a feasibility study of municipal buildings".

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words "regions of the commonwealth" the following: "provided further, that no less than \$100,000 be expended for the Dorchester Historical Society".

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words "regions of the commonwealth" the following: "provided further, that no less than \$60,000 be expended for the Boston Irish Tourism Association marketing initiatives and for an analysis of the marketability of the Massachusetts Irish Community".

The amendment was **adopted**.

Mr. Nuciforo moved that the bill amended in section 2, in item 7007-0900, by inserting after the words "Edmund Fowle House in Watertown" the following:-

"provided further, that not less than \$200,000 shall be made available for the Bay State Games"

The amendment was **adopted**.

Mr. Nuciforo moved that the bill amended in section 2, in item 7007-0900, by inserting after the words "Merrimack Valley Economic Development Council", the following words:- "provided further that not less than \$250,000, subject to a 100 percent matching fund, shall be available for the Berkshire Economic Development Corporation".

The amendment was **adopted**.

Mr. Nuciforo moved that the bill amended in section 2, in item 0330-0410, by striking the figure "\$25,863", and inserting the following figure:- "\$50,000".

The amendment was **adopted**.

Mr. Hart and Ms. Menard moved that the bill be amended in section 2, in item 7007-0515 by inserting after the words "acts of 1998" the following:- " provided further, that \$350,000 shall be expended to the Massachusetts Alliance for Economic Development for the purpose of enhancing economic development related services, including but not limited to implementation of a statewide online site finder to assist business growth".

The amendment was **adopted**.

Mr. Nuciforo moved that the bill amended in section 2, in item 7007-0900, by inserting after the words "Entertainment Partnership" the following words:- "provided further that not less than \$200,000, shall be made available to the Boston Symphony Orchestra venue at Tanglewood;".

The amendment was **adopted**.

Mr. Nuciforo moved that the bill amended in section 2, in item 1410-0250, by striking the figure "\$27,500" and inserting in place thereof the following figure:- "\$42,000" and by striking the figure "\$2,382,430" and inserting in place thereof the following figure:- "\$2,424,430".

The amendment was **adopted**.

Mr. Tolman and Ms. Spilka moved that the bill be amended in section 2, in item 7003-0702 by adding at the end thereof the following:- "provided further, that not less than \$127,000 shall be expended for the employee involvement and ownership program".

The amendment was **adopted**.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 7007-0900 by striking out "and provided further, that not less than \$15,000 shall be expended for the Puerto Rican Cultural Center in the City of Springfield" and replacing it with:- "and provided further, that not less than \$100,000 shall be expended for the Puerto Rican Cultural Center in the City of Springfield".

The amendment was **adopted**.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 7007-0900 by adding:- "and provided further that not less than \$200,000 shall be expended on the Spirit of Springfield, Inc. in the City of Springfield".

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended by inserting, after Section 104, the following new Section:-

“SECTION XX. Chapter 208 of the Acts of 2000 is hereby repealed”.

The amendment was **adopted**.

Messrs. McGee and Barrios moved that the bill amended in section 2, in item 7003-0702 by adding at the end thereof the following wording:- “provided further, no less than \$150K for the Latino After School Initiative (LASI) Youth Development Project”.

The amendment was **adopted**.

Ms. Resor moved that the bill be amended in section 2, in item 7007-0900 by striking out the words, “provided, further, that not less than \$100,000 shall be allocated for the I-495 Metrowest Corridor Partnership and inserting in place thereof the following words:- “provided further, that not less than \$250,000 shall be allocated for the I-495 Metrowest Corridor Partnership”.

The amendment was **adopted**.

Mr. Tolman moved that the bill amended in section 2, in item 7003-0703, by inserting after the words:”; provided further that not less than \$125,000 shall be expended for a new job training initiative by Cape Cod Healthcare" the following new words: “, and other health care institutions participating in the 1199 SEIU Training and Upgrading Fund”.

The amendment was **adopted**.

Messrs. Tolman, Augustus, and Joyce, Ms. Chandler, Messrs. Moore, Brewer, Knapik, and Creedon, Ms. Resor, Messrs. Barrios and O’Leary, Ms. Tucker and Ms. Wilkerson moved that the bill be amended in section 2, by inserting after item 7004-9317 the following item:

“7004-9317

For a pilot program to establish a statewide Individual Development Account (IDA) program, so-called, for households who are at or below 80% of the area median income, as defined from time to time by the United States department of housing and urban development, in the community in which they live, provided however that households who reside in state-subsidized housing, as defined by the department, shall receive a preference for enrollment in the pilot program; provided, that funds may be awarded to community-based organizations to establish local IDA programs; provided further, that funds may be used for administrative costs to operate an IDA program for financial literacy and asset-specific training and as a match for program participant savings for qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, as defined by the department; provided further, the department may determine other qualified match uses consistent with the guidelines established in federal IDA guidelines pursuant to PL 105-285, 42 USC 604; provided further, that funds may be used to secure federal asset building programs funds; and provided further, that the department shall develop program guidelines to carry out the provisions of this item\$500,000”

The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 7007-0900, in line 26, by striking the figure “\$250,000” and inserting in place thereof the following figure: - “\$500,000”; and by striking out the figure “\$20,605,032” and inserting in place thereof the following figure: “\$20,855,032”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 7003-0702 by inserting after the words “use technology” the following: - “provided further that not less than \$500,000 shall be available for the Massachusetts Alliance for Small Contractors for the purpose of providing technical-assistance, education, capacity-building and support services to small businesses, minority owned businesses and women businesses in prequalification and certification process required pursuant to Chapter 193 of the Acts of 2004”; and by striking out the figure “\$6,463,000” and inserting in place thereof the following figure: “\$6,963,000”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 7002-0012, by inserting after the words “private organizations” the following: -“provided further that funds not expended by October 1, 2007 shall be re-allocated to existing year-round youth employment programs”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 7003-0702 by inserting after the words “use technology” the following: - “provided further that not less than \$100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative”; and by striking out the figure “\$6,463,000” and inserting in place thereof the following figure: “\$6,563,000”.

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map;” the following language:- “provided further, that not less than \$75,000 shall be expended for historic preservation of Atheneum Hall in the Town of Framingham;”.
The amendment was **adopted**.

Ms. Wilkerson moved that the bill amended in section 2, in item 7003-0702 by inserting after the words “use technology” the following: - “provided further that not less than \$200,000 shall be expended for the Women’s Career Mentoring Program operated by the Jewish Vocational Service’s Center for Careers and Lifelong Learning and The Women’s Union Woman to Woman Program”; and by striking out the figure “6,463,000” and inserting in place thereof the following figure: “\$6,663,000”.
The amendment was **adopted**.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund, Brown, Chandler, Fargo and Resor moved that the bill be amended in section 2, by inserting after item 1775-1100 the following new item:-

“1775-XXXX

For the operation of the Affirmative Market Program, housed within the operational services division, for costs associated with the administration of services for minority and women business owners to develop and maintain equitable practices and policies in the public marketplace.....\$299,588”

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “ Cranberry Harvest Map;” the following:- “provided further, that not less than \$250,000 be expended for the North Central Massachusetts Development Corporation;”; and by striking out the figure “\$20,605,032” and inserting in place thereof the following figure:- “20,855,032”.
The amendment was **adopted**.

Mr. Berry moved that the bill amended in section 2, in item 7007-0900 by adding at the end thereof the following:- “that not less than \$50,000 shall be expended as a one time grant to Destination Salem in the city of Salem for the promotion of regional and local tourism”.
The amendment was **adopted**.

Messrs. Hedlund and Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting, after the words “Sandwich Glass Museum;” the following:- “provided further, that not less than \$50,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail;”.
The amendment was **adopted**.

Ms. Creem and Mr. Timilty moved that the bill be amended in section 2, in item 7007-0900 by striking out the wording “provided further, that \$500,000 shall be expended for a grant to the Massachusetts Sports and Entertainment Partnership” and inserting in place thereof the following:- “provided further that not less than \$1,250,000 of the amount appropriated herein shall be expended for the operation and administration of the Massachusetts Sports and Entertainment Commission, provided, however, that the Massachusetts Sports and Entertainment Commission shall be the official and lead agency to facilitate and attract major sports events and championships in the Commonwealth and provided further that the Massachusetts Sports and Entertainment Commission shall establish a division within the Commission which shall be the official and lead agency to facilitate motion picture production and development within the Commonwealth;”.
The amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2, by striking out item 7002-0010 and inserting in place thereof the following item:-

7002-0010

For the office of the secretary of the executive office of economic development; provided, that agencies within the executive office, may, with the prior approval of the secretary, streamline and improve administrative operations under interdepartmental service agreements\$404,329

The amendment was **adopted**.

Messrs. Morrissey and Tarr moved that the bill be amended by inserting at the end thereof the following new section:-

SECTION. Chapter 140 of the Acts of 2005 is hereby amended by striking out Section 18 in its entirety and inserting in place thereof the following new section:-

Section 18. Notwithstanding any general or special law to the contrary the Massachusetts Technology Park Corporation shall, in consultation with the division of energy resources, establish a program to expand the production and use of clean, on-site distributed renewable resources by assisting income-eligible residential customers in the commonwealth with the cost of purchasing and

installing photovoltaic systems that will be connected to the electric distribution grid. The program shall be funded by the Massachusetts Renewable Energy Trust Fund established in section 4E of chapter 40J of the General Laws; provided, however, that the fund shall expend not less than \$1,000,000 for the purposes of this program; provided further, that these funds and all other funds expended by the corporation in furtherance of the increased installation and use of distributed renewable generation resources by the corporation shall be deemed to be expended for the primary purpose of protecting or restoring the environment as such terms are defined in Section 126(b) of the Internal Revenue Code, as amended, and the implementing regulation set forth in Title 7 CFR Part 14. The program sponsored by the corporation shall be operational no later than October 31, 2006. The corporation may set standards and adopt rules and regulations for a program established by the corporation to carry out the purposes of this section that may be administered directly by the corporation or through one or more agents acting on behalf of the corporation. The program established by the corporation shall provide a preference for assisting low, moderate and upper moderate income residential customers. The corporation shall submit a progress report with the joint committee on telecommunication, utilities and energy not later than July 31, 2006.

The amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2, in item 7007-0900 by striking the phrase “provided further, that not less than \$100,000 shall be allocated to the Cambridge Cultural Events fund for the organization of a Cultural Fair and a Latin American Festival in the city of Cambridge;” and inserting in place thereof:- provided further, that not less than \$85,000 shall be allocated to the Cambridge Cultural Events fund for the organization of a Cultural Fair and a Latin American Festival in the city of Cambridge; provided further, that not less than \$15,000 shall be expended for the Chelsea Latin American Festival.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 2800-0200 by inserting, after the words “town of Milton” the following words:- “provided further that \$750,000 shall be expended on a matching program to encourage private and corporate support to support the Franklin Park Zoo and Stone Zoo” and by striking out the figure “\$6,050,000” and inserting in place thereof the figure:- “\$6,800,000”.

The amendment was **adopted**.

Messrs. Moore, Antonioni, Panagiotakos and Timilty moved that the bill amended in section 2, in item 7003-0702, by inserting at the end thereof the following:- “provided further that not less than \$750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies; provided further that an additional sum of not less than \$200,000 shall be held in reserve as a matching fund, to be release to said Commonwealth Corporation for the above-referenced high school science teacher training program upon a 100 percent match from the private sector”.

The amendment was **adopted**.

Mr. Pacheco, Ms. Menard, Messrs. Tarr and Tolman, Ms. Tucker, Ms. Jehlen and Ms. Menard moved that the bill be amended in section 2, in item 3000-5000, by inserting the following words:- “provided that, funds from this item may be expended on early head start programs”.

The amendment was **adopted**.

Mr. McGee moved that the bill amended in section 2, in item 3000-2050, by striking out the figures “\$998,990” and inserting in place thereof the figures “\$1,382,307”.

The amendment was **adopted**.

Mr. Tisei moved that the bill be amended in section 2, in item 7061-9634, by inserting after the words “achievement for youth program;” the following:- “provided further, that not more than \$225,000 shall be expended for Camp Coca Cola New England to provide under-served youth development services with an emphasis on leadership training and community service;”; and by striking out the figure “\$487,000” and inserting in place thereof the following figure:- “\$712,000”.

The amendment was **adopted**.

Messrs. Augustus, Antonioni, Brewer, Barrios, Tisei, Buoniconti, Tolman, McGee, Montigny, Hart, Ms. Chandler, and Ms. Spilka moved that the bill amended in section 2, by inserting after item 7061-9604 the following item:-

“7061-9610

For matching grants of \$1,000 per enrolled child to Citizen Schools after-school learning programs for middle school children across the Commonwealth, including but not limited to those administered in Boston by Citizen Schools; in Lowell by Community Teamwork, Inc.; in Malden by the Partnership for Community Schools; in New Bedford by Positive Action Against Chemical Addiction; in Springfield by The Martin Luther King Jr. Community Center; in Worcester by the Greater Worcester YMCA; upon documentation by Citizen Schools of \$1 in private sector, local, or federal funds for every \$1 in state funds, and that all funds go to programs certified by Citizen Schools, Inc.; provided further that up to \$50,000 of the \$300,000 will be available to Citizen Schools Inc. to support statewide

training and evaluation efforts, and to further establish the efficacy of the Citizen Schools program in promoting school success, high school completion, and college and workforce success for low-income, at-risk students across the Commonwealth\$300,000”.

The amendment was **adopted**.

Messrs. Tolman, Jehlen, Creedon, Montigny, Tucker, Barrios, Havern, Knapik and Morrissey moved that the bill be amended in section 2, in item 7061-9626 by striking the following figure: “\$1,450,000” and inserting in place thereof the following figure: “2,050,000”.

The amendment was **adopted**.

Messrs. Antonioni, Augustus, Barrios, Brewer, Buoniconti, Havern, Lees, Tisei, Knapik, O’Leary, Ms. Chandler, Ms. Spilka, Ms. Resor, and Mr. Rosenberg moved that the bill be amended in section 2, in item 7010-0005, by striking out the figure “\$125,000” and inserting in place thereof the following figure:- “\$150,000”; and by striking out the figure “10,952,905” and inserting in place thereof the following figure:- “\$10,977,905”.

The amendment was **adopted**.

Messrs. Antonioni and Barrios moved that the bill amended in section 2, by striking item 7030-1005 and inserting in place thereof, the following item:-

“7030-1005

For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short term intervention for children who are at risk of failing to reading in the first grade; provided further, that not less than \$300,000 shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers salaries in one-to-one early intervention tutorial literacy programs; and provided further that said program shall provide ongoing documentation and evaluation of results.....\$2,700,000”.

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended by inserting the following two sections:-

“SECTION XX. Section 1 I of chapter 69 of General Laws, as amended by section 19 of chapter 65 of the Acts of 2004, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following sentence:-

Each school improvement plan shall be submitted to the superintendent and the school committee for review and approval not later than July 1 of the year in which the plan is to be implemented, according to a plan development and review schedule established by the district superintendent.

SECTION XX. Section 59C of chapter 71 of the General Laws, as amended by section 82 of chapter 46 of the Acts of 2003, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The principal of each school, in consultation with the school council established pursuant to this section, shall on an annual basis, in conformity with the provisions of section 1 I of chapter 69, develop and submit for approval by the district superintendent and school committee a plan for improving student performance. Said plan shall be prepared in a manner and form prescribed by the department of education and shall conform to any policies and practices of the district consistent therewith. If said school improvement plan is not reviewed by the school committee within thirty days of said school committee receiving said school improvement plan, the plan shall be deemed to have been approved”..

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0011, by inserting in (10) after the words “student transportation costs”; the following:- “provided, that systems with greater that a 15 percent decline in enrollment over the past five years shall receive priority in this category; and”.

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 4000-0012 by inserting after the words “Springfield Day Nursery;” the following:- “provided further, that not less than \$50,000 shall be expended to the Franklin Community Action Corporation for youth services;”.

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 2, in item 7100-0200 by inserting after the words “in accordance with a plan reviewed” the following words:- “and recommended”.

The amendment was **adopted**.

Messrs. Panagiotakos, O'Leary and Rosenberg moved that the bill be amended by striking out section 12 and section 27; and by adding at the end thereof, the following new section: -

Section 100A. (a) Notwithstanding any general or special law to the contrary, all tuition and fees received by a state or community college, or by each campus of the university of Massachusetts shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board of trustees may direct for the operation and support of the institution. Provided, that the rate of increase for in-state tuition and fees shall not exceed the 3-year average of the Consumer Price Index for Massachusetts. Any balance in the trust fund at the end of the fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.

For employees of a state or community college or the university who are paid from tuition retained under this section, fringe benefits and any collective bargaining increases shall be funded as if those employees' salaries were supported by state appropriations.

(b) Notwithstanding any general or special law to the contrary, each community college, each state college, and the university of Massachusetts shall create at the institution a reserve fund, hereinafter referred to as the "student charges stabilization fund," for their respective institution. There shall be deposited into the student charges stabilization fund of each institution the following: (1) any moneys which, within 60 days after the end of the fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to the institution for the fiscal year and that were not expended during, and remain unencumbered for expenditure in respect of, the fiscal year; provided, that notwithstanding any general or special law to the contrary, all such moneys shall remain available for expenditure, without further appropriation, in subsequent fiscal years and shall not revert to the General Fund; and provided further that the state comptroller shall transfer any such moneys remaining in the state treasury to the institution within 30 days of receipt of the institutions certification; (2) moneys that are appropriated to an institution which are required by the legislature to be deposited into the institution's student charges stabilization fund; and (3) other moneys that an institution may elect to deposit into its student charges stabilization fund, including student tuition and fee revenue. Student charges stabilization fund moneys shall be deposited in an interest-bearing account credited to its respective institution.

Each institution shall deposit 5 per cent of any growth in state appropriation and tuition and fees from the prior year into their student charges stabilization fund.

(c) The provisions of this section shall expire on June 30, 2007 .
The amendment was **adopted**.

Mr. Barrios moved that the bill be amended after Section 104 by adding:-

SECTION 105. Bunker Hill Community College is hereby authorized to borrow an amount not to exceed \$8,000,000 through the Massachusetts Health and Educational Facilities Authority for the planning, design, and construction of a Health and Wellness Center at Bunker Hill Community College. The term of this borrowing shall be 30 years.
The amendment was **adopted**.

Ms. Murray and Messrs. Tarr and Barrios moved that the bill be amended in section 2, in item 7118-0100, by adding the following words:- "; and provided further, that \$454,000 shall be expended for the purchase of a liquid cargo simulator to provide training for public safety officials and other maritime agencies"; and by striking out the figure "\$12,732,243" and inserting in place thereof the following figure:- "13,186,243".
The amendment was **adopted**.

Messrs. Brown, Lees, Hedlund, Knapik, Tarr and Tisei moved that the bill be amended by adding the following new section at the end thereof:-

SECTION _____. Notwithstanding any special law to the contrary, the bridge on Route 16 (Washington Street) spanning Route 9 in the town of Wellesley shall be designated and known as the State Senator David H. Locke Bridge. The department of highways shall erect and maintain suitable markers bearing the designation in compliance with the standards of the department.
The amendment was **adopted**.

Ms. Walsh and Mr. Morrissey moved that the bill be amended by inserting after Section ____ the following new Section:-

"SECTION _____. Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the Dedham Board of Selectmen may grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, and 1 additional license for the sale of wines and malt beverages to be drunk on the premises, subject to the following conditions:

(a) The Board of Selectmen shall reserve 1 of the all alcoholic beverages licenses for RED HOT, INC. d/b/a ISABELLA'S for a location in Dedham Square, subject to all other applicable requirements for an all alcoholic beverages license and on condition that

the current license for the sale of wine and malt beverages currently held by said Isabella's be returned physically, with all the legal rights pertaining thereto, to the Board of Selectmen upon approval and receipt of said new all alcoholic beverages license.

(b) The Board of Selectmen shall restrict the remaining licenses to business entities that locate in a development to be known as LEGACY PLACE, the site for which is more particularly shown on a plan which is on file with the Board of Selectmen.

(c) Notwithstanding said section 12 of said chapter 138, the additional licenses authorized by this act shall be subject to an original application fee of \$5,000 more than the annual fee for existing all alcoholic beverages licenses or wines and malt beverages licenses, as applicable, in the Town of Dedham. Said additional \$5,000 fee shall be deposited into an economic development account of the Town of Dedham and expended consistently with the purposes of such account.

(d) Notwithstanding said sections 12 and 77 of said chapter 138, the Board of Selectmen may restrict the all alcoholic beverages licenses to holders of common victualler licenses.

(e) Notwithstanding said sections 12 and 77 of said chapter 138, the Board of Selectmen may restrict the wines and malt beverages license to a licensee holding a common victualler license.

(f) The Board of Selectmen shall determine reasonably whether an applicant or licensee meets the criteria set forth in this act.

(g) The licenses shall not be transferable.

(h) The licenses, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the Board of Selectmen, which may grant any such returned license to a new applicant who meets the criteria set forth in this act".

The amendment was **adopted**.

Ms. Fargo, Ms. Chandler, Ms. Spilka, Messrs. Brown and Augustus moved that the bill be amended in section 2, in item 7061-0011 by striking out all of subsection (2) and inserting in place thereof the following text: -

"(2) assist municipalities with extraordinary increases of greater than 25 per cent in their required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided, that preference in the awarding of such funds shall be given to municipalities whose required local contribution exceeds 80 per cent of their foundation budget; and provided further, that any funds awarded under this item shall be expended by a school committee without further appropriation;"

The amendment was **adopted**.

Messrs. Baddour and Berry moved that the bill amended by inserting, after Section ____, the following new Section:-

"SECTION _____. Notwithstanding any general or special law to the contrary, the temporary tax amnesty program authorized by Chapter 4, Section 73 of the Acts of 2003 and Chapter 46, Section 113 of the Acts of 2003, which the Town of Salisbury adopted by vote of Town Meeting on October 27, 2003 is hereby extended for the Town of Salisbury until June 30, 2006".

The amendment was **adopted**.

Messrs. Tarr, Tisei and Brown moved that the bill be amended by inserting at the end, the following new section:-

"SECTION _____. Notwithstanding any general or special law to the contrary, the department of education is hereby authorized and directed to study the inequities between communities resulting from the current chapter 70 aid distribution formula and its reliance on municipal fiscal year spending prior to 1993 as a factor in determining a community's ability to pay. Said study, together with legislative recommendations for actions to remedy inequities and cost estimates for such actions, shall be filed with the clerks of the House and Senate not later than January 31, 2007".

The amendment was **adopted**.

Mr. Augustus moved that the bill amended by inserting after Section ____, the following new Section:-

"Section _____. Section 56 of Chapter 6 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 26 by striking out the words "cities of New Bedford and Springfield". and inserting in place thereof the following words:- "cities of New Bedford, Worcester and Springfield".

The amendment was **adopted**.

Ms. Tucker and Messrs. Barrios, Montigny and Barrios moved that the bill be amended in section 2, in item 0840-0100, by striking out the figure "453,889" and inserting in place therefore the following figure:-"596,776".

The amendment was **adopted**.

Mr. Hart moved that the bill be amended by inserting, after Section ____, the following new Section: -

“SECTION _____. Section 2F of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 39 and 40, the words ‘the establishment of the Diane Zaniboni breast cancer research fund to be coordinated by the department of public health’ and inserting in place thereof the following words:- the Diane Zaniboni breast cancer research fund coordinated by Tufts New England Medical Center.’ ”

The amendment was **adopted**.

Messrs. Tolman and Augustus, Jr. moved that the bill be amended in section 2, in item 1599-6901 by adding, in line 22 after the words “Mental Health and Substance Abuse Corporations of Massachusetts” the following:- “1 designee of SEIU Local 509”.

The amendment was **adopted**.

Ms. Resor moved that the bill be amended by inserting after section 104, the following new Section:-

“SECTION . The division of capital asset management and maintenance is hereby authorized to transfer care and custody of a parcel of vacant state-owned land in the town of Westborough for use as a location for the new facility for girls committed to the department of youth services. The exact size and boundaries of the parcel to be so transferred shall be determined by the division of capital asset management and maintenance. Transfer of said parcel shall be without consideration and shall not be subject to the provisions of chapter 7 of the General Laws”.

The amendment was **adopted**.

Messrs. Tarr, Baddour, Lees, Tisei, Knapik, Hedlund and Brown, Ms. Tucker moved that the bill be amended by inserting at the end the following sections:-

“SECTION 1. Terms used in sections 2 and 3 and sections 14 to 21, inclusive, shall have the meanings assigned to them in section 3 of chapter 25A of the General Laws.

SECTION 1A. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sum set forth in section 2A is hereby appropriated from the General Fund unless specifically designated otherwise in this act or in said appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2006 . The sum appropriated in said section 2A shall be in addition to any amounts previously appropriated and made available for the purposes of that item.

SECTION 2A. 2030-1001 For the purchase and repair of office of environmental law enforcement motor vehicles; provided, that not less than 20 per cent of new motor vehicle purchases shall be hybrid or alternative fuel vehicles; prior appropriation continued.....\$2,500,000.

SECTION 21/2. To provide funding for the Energy Independence Grant Fund, for the purpose of encouraging the purchase, lease, aftermarket conversion and use of hybrid and alternative energy vehicles, including heavy, medium and light duty vehicles that utilize either a single fuel or dual fuel, by cities and towns, school districts and regional transit authorities. The sums set forth in section 3 shall be distributed pursuant to a grant program developed and administered by the division of energy resources. The development of the plan shall be conducted in consultation with regional transit authorities established pursuant to chapter 161B of the General Laws. The grant program shall facilitate the development of an alternative fuel infrastructure. The sums set forth in section 3, for the several purposes and subject to the conditions specified in this act, are hereby made available subject to the laws regulating the disbursement of public funds and approval thereof.

SECTION 3.

DIVISION OF ENERGY RESOURCES.

7006-1003

For the planning, design and construction of alternative fuel refueling stations on the site of land owned or controlled by the commonwealth or a regional transit authority with a minimum useful life of 5 years, and for financial assistance to cities and towns, school districts and regional transit authorities for the acquisition of alternative fuel vehicles and hybrids with a minimum useful life of 3 years; provided, that the commonwealth or a regional transit authority may enter into agreements or contracts with providers and distributors of alternative fuels necessary to carry out the purposes of this act . 10,000,000.

SECTION 4. To meet a portion of the expenditures necessary in carrying out section 3, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of \$10,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Alternative Energy, Energy Independence Act of 2005, and shall be issued for such maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2030 .

All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations the governor shall take into account: (i) generally prevailing financial market conditions; (ii) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (iii) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (iv) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 20 of said chapter 29.

SECTION 4A. Chapter 21A of the General Laws is hereby amended by adding the following section:-

Section 3F. The commissioner shall annually, on or before November 15, publish a list of vehicles sold within the commonwealth which are eligible to receive an exemption from certain percentages of the sales tax and the percentage reduction in the sales tax assessed under section 2 of chapter 64H to which they shall be entitled in the following taxable year.

The commissioner shall establish a list and provide a schedule of sales tax exemptions for vehicles based upon their fuel mileage ratings as determined by the United States Environmental Protection Agency, based on a formula annually updated which reflects: (a) a vehicle's mileage relative to other vehicles within its passenger seating class; and (b) the percentage of the vehicle that is American-made.

The commissioner shall provide exemptions for the following classes of vehicles: 2 and 4-passenger vehicles, 5-passenger vehicles and vehicles that seat 6 or more passengers.

The commissioner shall design the list so that no vehicle which is less than 60 percent as efficient, for 2 to 4 and 5-passenger vehicles, and 70 percent as efficient, for 6-passenger and more vehicles, as the best vehicle in its respective class receives the sales tax exemption. The commissioner may, after issuing a draft determination and holding a public hearing, raise the level below which a vehicle shall not qualify for benefits.

The list shall be made available for public comment not later than November 1 of each year and the commissioner shall determine what shall be included on the final list. The final list shall be distributed to boards of assessors and tax collectors within each municipality.

SECTION 5. Section 3 of chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in their appropriate alphabetical sequence the following definitions:

"Aftermarket conversion", a converted vehicle originally designed to operate on gasoline that has been altered to run on an alternative fuel exclusively or in combination with gasoline.

"Alternative fuel refueling station", any platform that provides for the delivery of alternative fuels.

"Alternative fuel vehicle", a vehicle powered by alternative fuel. An alternative fuel vehicle shall have the following attributes:

- (1) the capability of operating only on an alternative fuel;
- (2) original use commencing with the taxpayer; and
- (3) acquisition by the taxpayer for use or lease, but not for resale.

"Alternative fuels", biodiesel, electricity, ethanol, hydrogen, methanol, natural gas and propane.

"Biodiesel", renewable fuel that can be manufactured from vegetable oils, animal fats, or recycled restaurant greases, including both biodiesel blends and pure forms, including B20 20 per cent neat biodiesel and 80 per cent diesel.

"Electricity", transportation fuel to power battery electric and fuel cell vehicles.

"Ethanol", an alcohol-based alternative fuel produced by fermenting and distilling starch crops that have been converted into simple sugars. Specifically, blends such as 85 per cent ethanol and 15 per cent gasoline, E85, shall be considered an alternative.

"Heavy duty vehicle", a vehicle with a gross vehicle weight rating, GVWR, equal to or greater than 40,001 pounds GVWR.

"Hybrid vehicle", (1) a vehicle which draws propulsion energy from onboard sources of stored energy which are both: (i) an internal combustion or heat engine using combustible fuel; and (ii) a rechargeable energy storage system; (2) a vehicle which, in the case of a passenger automobile, medium duty passenger vehicle or light truck: (i) for 2002 and later model vehicles, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle

standard under section 243(e)(2) of the Clean Air Act for that make and model year; (ii) for 2004 and later model vehicles, has received a certificate that the vehicle meets or exceeds the Bin 5 Tier II emission level established in regulations prescribed by the administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle; and (iii) and achieves an increase of 10 per cent fuel efficiency as compared to the average vehicle of its class as defined by the federal Environmental Protection Agency.

"Hydrogen", a fuel which is in a gaseous state at atmospheric pressure and ambient temperatures containing low levels of carbon monoxide and carbon dioxide for use in combustion engines and fuel cell electric vehicles.

"Light duty vehicle", a vehicle with a gross vehicle weight rating, GVWR, of 0 to 10,000 pounds.

"Medium duty vehicle," a vehicle with a gross vehicle weight rating, GVWR, of 10,001 to 40,000 pounds.

"Methanol", a wood alcohol used as an alternative fuel in flexible fuel vehicles that run on M85, a blend of 85 per cent methanol and 15 per cent gasoline.

"Natural gas", applications as stored onboard a vehicle as compressed natural gas, CNG, at 3,000 or 3,600 pounds per square inch or as liquefied natural gas, LNG, at typically 20 to 150 pounds per square inch.

"Propane" liquefied petroleum gas, LPG.

"Regional transit authority", as established pursuant to chapter 161 and chapter 161B, SECTION 6. Section 11B of chapter 25A of the General Laws, as so appearing, is hereby amended by adding the following 4 paragraphs:-

When purchasing new motor vehicles, the commonwealth shall purchase hybrid or alternative fuel vehicles to the maximum feasible extent at a rate of not less than 5 per cent annually for all new motor vehicle purchases in order that, taking into account the existing number of such vehicles owned and operated by the commonwealth, not less than 50 per cent of the motor vehicles owned and operated by the commonwealth are hybrid or alternative fuel vehicles by the year 2010.

The division of operational services shall forward to the division of energy resources all requests for motor vehicle acquisitions by agencies of the commonwealth. The division shall thereafter report to the division of operational services regarding the availability of a hybrid or alternative fuel vehicle that will feasibly achieve the intended use designated by the requesting agency.

The division shall develop a system of protocols for reporting to the division of operational services for the acquisition of alternative fuel vehicles and hybrids, including identifying the potential for acquisition of heavy, medium and light-duty vehicles, based on the anticipated mileage and usage of such vehicles, and the effectiveness of single fuel or dual fuel alternative fuel vehicles for the particular purpose identified.

The division shall submit in writing to the secretary of administration and finance, the clerks of the senate and house of representatives and the joint committee on state administration and regulatory oversight an annual statement detailing the progress, as well as any additional information relevant to the acquisition of hybrid or alternative fuel vehicles by the commonwealth.

SECTION 7. Said chapter 25A is hereby further amended by inserting after section 11H the following 2 sections:-

Section 11I. There shall be established and set up on the books of the Commonwealth an Energy Independence Grant Fund to be used, subject to appropriation for the purpose of encouraging the purchase, lease, aftermarket conversion and use of hybrid and alternative fuel vehicles, including heavy, medium and light duty vehicles that use either a single fuel or dual fuels, by cities and towns, school districts and regional transit authorities. The grants may be used for the purpose of matching federal grants. In addition, the grants may be expended pursuant to cooperative purchasing agreements with other entities. Funds expended shall, to the extent possible, maximize reimbursement from federal or other sources. The fund shall consist of any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited to it. The fund shall encourage, support and foster the development of hybrid and alternative fuel vehicles in order to promote increased autonomy from fossil fuels, to mitigate the fiscal impact of the high cost of fuel on cities and towns and to provide environmental benefits through the reduction of carbon dioxide and carbon monoxide emissions.

Section 11J. (a) The division shall receive applications for grants from the fund from cities and towns, school districts and regional transit authorities and award grants to assist any of them in the purchase or lease of hybrid and alternative fuel vehicles or for the aftermarket conversion of conventional fuel vehicles for municipal or regional transit purposes. The division shall develop a scoring system to serve as the basis for the evaluation and the determination of awarding grants pursuant to this section. The scoring system shall determine the maximum grant amount available for a specific application. The scoring system shall be based upon the type of vehicle being acquired or retrofitted, the cost, the type of use anticipated, fuel economy, range and the anticipated useful life of a vehicle and shall employ the federal standards set forth in the Corporate Average Fuel Economy provision of the Energy Policy Conservation Act of 1975 and any other applicable federal standards. The scoring system shall designate the amount of assistance available to a municipality, school district or regional transit authority based upon those factors and the division may award grants up to that amount commensurate with said factors. In awarding grants, the division shall give consideration to applications from

cities and towns, school districts and regional transit authorities from diverse geographic regions. A city or town, school district or regional transit authority which is awarded a grant under this program shall submit an annual report to the division identifying and detailing: (1) the type of the hybrid or alternative fuel vehicle purchased, leased or converted; (2) the usage and any cost savings to the city or town, school district or regional transit authority associated with the reduction of use of standard gasoline from the use of the vehicle; and (3) any environmental benefits from, but not limited to, the reduction in emissions.

(b) A city or town, school district or regional transit authority shall apply for a fund grant in the manner specified by the commissioner.

(c) The division shall promulgate policies, rules and regulations to implement this section. The commissioner shall file the policies, rules and regulations with the joint committee on state administration and regulatory oversight for review and comment not later than 30 days before the effective date of any policies, rules and regulations.

(d) Not less than \$100,000 shall be expended from the fund for the Massachusetts Maritime Academy for a pilot program to utilize wind energy technology to create on-site, hydrogen-based electricity to reduce the high cost of energy at public institutions of higher education. The academy shall use the funds to develop a hydrogen-based, fuel cell powered tug boat.

SECTION 8. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subparagraph 9 the following subparagraph:-

(91/2) For taxable years beginning on or after January 1, 2006, in the case of an individual who purchases a hybrid or alternative fuel vehicle, as those terms are defined in section 3 of chapter 25A, there shall be a deduction in the amount of \$2,000 for a single person, for a person who qualifies as a head of household under section 2(b) of the Code or for a husband and wife in the taxable year in which the purchase is made. The department of revenue may require a proof of purchase to be submitted with a return in order to be eligible for the deduction.

SECTION 9. Section 31A of chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after the word "fishing", in lines 4 and 24, the following words:- or a corporation primarily engaged in the development, construction or operation of an alternative fuel refueling station, and the development of alternative fuels, as those terms are defined in section 3 of chapter 25A.

SECTION 10. Said chapter 63 is hereby further amended by inserting after section 31C the following 2 sections:-

Section 31C1/2. A corporation which maintains a motor vehicle fleet equal to or in excess of 50 vehicles, including those of carriers licensed pursuant to chapter 159B, and purchases, leases or performs an aftermarket conversion, as that term is defined in section 3 of chapter 25A, of a conventional fuel vehicle to an alternative fuel vehicle, as that term is defined in said section 3 of said chapter 25A, and maintains the alternative fuel vehicle, and which corporation is a domestic or foreign corporation under subparagraph 1 or 2 of section 30, may receive a credit against its excise due under this chapter. The amount of the credit shall be equal to 50 per cent of the difference between the purchase price or the cost of the aftermarket conversion of the alternative fuel vehicle and the listed purchase price of a gasoline-powered vehicle of like quality during the taxable year of the purchase. A corporation which does not maintain at least 10 per cent of its fleet as alternative fuel vehicles or hybrid vehicles, as those terms are defined in said section 3 of said chapter 25A, shall not be eligible for the credit.

Section 31C3/4. A corporation, licensed as a common carrier of passengers under chapter 159A, which maintains a motor vehicle fleet equal to or in excess of 25 vehicles and purchases, leases or performs an aftermarket conversion, as that term is defined in section 3 of chapter 25A, of a conventional fuel vehicle to an alternative fuel vehicle, as that term is defined in section 3 of chapter 25A, and maintains the alternative fuel vehicle, and which corporation is a domestic or foreign corporation under subparagraph 1 or 2 of section 30, may receive a credit against its excise due under this chapter. The amount of the credit shall be equal to fifty per cent of the difference between the purchase price or the cost of the aftermarket conversion of the alternative fuel vehicle and the listed purchase price of a gasoline-powered vehicle of like quality during the taxable year of the purchase, as hereinafter provided. A corporation which does not maintain at least 10 per cent of its fleet as alternative fuel vehicles or hybrid vehicles, as those terms are defined in said section 3 of said chapter 25A, shall not be eligible for the credit.

SECTION 11. Section 4 of chapter 64E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "19.1 per cent of the average price computed to the nearest tenth of one per cent per gallon" and inserting in place thereof the following words:- 25 per cent less than the rate on fuel set forth in chapter 64A.

SECTION 12. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the tenth paragraph the following paragraph:-

Upon application, the registrar shall furnish an energy independence placard or sticker bearing a designation to be determined by the registrar to any person who is the title or lease holder of a qualified hybrid or alternative fuel vehicle, as those terms are defined in section 3 of chapter 25A, and who meets the requirements of this paragraph. The placard or sticker shall be of a size and design to be determined by the registrar and shall be numbered and contain identifying features and specifications as the registrar considers appropriate. The authorized user shall permanently affix the placard or sticker to the vehicle so as to be readily visible in accordance

with instructions provided by the registrar from time to time. The registrar may impose a reasonable fee for the costs associated with the processing of applications and the issuance of placards or stickers.

The Massachusetts Turnpike Authority shall make available to all holders of placards Fast Lane toll transponders and shall waive the initial application fee associated with the acquisition of the transponder. A city or town may, by by-law or ordinance, grant municipal parking at a reduced rate or without charge to holders of the energy independence placard or sticker.

SECTION 12A. Section 7A of said chapter 90, as so appearing, is hereby amended by inserting after the fifth paragraph the following paragraph:-

The emissions and maintenance inspection programs provided for in this section shall not apply to a qualified hybrid or alternative fuel vehicle or clean alternative fuel if the vehicle obtains a rating from the United States Environmental Protection Agency of at least 50 miles per gallon during city fuel economy tests unless remote sensing devices indicate the hybrid or alternative fuel vehicle may not meet current emissions standards. The commissioner shall promulgate such regulations as may be required to implement this exemption.

SECTION 12B. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Commissioner" the following definition:-

"Clean alternative fuel vehicle" shall mean natural gas, hydrogen or electricity when used as a motor vehicle fuel or propane when used as a motor vehicle fuel if such a vehicle meets the federal fleet emissions standards under the federal Clean Air Act or any emissions standards adopted by the commissioner of environmental protection as part of the commonwealth's implementation plan under the Clean Air Act.

SECTION 13. (a) There shall be established at the University of Massachusetts, the Commonwealth Alternative Fuels Institute, for the purpose of researching and developing hybrid and alternative fuel vehicles and alternative fuels and any related technology and components involved in the production, conversion, operation and maintenance of hybrid and alternative fuel vehicles and hybrids.

(b) The Institute shall have among its primary goals the development and commercialization of the vehicles, fuels, equipment and technology for the purposes of deriving environmental benefits, reducing dependence on conventional fossil fuels and facilitating economic growth.

(c) The Institute shall be governed by policies and operating procedures developed and maintained by the president of the university and its board of trustees, together with the governing bodies of each subdivision of the university assigned to engage in the operations of the Institute.

(d) Subject to appropriation, the Institute shall engage in projects as determined to be feasible by its advisory board, and may issue requests for proposals and enter into cooperative research agreements in carrying out this act.

(e) There shall be an advisory board of the Institute, comprised of: the president of the University of Massachusetts or his designee, who shall also serve as the chairperson; the secretary of environmental affairs or his designee; the secretary of economic affairs or his designee; the secretary of transportation or his designee; the general manager of the Massachusetts Bay Transportation Authority or his designee; a representative of the regional transit authorities; 3 members to be appointed by the governor, 1 of whom shall represent the business community, 1 of whom shall have expertise in environmental issues and 1 of whom shall represent consumers; 2 members appointed by the president of the university, each having expertise in relevant science and technology; 1 member of the senate and 1 member of the house of representatives. Each appointed member shall serve for a term of 3 years, and shall be eligible to be appointed for consecutive terms.

(f) The Institute shall undertake a comprehensive industry needs assessment, in consultation with the advisory board, of businesses engaged in the research, development or production of alternative fuel vehicles and hybrids, alternative fuels and related components and technologies. The assessment, which shall be completed not later than 6 months after the effective date of this act, shall include, but not be limited to the following:

- (1) the identities of industry participants and a characterization of their business activities involving hybrid and alternative fuel vehicles and related technologies and components;
- (2) current or projected impediments to the growth and development of industry participants;
- (3) feasible means by which state government, including the commonwealth's institutions of higher education, may assist industry participants;
- (4) potential collaborative efforts between the commonwealth and industry participants, including industry-sponsored research and development and the securing of public and private research funds;

(5) potential sources and uses of federal government funding for research and development including, but not limited to, funding opportunities contained in any federal renewable or alternative energy legislation.

SECTION 14. The Massachusetts Turnpike Authority shall develop a plan, in consultation with the executive office of transportation, for the availability of alternative fuel at each fueling facility or service terminal on the Massachusetts Turnpike. The plan shall provide for availability not later than January 1, 2012 . Should the authority determine that facilitating the availability is not feasible, it shall report the findings, together with the reasons therefor, to the house and senate committees on ways and means and the joint committee on transportation not later than January 31, 2006 .

SECTION 15. (a) The commissioner of energy resources, in consultation with the secretary of administration and finance, the secretary of transportation, the general manager of the Massachusetts Bay Transportation Authority, a representative of the regional transit authorities, the secretary of economic affairs, the secretary of environmental affairs, and the operation services division, shall develop a statewide master plan for the advancement of hybrid and alternative fuel vehicles and related technology.

(b) The plan shall encompass a 10-year period beginning in 2007, and shall be divisible in increments of not less than 5 years. The plan shall take into account the geographic diversity of the commonwealth, its present and projected demographics, present and projected transportation needs and infrastructure, and current, emerging and foreseeable alternative fuel and vehicle technologies.

(c) The plan may establish goals for areas such as the purchase and use of hybrid and alternative fuel vehicles and hybrids by the commonwealth, its political subdivisions, private commercial fleets and citizens, the development of fueling facilities, and technologies, and the production, import action or distribution of alternative fuels.

(d) In addition, the plan shall identify strategies and corresponding methods of achieving its identified goals together with necessary administration and legislative actions. The plan shall be reported to the clerks of the senate and house of representatives not later than 18 months following the effective date of this act.

SECTION 16. The secretary of administration and finance through the division of operational services, in consultation with the commissioner of energy resources, shall enter into contracts and agreements with the manufacturers or providers of hybrid or alternative fuel vehicles as may be necessary for the purchase or lease of the vehicles, or aftermarket conversion equipment or technologies in order to comply with this act.

SECTION 17. The commissioner of energy resources shall annually develop a directory of alternative fuel vehicles, equipment and services available for purchase by public entities.

The directory shall include vehicles available for heavy, medium and light duty usage, as well as the spectrum of alternative fuels available, as defined in section 3 of chapter 25A of the General Laws, and the appropriate applications, estimated costs, and positive and negative aspects of each vehicle and fuel. To the extent possible, the directory shall contain photographs of the available vehicles.

The directory shall be produced and promulgated in a manner reasonably devised to assist in promoting awareness and the utilization of alternative fuel vehicles by the commonwealth and its political subdivisions and shall be made available to municipalities and agencies of the commonwealth to assist in the identification and acquisition of hybrid and alternative fuel vehicles. The catalog shall be made available to nongovernment entities but the commissioner may impose a reasonable fee consistent with the cost of reproducing the catalog.

SECTION 18. The secretary of economic affairs, in consultation with the executive office of transportation and the division of energy resources, shall evaluate the feasibility and desirability of any methods which could be utilized by the commonwealth in order to provide incentive for or incubate the production of alternative fuel vehicles and equipment within its borders. The evaluation shall include, but not be limited to, the potential economic benefits of the production, including job growth, and the potential environmental benefits associated with the production and increased distribution of alternative fuel vehicles and equipment in the commonwealth.

The secretary shall report the findings of the evaluation, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, to the clerks of the senate and house of representatives not later than 1 year after the effective date of this act.

SECTION 19. Not later than December 31 of each year, the Massachusetts Bay Transportation Authority shall file with the clerks of the senate and house of representatives and the joint committee on economic development and emerging technologies a report indicating its utilization of hybrid and alternative fuel vehicles and related technologies. The report shall include, but not be limited to, the increased costs or savings, if any, associated with the use of the vehicles, the amount of fuel used and conserved by the use of the vehicles, the emissions rates for the vehicles and other vehicles in the fleet and the positive and negative factors, if any, associated with their use.

The report shall identify any impediments to the use of the vehicles and technologies and shall include any legislative recommendations to address those impediments.

SECTION 20. The operational services division, in consultation with the executive office of transportation, the secretary of administration and finance, the division of energy resources, the Massachusetts Bay Transportation Authority and regional transit authorities, shall study the feasibility of developing and implementing a system to facilitate the mass purchase of alternative fuel vehicles by the commonwealth and its political subdivisions. The study shall include, but not be limited to, the potential cost savings to be derived from the system, the cost of its administration, appropriate purchasers to participate in the system and the probability of its utilization by those purchasers.

The operational services division shall report the findings of the study, and its recommendations if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the senate and house of representatives not later than 1 year after the effective date of this act.

SECTION 20A. There shall be a special commission to report on the expanded use of biodiesel fuel in the commonwealth. The commission shall consist of 1 member to be appointed by the department of environmental protection; 1 member to be appointed by the department of telecommunications and energy; 1 member to be appointed by the division of energy resources; 2 members to be appointed by the senate president; 1 member to be appointed by the senate minority leader; 2 members to be appointed by the speaker of the house of representatives; 1 member to be appointed by the minority leader of the house of representatives; and members to be appointed by the governor to provide appropriate consumer, environmental, and industry representation. The commission shall submit a report and recommendations to the secretary of environmental affairs; office of commonwealth development; the joint committee on telecommunications, utilities, and energy; the joint committee on environment, natural resources and agriculture; the joint committee on state administration and regulatory oversight; and the house and senate clerks by June 30, 2006. The commission shall conduct a study of the current impediments in state and federal law and regulation to the certification, licensure and availability for sale in the commonwealth of highly efficient diesel passenger vehicles under the California LEV II standards and potential methods to address such impediments. It shall also examine barriers and opportunities for widespread use of biodiesel and low-sulfur biodiesel fuels for motor vehicles, heating, and other appropriate uses in the commonwealth. From this study the commission shall submit a plan for the expanded use of biodiesel and low-sulfur biodiesel fuels in the commonwealth and proposals for new regulations and laws to expand the use of biodiesel where feasible and appropriate.

SECTION 21. Hybrid and alternative fuel vehicles which display a special identifying placard issued under section 12 may travel in high occupancy vehicle or HOV lanes. This section shall expire 3 years following the effective date of this act. SECTION 22. Section 8 shall be in effect for taxable years 2006 to 2010, inclusive.

SECTION 23. Section 10 shall be in effect for taxable years 2005 to 2015, inclusive. SECTION 24. Section 11 shall be in effect for taxable years 2005 to 2010, inclusive". The amendment was adopted.

Mr. Panagiotakos moved that the bill be amended by inserting after Section ____, the following new Section:-

SECTION _____. Notwithstanding any general or special law to the contrary, the bridge located on Aiken Street in the city of Lowell shall be designated and known as the Joseph R. Ouellette Bridge. The department of highways shall erect a suitable marker bearing this designation in compliance with the standards of the department.
The amendment was **adopted**.

Messrs. Morrissey and Tarr moved that the bill be amended in section 20 in line 6 and 7 by striking out the following "transit or commuter rail" and inserting in place thereof the following:- "transit, bus, commuter rail or commuter boat".
The amendment was **adopted**.

Ms. Spilka, Mr. Tarr, Ms Resor, Mr. Moore, Ms Fargo and Mr. Brown moved that the bill be amended by adding at the end thereof the following sections:

"SECTION _____. The first paragraph of section 9 of chapter 161A of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking out the sixth sentence and inserting in place thereof the following 2 sentences:- Beginning on July 1, 2001, a city or town that is also a member of a regional transit authority or that at any time joins a regional transit authority shall have 100 per cent of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section. The amount credited shall not exceed the total amount of the assessment".

"SECTION XX. Section 3 of chapter 161B of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates a fixed bus service may, upon compliance with this section, by majority vote of the city council or majority vote of the town meeting or majority vote of any other legislative body, respectively, be made into a body politic and corporate and a political subdivision of the commonwealth under the name of the municipality within the

new authority having the greatest population, or under any other appropriate regional name agreed to by a majority of the member municipalities, and followed by the words "Transit Authority"."

"SECTION XXX. Said section 3 of said chapter 161B, as appearing in the 2004 official edition, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Any city or town, or group or combination of cities or towns, other than a city or town included in the Massachusetts Bay Transportation Authority in which the Authority operates fixed route bus service or is in an authority established pursuant to section 14 may, by a majority vote of the city council or of the town meeting or majority vote of any other legislative body, respectively, and subject to the approval of the advisory board to a regional transit authority, join an authority which is not separated from the city or town or group or combination of cities and towns by more than 1 other municipality".

The amendment was **adopted**.

Mr. Baddour moved that the bill be amended by inserting, after Section XX, the following new Sections:-

"SECTION ____A. Section 8A of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 31 by striking after the word "glue" the following phrase "within the preceding five year period"

SECTION ____B. Section 8A ½ of chapter 90 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 28 by striking out the phrase " within the preceding five year period"."

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended by inserting, after Section 104, the following new Section:-

"SECTION XX The Massachusetts Turnpike Authority shall give priority status to the design and construction of sound barrier projects which abut recent road widening activity".

The amendment was **adopted**.

Messrs. Brown, Brewer, Lees, Hedlund, Knapik, Tarr, Tisei, Timilty and Joyce moved that the bill be amended by adding the following new section at the end thereof:-

SECTION ____ . Notwithstanding any special or general law to the contrary, a commission will be established to design and distribute through the Registry of Motor Vehicles (RMV), a decal for veteran's license plates in the Commonwealth commemorating the veterans who served in Operation Enduring Freedom and a decal commemorating the veterans who served in Operation Iraqi Freedom. The commission will consist of the Registrar of Motor Vehicles, or her designee, the Adjutant General of the Massachusetts National Guard, or his designee, the Secretary of Veteran's Services, or his designee, three members of the House of Representatives that are chosen by the Speaker, one of which a member of the minority party, three members of the Senate, chosen by the Senate President, one of which is a member of the minority party and two Veteran's Agents appointed by the Governor. The Commission shall report the results of the design and distribution of the decal to the Legislature no later than December 31, 2006 .

The amendment was **adopted**.

Messrs. Lees and Knapik, Buoniconti moved that the bill be amended by inserting, after Section ____, the following new section:-

"SECTION ____ . Notwithstanding subparagraph (a) and (b) of section 2F of chapter 90 of the General Laws, or any other general or special law to the contrary, the registrar of motor vehicles shall issue license plates for the benefit of establishing and supporting a Dr. Seuss Museum operated by the Springfield Library and Museum Association".

The amendment was **adopted**.

Mr. Moore moved that the bill amended in section 2, in item 8400-0001 by striking out the words "provided further, that the registry may operate a full-service branch in the town of Southbridge;" and inserting in place thereof the following:- "provided further, that the registry shall operate a full-service branch in the town of Southbridge;"; and by striking out the words "provided further, that the registry may operate a full service office in the town of Milford to be operated 5 days a week;" and inserting in place thereof the following:- "provided further, that the registry shall operate a full service office in the town of Milford to be operated 5 days a week;".

The amendment was **adopted**.

Messrs. Baddour and Tarr, Ms. Tucker and Mr. McGee moved that the bill be amended in section 2, in item 8910-0619, by striking out the figure "\$42,030,942" and inserting in place thereof the following figure:- "\$43,327,484".

The amendment was **adopted**.

Messrs. Knapik, Lees, and Buoniconti moved that the bill amended in section 2, in item 8910-1000, by striking out the figures "\$850,000" and inserting in place thereof the following figures:- "\$1,198,345".

The amendment was **adopted**.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended in section 2, in item 8315-1020, by inserting after the words “regular work shift;” the following:- “provided further, that the department shall provide a full waiver of the inspection fee for those individuals who require a wheelchair lift as a medical necessity and whose annual income does not exceed the maximum allowable federal SSI benefit, or \$7,236 a year, whichever is greater;”

The amendment was **adopted**.

Mr. Timilty moved that the bill be amended in section 2, in item 8000-0000, by adding at the end thereof the following: - “provided further, that \$500,000 shall be available to acquire through procurement, a pilot program to enhance the public safety of the Commonwealth. Said pilot program shall be established to implement technologies and systems to protect public health and safety in the transportation of hazardous materials; provided, that said pilot program shall establish, implement and administer a uniform registration, permitting, tracking, location and recovery program for persons who transport hazardous material or hazardous waste by motor vehicle on the public highways in interstate or intrastate commerce; provided, that said pilot program assess the feasibility of implementation and effectiveness of the registration; permitting; tracking; location and recovery, integrated with the Executive Office of Public Safety, of hazardous materials in the Commonwealth; provided further, that any vendor engaged contractually by said executive office must have prior experience with recovery infrastructure and automatic and direct integration with law enforcement agencies in the Commonwealth;” and by striking the figure “\$2,345,873” and inserting in place thereof the following figure: - “\$2,845,873”.

The amendment was **adopted**.

Messrs. Tarr and Barrios moved that the bill be amended in section 2, in item 8000-0010 by inserting after the words “fiscal year 2003” the following:- “provided further, that no community shall receive a grant in fiscal year 2007 which is less than that received in fiscal year 2006;”.

The amendment was **adopted**.

Messrs. Brown, Lees, Hedlund, Knapik, Tarr, Tisei, O’Leary, Timilty and Brewer and Ms. Spilka, Ms. Fargo moved that the bill be amended in section 2, in item 8000-0125, by inserting after the word “registry” the words:- “; provided further, that the \$75 registration fee paid by the convicted sex offenders be directed from the General Fund to the Sex Offender Registry Board to be used to expand the victim services unit;”.

The amendment was **adopted**.

Mr. Hedlund moved that the bill be amended in section 2, in item 8100-0000 by inserting, after the words “town of Plymouth;” the following: - “provided further that not less than \$75,000 shall be expended for State Police Patrols in Wompatuck State Park located in the town of Hingham”; and in section 2, in item 8100-0000, by striking out the figure “\$216,431,717” and inserting in place thereof “\$216,506,717”.

The amendment was **adopted**.

Mr. Pacheco moved that the bill be amended in section 2, in item 8800-0001 by adding after “2005” the following words:- “provided further that not less than \$25,000 shall be expended for the City of Taunton as a result of costs incurred as a result of the October 2005 floods;” and by striking out the figure “\$1,679,591” and inserting in place thereof the following figure:- “\$1,704,591”.

The amendment was **adopted**.

Messrs. Knapik, Tarr and Barrios moved that the bill be amended in section 2, by striking out item 8000-0619 and inserting in place thereof the following item:-

“8000-0619

For the distribution of grants for city and fire district student awareness of fire education programs, to be known as S.A.F.E. programs, which shall include information about the fire risks caused by smoking; provided further, that funds may be expended by the Department of Fire Services for the purpose of performing grant related services and training\$1,078,666”

The amendment was **adopted**.

Messrs. Lees and Rosenberg moved that the bill be amended in section 2, in item 0330-0300 by striking out “November 1, 2006” and inserting in place thereof the following date:- “April 1, 2007”.

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 0330-0441, by striking out the figure \$500,000” and inserting in place thereof the following figure:- “\$540,000”.

The amendment was **adopted**.

Ms. Wilkerson and Mr. Creedon moved that the bill amended in section 2, in item 8000-0110 by striking out the wording and inserting in place thereof the following wording:-

“For the operation of the criminal history systems board; provided, that the board shall fund 1 administrative assistant who shall be employed in the victim services unit of the board for the continued and enhanced operation of the post-conviction victim and witness certification program operated pursuant to chapter 258B and clause (c) of the first paragraph of section 172 of chapter 6 of the General Laws; provided further, that said victim services position shall be in addition to any such positions approved as of February 1, 1998; provided further, that not more than \$75,000 shall be expended for the purpose of enabling local housing authorities access to criminal offense information when qualifying applicants for state-assisted housing; provided further, that the board shall, not later than September 30, 2006, adopt regulations to: a) assure that the distribution of criminal offender record information relates to the individual for whom the request has been made, b) afford practical assistance in corrections to a criminal offender record information report to an individual who submits evidence to the board that one or more charges in a criminal offender record information report distributed by the board and purportedly relating to that individual, in fact, do not relate to that individual, c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law, and d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report, is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report; and provided further, that not later than January 1, 2007, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system”

The amendment was **adopted**.

As previously stated, the above amendments were considered as one, and were adopted.

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

Messrs. Brown, Timilty, Joyce and Ms. Tucker moved that the bill be amended by inserting, after Section ____, the following new section:-

“SECTION ____. Section 25 of Chapter 118G of the General Laws, as added by Section 101 of Chapter 184 of the Acts of 2002 is hereby repealed”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund, Brown, Montigny, and Timilty moved that the bill be amended by inserting at the end the following sections:-

“SECTION 1. Section 4(b) of chapter 62 of the general laws is hereby amended by striking the words “Part B taxable income shall be taxed at the rate of 5.3 per cent for tax years beginning on or after January 1, 2002 ” and inserting in place thereof the following:-

“Part B taxable income shall be taxed according to the following rates:

- 5.2 per cent for the tax year beginning on January 1, 2007

“Part B taxable income shall be taxed according to the following rates:

- 5.1 per cent for the tax year beginning on January 1, 2008

“Part B taxable income shall be taxed according to the following rates:

- 5.0 per cent for tax years beginning on or after January 1, 2009

The provisions of the section 1 shall take effect only after the amounts received by each city, town and school district in funding from chapter 70 aid, additional assistance and lottery aid, so-called, equal or exceed the amounts so received in section 3 of chapter 184 of the acts of 2002, or section 3 of chapter 177 of the acts of 2001, whichever is greater in each instance.

The amendment was *rejected*.

Messrs. Hart and Tarr moved that the bill be amended by inserting, after Section ____, the following new Section: -

“SECTION ____. Section 1. Paragraph (b)(1) of section 22 of Chapter 141 of the Acts of 2003 is hereby amended by striking out the words “an amount not to exceed \$15,000,000” and inserting in place thereof the following words:- “an amount deemed necessary to fund qualified projects pursuant to 830 CMR 63.38R.1 for a period of three years, until 2011.

“Section 2. Paragraph (b)(1) of section 24 of Chapter 141 of the Acts of 2003 is hereby amended by striking out the words “an amount not to exceed \$15,000,000” and inserting in place thereof the following words:- “an amount deemed necessary to fund qualified projects pursuant to 830 CMR 63.38R.1 for a period of three years, until 2011”.

The amendment was *rejected*

Messrs. Lees and Timilty moved that the bill be amended by adding at the end thereof the following new sections:-

SECTION 105. Section 4 of chapter 62 of the General Laws, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.15 per cent.

SECTION 106. Said section 4 of said chapter 62, as so appearing, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent.

SECTION 107. Section 105 shall apply to taxable years beginning on or after January 1, 2007 but before January 1, 2008 .

SECTION 108. Section 106 shall apply to taxable years beginning on or after January 1, 2008 .

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2800-0100 by inserting the following language at the end thereof:- "No funds shall be expended for the application of herbicides to treat invasive aquatic plants within one thousand feet of a private or public drinking water supply".

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2820-0100, in line 16 by inserting the words: - "provided further, that not less than \$15,000 in appropriated funds shall be made available for providing Tiny Tot type of playground equipment for the Community Field Playground in the town of North Attleboro ".

The amendment was *rejected*

Mr. Brown moved that the bill be amended by inserting, after Section _____, the following new section:-

SECTION _____. Notwithstanding any law to the contrary, the commissioner of the Department of Mental Health, with the assistance of the Commissioner of the Department of Capital Assets Management and Maintenance, shall grant, convey and deed over, without consideration, to the town of Sherborn all rights, title or other real property interests that the Commonwealth may hold as a result of chapter 251 of the Acts of 1897 and chapter 466 of the Acts of 1908, to the waters of Farm Pond in the town of Sherborn, the tributaries of such Farm Pond, and to a certain easements together with a pipeline from said Pond running underground within the Town of Sherborn, to the boundary between the town of Sherborn and the town of Medfield, heretofore used to convey such waters to the now closed Medfield State Hospital, for the Town of Sherborn to have and to hold, for public recreation, water supply and fire protection purposes.

The amendment was *rejected*

Ms. Jehlen and Mr. Barrios moved that the bill be amended in section 2, in item line item 2820-0100 by striking out the figure "\$24,349,586" and inserting in place thereof the figure "\$24,449,586" and by inserting after the word "Lynn;" the following:- "provided further that \$100,000 shall be expended for the improvement of Saxton J. Foss Park in the city of Somerville".

The amendment was *rejected*

Mr. Havern moved that the bill be amended in section 2, in item 7004-0099, by adding at the end thereof the following: "provided that \$200,000 be expended for the purpose of restoration of the Grand View Farm in the Town of Burlington"; and in said item, by striking out the figures "\$8,262,633" and inserting in place thereof the figures "\$8,462,633".

The amendment was *rejected*

Mr. Havern moved that the bill be amended in section 2, in item 2800-0100, by adding at the end thereof the following: - "provided that \$20,000 shall be expended for the improvements to Manning Park in the Town of Billerica ; and in said item by striking out the figures "\$5,968,515" and inserting in place thereof the figures "\$5,988,515".

The amendment was *rejected*

Mr. Havern moved that the bill be amended in section 2, in item 2800-0100, by adding at the end thereof the following: - "provided further, that \$100,000 shall be expended for improvements to the Vietnam Veterans Park in the Town of Billerica " and in said item by striking out the figures "\$5,968,515" and inserting in place thereof the figures "\$6,068,515".

The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 2000-0100, by adding at the end thereof the following:- " ; provided further, that not less than \$10,000 shall be expended to the South Royalston Improvement Corporation for the construction of a security fence;".

The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 2260-8870, by adding at the end thereof the following:- " ; provided further, that not less than \$100,000 shall be expended by the Department on a Special Project to address the property generally

known as Spencer Auto Salvage, to (a) remove hazardous wastes, solid wastes and contaminated soil, on-site, and (b) mitigate, off-site, the impacts from such wastes and soil upon household drinking water supplies which have caused them to have contaminants which exceed Safe Drinking Water Standards;”.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 2800-0100, by inserting after the words “Nantasket Beach Reservation”, the following:- “and provided further, that not less than \$100,000 shall be expended for the purchase of trail maintenance equipment and materials at Bradley Palmer State Park”.

The amendment was *rejected*

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 2810-0100 by inserting at the end thereof the following words:- “; provided further, that not less than \$400,000 shall be expended for the Greenleaf Community Center in Springfield;”.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 2000-0100, by inserting after the words “Coalition for Buzzards Bay”, the following:- “and provided further, that not less than \$300,000 shall be expended for the planning, design and completion of construction plans for a multi-use trail extending between the commuter rail facility and Crane’s Beach in the Town of Ipswich, provided further that such trail shall interconnect to the extent possible with existing trails and that the project leverage at least 50% of its total cost for planning, design and construction in matching resources”.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 2800-0101 by inserting after the words “Upper Mystic Lake in Winchester” the following:- “provided further, that not less than \$400,000, subject to a 1:1 match from the town, shall be expended for the planning, design and construction of bedrock wells in the town of Rockport in order to alleviate chronic water shortages in said town;”; and by striking the figure “\$2,349,209” and inserting in place thereof the following figure:- “\$2,749,209”.

The amendment was *rejected*

Mr. Montigny moved that the bill be amended in section 2, in item 2800-0100, by inserting after the words “Blue Hills Reservation” the following wording:- “; provided further, that not less than \$125,000 shall be expended on ongoing maintenance and improvements at Fort Phoenix State Reservation in the city of Fairhaven”.

The amendment was *rejected*

Mr. Brown and Ms. Spilka moved that the bill be amended in section 2, in item 2820-0100, by adding the following words:- “Not less than \$100,000 shall be expended for improvements and lighting at the Hunnewell Field in Natick”; and in said item by striking out the figures “\$24,349,586” and inserting in place thereof the figures “24,449,586”.

The amendment was *rejected*

Mr. Brown and Ms. Spilka moved that the bill be amended in section 2, in item 2820-0100, by adding the following words:- “Not less than \$100,000 shall be expended for environmental protection and improvements to the former gravel pit on Morse’s Pond in Natick”; and in said item by striking out the figures “24,349,586” and inserting in place thereof the figures “24,449,586”.

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2800-0101, by adding the following words:- “Not less than \$40,000 shall be expended for flood control on Forest Road in Millis”; and in said item by striking out the figures “\$2,349,209” and inserting in place thereof the figures “2.389,209”.

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2800-0100, in line 4, by inserting after “department of conservation and recreation properties and parkways” the following:- “provided further, that \$1,500,000 shall be expended for the state contribution for a recreational complex in the town of Wrentham”; and in said item by striking out the figures “\$5,968,515” and inserting in place thereof the figures “\$7,468,515”.

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2800-0100, by adding the following:- “; provided further, that \$100,000 shall be expended for handicap accessibility at the Needham Historical Society”; and in said item by striking out the figure “\$5,968,515” and inserting in place thereof the figures “\$6,068,515”.

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 2820-0100, by adding the end thereof following:- “Not less than \$50,000 shall be expended for emergency safety repairs at Oak Grove Farm Playground in Millis”; and in said item by striking out the figures “\$24,349,586” and inserting in place thereof the figures “24,399,586”.

The amendment was *rejected*

Ms. Resor, and Ms. Creem and Messrs. Tarr, Timilty, Brewer, Pacheco and Creedon, Ms. Spilka and Ms. Jehlen moved that the bill be amended in section 2, by inserting after line item 2000-0900 the following new item:-

“2000-9901

For the development of a comprehensive statewide digital data layer of land use/land cover and related services necessary to develop this data layer.....\$400,000”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0100, by inserting after the word “Lowell”:- “; and provided further, that not less then \$1,000,000 shall be expended for improvements along the Blue Hills Parkway, including but not limited to infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements, in the Town of Milton”.

The amendment was *rejected*

Mr. Joyce and Mr. Morrissey moved that the bill be amended in section 2, in item 2330-0100, by inserting after the word “Bedford”:- “; provided further, that \$100,000 shall be expended for the design and construction of a permanent bandstand or gazebo on the grounds of sunset lake in the town of Braintree”.

The amendment was *rejected*

Mr. Joyce and Mr. Morrissey moved that the bill be amended in section 2, in item 2800-0101, by inserting after the word “Clinton”:- “; provided further, that not less than \$250,000 shall be expended to the town of Braintree for a hydrologic project in the watershed area”.

The amendment was *rejected*

Ms. Jehlen moved that the bill be amended in section 2, in item in item 8100-0007, by adding at the end thereof, the following:- “provided, that the amount of not less than \$60,000 shall be expended for patrols for the State Police Marine Unit for the Mystic Lakes”, and by striking out the figure \$13,010,782” and inserting in place thereof the figure “\$13,070,782”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0100, by inserting after the word “Reservation”:- “; provided further, that \$500,000 shall be expended for study and design services for purposes of recreational development and use of land within and adjacent to the Blue Hills Reservation in the town of Canton”.

The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 2000-0100, by inserting at the end the following:- “provided further, that \$50,000 shall be expended for the town of Holland to address invasive weeds and sediment at Hamilton Reservoir”.

The amendment was *rejected*

Mr. Brewer and Ms. Resor moved that the bill be amended by inserting, after Section 104, the following new Section:-

“SECTION __. Notwithstanding any general or special law or regulation to the contrary, the state comptroller shall grant a permanent waiver or exemption from any and all applicable charges or assessments made against the Water Supply Protection Trust by the Office of the Comptroller pursuant to its authority under sections 5D and 6B of chapter 29 of the General Laws. Any charges or assessments made against the Water Supply Protection Trust pursuant to the aforementioned sections shall be refunded to the Trust forthwith”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 2820-0100, by inserting after the word “Boston”:- “; provided further, that \$250,000 shall be expended for the improvement of recreational sites in the town of West Bridgewater”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0600, by inserting after the word “Day”:- “; provided further, that not less shall \$100,000 shall be expended to the Town of Randolph for capital improvements to the Joseph J. Zapustas Arena”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “DCR Lynn Shore drive facility” the following:- “provided further, that no less than \$600,000 shall be expended for a study of the Schaffer paper site in

Dorchester;”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “ DCR Lynn Shore drive facility” the following:- “provided further, that no less than \$250,000 shall be expended for the restoration of Richardson Park in Dorchester;”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 2200-0100, by inserting after the words “chapter 21A of the General Laws”, the following words:- “provided further that not less than \$50,000 be available for a conservation agent in Berkshire County ”.

The amendment was *rejected*

Mr. Baddour moved that the bill be amended in section 2, in item 2800-0100 by inserting after the words “Blue Hills Reservation;” the following:- “provided further, that \$250,000 be expended to enhance the park land and construct the boat ramp at the land on Route 110 Methuen known as the ‘Beas’ site”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended by inserting after section 104, the following new section:-

SECTION 105. Item 2100-2012 of chapter 236 of the acts of 2002 is hereby amended by striking out, in line 29, the words "that \$1,200,000 shall be expended for capital repairs and improvements to the Vietnam Veterans Skating Rink in the town of North Adams" and inserting in place thereof the following words: "the department of conservation and recreation is hereby authorized to grant to a lessee procured in accordance with the authorization of section 30 of chapter 88 of the acts of 2001 up to \$900,000 as a reimbursement grant on a \$2 to \$1 ration for every dollar invested by said lessee in improvements and replacements to the Vietnam Veterans Skating Rink in the town of North Adams”.

The amendment was *rejected*

Messrs. Tolman and Barrios moved that the bill be amended in section 2, in item 2820-0100, by adding at the end thereof the following:- “provided further, that not less than \$150,000 shall be expended for costs associated with the design and construction of the Charles River Skatepark in the City of Cambridge”.

The amendment was *rejected*

Mr. Baddour moved that the bill be amended by inserting after Section ___, the following new Section: -

“SECTION ___. Said section 2 of said chapter 45 of the Acts of 2005, as so appearing, is hereby further amended in line item 2000-0100, by deleting the words “for Salisbury Beach ” after “new flood insurance rate maps” and inserting in place thereof the words, “as a grant to the Town of Salisbury ”.

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, in item 2820-0100 by inserting after the words “Fellsmere Pond;” the following:- “provided further, that not less than \$52,000 shall be expended for shorefishermen, boat ramp, and parking improvements at Pequot Pond in Westfield ”.

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 2800-0101, by inserting at the end thereof the following language:-“provided further, that \$100,000 shall be expended to Medway for an environmental protection grant”.

The amendment was *rejected*

Mr. Tisei moved that the bill be amended in section 2, in item 2800-0200, by striking out the figure “\$6,050,000” and inserting in place thereof the following figure:- “\$7,500,000”.

The amendment was *rejected*

Messrs. Tisei and Brown moved that the bill be amended in section 2, in item 2800-0100, by inserting after the words “ongoing renovations;” the following:- “provided further, that notwithstanding any general or special law to the contrary, the proceeds of any sale of the building owned by the department of conservation and recreation and located at 20 Somerset Street in the city of Boston shall be distributed in equal allotments to the cities and towns that constitute the metropolitan parks district, as defined in section 33 of chapter 92 of the General Laws;”.

The amendment was *rejected*

Mr. Tolman moved that the bill be amended in section 2, by inserting after item 2800-0401 the following item:

“2800-0402

Provided further that a pilot project or projects shall be undertaken by the department at sites chosen by the department, utilizing new technologies that offer street level, midstream (underground) or end of pipe solutions, already tried and demonstrated to be effective in other states and is recognized as a best management practice by the federal environment protection agency, to eliminate or significantly diminish or remove debris, both hydrocarbons and bacteria from storm water flowing into rivers, beaches or wetlands, that add no chemicals to such outflow, is non-leaching, is absorbent, non-mechanical, with minimal construction required and can be easily maintained and disposed of; the department if it wishes may work with cities and towns on this pilot project.....\$200,000”.

The amendment was *rejected*

Mr. Buoniconti moved that the bill be amended in section 2, in item 2000-0100 by inserting the following:- “and provided further, that not less than \$75,000 be expended for the design of a handicap accessible public access trail at Pynchon Point in the city known as the Town of Agawam;”.

The amendment was *rejected*

Messrs. Brewer, Knapik, Moore, Tarr, Timilty, Nuciforo, Creedon and Ms. Resor and Ms. Creem and Ms. Fargo moved that the bill be amended in section 2, in item 2300-0101, by striking out the figure “\$523,547” and inserting in place thereof the following figure:- “\$570,000”.

The amendment was *rejected*

Messrs. Brewer, Tarr, Nuciforo, Creedon and Ms. Resor and Ms. Creem moved that the bill be amended in section 2, by inserting after item 2310-0306 the following item:-

“2310-0310

For the operation of the natural heritage and endangered species program .
.....\$300,000”.

The amendment was *rejected*

Messrs. Brewer, Tarr, Creedon and Ms. Resor moved that the bill be amended in section 2, by inserting after item 2310-0200 the following new item:-

“2310-0300

For the implementation of the Comprehensive Wildlife Conservation Strategy
.....\$800,000”.

The amendment was *rejected*

Mr. Creedon and Ms. Fargo, Ms. Chandler and Mr. Timilty moved that the bill be amended in section 2, in item 2260-8870 by striking the figure “\$15,620 275” and inserting in place thereof the following figure:- \$18,466,883.

The amendment was *rejected*

Messrs. Tolman and Pacheco moved that the bill be amended by striking out Section 93.

The amendment was *rejected*

Mr. Tolman moved that the bill be amended in section 2, in item 2820-2000, by adding at the end thereof the following:- “That no less than \$100,000 be expended for maintenance and snow removal of the Watertown Bike Path”.

The amendment was *rejected*

Mr. McGee moved that the bill be amended in section 2, in item 2800-0100, by adding the following wording: ; and provided further that \$40,000 shall be expended for aquatic nuisance control in Sluice Pond and Flax Pond in the city of Lynn.

The amendment was *rejected*

Messrs. McGee and Tisei moved that the bill be amended in section 2, in item 2820-0100, by adding the following: “provided further, that \$150,000 be expended for the replacement of lights surrounding the recreational fields adjacent to the Lynn Fells Parkway in the City of Melrose”.

The amendment was *rejected*

Mr. O'Leary moved that the bill be amended in section 2, in item 2800-0100, by inserting after “at least 30 days before closing any facility owned or operated by the department”, the following:- “provided further, that not less than \$60,000 shall be expended for the Martha's Vineyard Commission”.

The amendment was *rejected*

Mr. O'Leary moved that the bill be amended in section 2, in item 2000-0100 by inserting after the words "meet at least until the final written action plan is completed" the following:- " ; provided further, that \$300,000 shall be expended to the town of Barnstable to secure a parcel of land referred to as Freezer Point in Barnstable harbor".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following language:- "provided further, that not less than \$200,000 shall be expended to reconstruct the parks and fields in the Town of Medway;".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following language:- "provided further, that not less than \$90,000 shall be expended for renovation of Stone Park in the Town of Ashland;".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following language:- "provided further, that not less than \$30,000 shall be expended for improvements at Tercentennial Park in the Town of Framingham;".

The amendment was *rejected*

Messrs. Brewer and O'Leary moved that the bill be amended in section 2, in item 2320-0100 by striking out the figure "620,123" and inserting in place thereof the following figure:- "650,866".

The amendment was *rejected*

Mr. Tolman and Ms. Fargo moved that the bill be amended in section 2, by inserting after item 2800-0101 the following item:
"2800-0102

To alleviate regional flooding conditions in the Towns of Arlington, Belmont and Lexington and the City of Waltham :

(a) Notwithstanding any general or special law to the contrary, the Commissioner of the Department of Conservation and Recreation shall construct the Beaver Brook Flood Mitigation Project, including an extension of a culvert system across Beaver Brook, construction of a relief culvert and related work in the vicinity of Linden Street and Waverly Oaks Road in the City of Waltham, construction at Beaver Brook Flood Mitigation Project-Reach II in the vicinity of Mill Street and the reconstruction the Duck Pond Dam and Mill Pond Dam and related work in the City of Waltham and the Town of Belmont. The purpose of this item is to alleviate regional flooding conditions in the Towns of Arlington, Belmont and Lexington and the City of Waltham .

(b) To meet the expenditures necessary to carry out the provisions of this item, the state treasurer, upon request of the Governor, shall issue and sell bonds of the Commonwealth, in amounts specified by the Governor from time to time, not exceeding in the aggregate the sum of \$8,500,000. All bonds issued by the Commonwealth, as aforesaid, shall be designated on their face, Beaver Brook Flood Control Program Loan, Act of 1999, and shall be issued for such maximum term of years not exceeding 20 years as the Governor may recommend to the General Court pursuant to section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than June 30, 2020 . Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this item, be general obligations of the Commonwealth.

(c) The State Treasurer may borrow from time to time on the credit of the Commonwealth such sums of money in an amount not to exceed \$8,500,000 as may be necessary for the purpose of making payments authorized by this item and may issue and review from time to time notes of the Commonwealth therefore, bearing interest payable at such time and at such rates as shall be fixed by said Treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the Governor may recommend to the General Court in accordance with section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturity date of such notes, whether original or renewal, shall be not later than June 30, 2005 . Notwithstanding any other provisions of this item, notes and interest thereon issued under the authority of this item shall be general obligations of the Commonwealth".

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 2800-0401 by striking out the figure "\$950,000" and inserting in place thereof the following figure "\$1,500,000".

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2000-0100 by inserting, after the words "coastal trails system;" the following: - "provided further, that not less than \$260,000 be allocated for studies, surveys and test dredging in Hingham Harbor".

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2000-0100 by inserting, after the words "Coalition for Buzzards Bay;" the following :- "provided further, that not less than \$450,000 shall be expended for the design and construction

of a water treatment plant in the Town of Norwell;” and by striking out the figure “6,883,150” and inserting in place thereof “7,333,150”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2810-0100 by inserting, after the words “Schooner Ernestina commission;” the following: - “provided further that \$500,000 shall be expended for the demolition of the abandoned Naval Annex Buildings located on 125 acres adjacent to Wompatuck State Park in the town of Hingham”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “southwest corridor park;” the following: - “provided further, that \$250,000 shall be expended for the maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2800-0500 by inserting, after the words “Nahant Beach Reservation;” the following: - “provided further, that not less \$150,000 shall be expended for the maintenance, trash removal, and up keep for Nantasket Beach in the Town of Hull ”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “Fellsmere Pond;” the following: - “provided further, that not less than \$168,500 shall be expended for the repair of the Cadish Avenue Seawall in the Town of Hull ”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “Fellsmere Pond;” the following: - “provided further, that not less than \$329,500 shall be expended for the repair of the Green Hill Seawall and bluff stabilization in the Town of Hull ”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “Fellsmere Pond;” the following: - “provided further, that not less than \$100,000 shall be expended for the study and repair of the James Avenue Seawall in the Town of Hull ”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “Fellsmere Pond;” the following: - “provided further, that not less than \$237,000 shall be expended for the repair of the Stoney Beach Seawall in the Town of Hull ”.

The amendment was *rejected*

Ms. Creem and Ms. Resor moved that the bill be amended in section 2, in item 7007-0900, by adding the following: “provided further, that not less than \$100,000 shall be expended for Boston Green Tourism, so-called, to develop and market Greater Boston’s visitor industry as an environmentally-attractive destination for meetings and tourists, thereby stimulating business growth and environmental improvement”.

The amendment was *rejected*

Ms. Creem and Mr. Brown moved that the bill be amended in section 2, in item 2820-0100 by adding the following:- “provided, further, that not less than \$250,000 shall be expended for the Echo Bridge safety program in the city of Newton and town of Needham ;”.

The amendment was *rejected*

Mr. Brown moved that the bill be amended in section 2, in item 7004-9005, in line 22, by inserting after “item;” the following words:- “provided further, that \$1,000,000 shall be expended for deferred maintenance and renovation of properties under the control of the Wellesley Housing Authority;”; and in said item by striking out the figures “43,113,590” and inserting in place thereof the figures “44,113,590”.

The amendment was *rejected*

Mr. Brown and Ms. Spilka moved that the bill be amended in section 2, in item 7000-9501, by inserting after the words “immediately proceeding” the following:- “provided further that not less than \$100,000 shall be expended for historic preservation repairs at the Bacon Free Library in Natick”.

The amendment was *rejected*

Mr. Brown and Ms. Spilka moved that the bill be amended in section 2, in item 7004-9005, by adding the following words:- “Not less than \$37,148 shall be expended for a water Cross Connection Program at the Natick Housing Authority”; and in said item by striking out the figures “\$43,113,590” and inserting in place thereof the figures “\$43,150,738”.
The amendment was *rejected*

Ms. Tucker moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words “town of Hopedale ;” the following:- “provided further, that not less than \$100,000 shall be expended for Lazarus House in Lawrence ”.
The amendment was *rejected*

Ms. Tucker moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words “town of Hopedale ;” the following:- “provided further, that not less than \$1,000,000 shall be expended for Our House for Design and Technology in Lawrence ”.
The amendment was *rejected*.

Ms. Tucker moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map;” the following:- “provided further, that \$500,000 shall be expended for the South Canal Improvement project in the city of Lawrence ”.
The amendment was *rejected*

Ms. Tucker moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map;” the following:- “provided further, that \$1,000,000 shall be expended to establish public access and a new riverfront walking and cycling path along the south side of the Merrimack river in the city of Lawrence ”.
The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by inserting at the end the following wording:- “; provided further, that \$50,000 shall be provided to the Barre Historical Society for the Stagecoach restoration”.
The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by inserting at the end the following:- “; provided further; that not less than \$1,000,000 shall be expended for Old Sturbridge Village to implement its strategic plan for the upgrade of technology, transportation, exhibits and visitor activities;”; and by striking the figure “20,605,032” and inserting in place thereof the following figure:- “21,605,032”.
The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by inserting at the end thereof the following wording:- “provided further, that \$25,000 shall be expended to the Spencer Veterans’ Memorial in the Town of Spencer ;”.
The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by inserting at the end the following wording:- “; provided further, that a \$100,000 matching grant be provided for the Mass Central Rail Trail Churnock Hill Rd. Tunnel Project, located in Rutland”.
The amendment was *rejected*

Messrs. Moore, Brewer, Brown and Tarr moved that the bill be amended by adding at the end thereof the following new section:-

SECTION ____ . MassDevelopment Revenue and Accountability Act

Section 1. Clause 16 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: “; provided, however, the Agency shall be required to remit to the General Fund annually an amount of not less than five hundred thousand Dollars from revenues received by the Agency”.

Section 2. Clause 23 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: “;provided, however, that the Agency, upon the land owned or operated by the Agency that was previously operated by or on behalf of the federal government as “Fort Devens,” shall at all times be required to provide for the maintenance, full use, and enjoyment of transitional or permanent housing facilities for the homeless, or those at risk of being homeless, to be operated by Applicants whose application for the use of buildings, facilities, and/or land at the former Fort Devens was allowed, granted, and/or approved by the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government, and such housing facilities and services are to be provided within or on the land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applicants. If such land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applications are not habitable because of environmental contamination, the Agency shall provide the equivalent land, buildings, residential units, administrative offices, and playground facilities elsewhere in the property formerly known as Fort Devens. The Agency shall not assess against or collect from such Applicants any rental payments, taxes, user fees, education fees, or any other form of charge payable to the

Agency or any third party, except for the actual costs paid or incurred by the Agency in connection with the provision of utilities to Applicants or their residents, but only if separately and individually metered by residential or administrative unit. The Agency shall not interfere with the management, programs or any other aspect of the operations of the Applicants' housing facilities or services. For the purposes of this subsection, "Applicants" shall mean each and every applicant who submitted an application to the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government for the use of any land, building, office, playground, or other property at the former Fort Devens, including such applicants' successors and assigns.

Section 3. Section 10 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by striking the word "biennial" and substituting in place thereof the word "annual" and by adding the following at the end thereof: "provided, however, that the Agency shall at all times be required to maintain detailed books and records of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency, including (i) copies of all invoices for fees and expenses, which invoices shall include detailed entries for all time incurred by such outside counsel or other professionals and (ii) a written disclosure of any personal or professional relationships between said outside counsel or other professionals and any officer, director, or employee of the Agency; such books and records shall be subject to review immediately upon request of the house or senate committees on ways and means".

Section 4. Section 17 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding at the end of the second paragraph therein the following: "Prior to the disposition of any state surplus lands or any interest therein acquired by the Agency, the Agency shall file with the house and senate committees on ways and means a written disclosure detailing with specificity any personal or professional relationships between any officer, director, or employee of the Agency and any party involved with said disposition, including any purchaser, outside counsel or other professional involved with the disposition. The Agency shall, within thirty days of any request by the house or senate committees on ways and means, provide such committees with a detailed summary of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency in connection with any such disposition".

Section 5. Section 34 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: "Such annual report shall also include (i) a detailed summary of all legal, state and federal lobbying, and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency and (ii) a written disclosure of any personal or professional relationships between said outside counsel, lobbyists, or other professionals and any officer, director, or employee of the Agency".

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words, "Worcester Housing Authority" the following: "provided further, that not less than \$192,000 shall be expended for the planning, design and construction of affordable housing on the Mullen Property, so-called, in the Town of West Newbury,".

The amendment was *rejected*

Ms. Menard moved that the bill be amended in section 2, in item 7003-0702 by inserting after the words "job training and placement" the following words: "provided further, that not less than \$50,000 shall be expended for a human service academy pilot program to be operated by People Inc. of Fall River".

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words, "Cranberry Harvest Map" the following: "provided further, that a one-time grant of \$500,000, subject to a 1:1 match, be awarded to the North Shore Music Theatre for restoration of the theatre".

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words, "Cranberry Harvest Map" the following: "provided further, that not less than \$100,000 shall be expended for the planning, design and conversion to town offices at the Woodbridge School in Newbury".

The amendment was *rejected*

Ms. Chandler moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Salisbury Beach;" the following words: "provided that \$35,000 shall be expended for a public safety grant in the town of Berlin".

The amendment was *rejected*.

Messrs. Lees, Tisei and Hedlund moved that the bill be amended in section 2, in item 7002-0500 by inserting at the end thereof the following: "provided further, clause twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in subparagraph (c) by inserting after the word "information" in line 141 the following: "relating to the medical condition, health status or home address of any employee, including, but not limited to, documentation relating to employees injured during the course of their employment".

The amendment was *rejected*

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 7003-0702 by inserting at the end thereof the following:-“; provided further, that \$100,000 shall be provided to the Affiliated Chambers of Commerce of Greater Springfield, Inc. for the operation of the Technical Assistance Program”.

The amendment was *rejected*

Mr. Lees moved that the bill be amended in section 2, in item 7007-0900 by inserting at the end thereof the following:-“; provided further, that not less than \$100,000 shall be provided for improvements to the Granby Town Hall”.

The amendment was *rejected*

Messrs. Lees, Knapik and Buoniconti moved that the bill be amended in section 2, in item 7007-0900 by inserting at the end thereof the following:-“; provided further, that not less than \$50,000 shall be expended for the Citizen Advocacy Project in Springfield;”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map” the following:-“provided further, that not less than \$150,000 shall be expended for the historic preservation of the Ipswich Public Library;”.

The amendment was *rejected*

Ms. Chandler and Ms. Jehlen moved that the bill be amended in section 2, in item 7003-0702, by striking out the figure “\$250,000” and inserting in place thereof the following figure:-“\$300,000”.

The amendment was *rejected*

Ms. Chandler moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “town of Hopedale” the following words:-“provided further, that \$61,200 shall be expended for the Worcester housing program”.

The amendment was *rejected*

Ms. Chandler moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “town of Hopedale” the following words:-“provided further, that \$50,000 shall be expended for the Lincoln Perkins Project in Worcester;”.

The amendment was *rejected*

Messrs. Timilty and Brown moved that the bill be amended in section 2, by inserting after item 7503-0100 the following item: -

“7503-0200

For the acquisition and renovation of new space for the purpose of expanding and enhancing the Attleboro Learning Center at Bristol Community College.....\$1,000,000”

The amendment was *rejected*

Mr. Timilty moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “Worcester Housing Authority” the following words: - “provided further, that not less than \$300,000 shall be provided to the town of Mansfield for open space planning”.

The amendment was *rejected*

Messrs. Timilty and Joyce moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “Worcester Housing Authority” the following words: - “provided further, that \$160,000 shall be expended for the Sharon Community Center to be utilized for federal ADA compliance projects therein”.

The amendment was *rejected*

Messrs. Timilty and Brown moved that the bill be amended in section 2, in item 7007-0515, by inserting after the words “acts of 1998” the following words: - “provided further, that \$500,000 shall be expended for the Attleboro Intermodal Transportation Center Project”, and moved to further amend said item by striking the figure “\$600,000” and inserting in place thereof the following figure: - “\$1,100,000”.

The amendment was *rejected*

Mr. Timilty moved that the bill be amended in section 2, in item 7007-0900, by adding at the end thereof the following: - “provided further, that not less than \$75,000 shall be expended for the Foxborough geriatric program”.

The amendment was *rejected*

Mr. Montigny moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Merrimack Valley Economic Development Council” the following wording:-“; provided further, that not less than \$500,000 shall be expended for the Frederick Douglass House in the city of New Bedford”.

The amendment was *rejected*

Mr. Montigny moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Merrimack Valley Economic Development Council" the following wording:-"; provided further, that not less than \$350,000 shall be expended for demolition of the Elco Dress factory located in the city of New Bedford".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7003-0702, by inserting at the end thereof the following language:-"provided further, that not less than \$50,000 shall be expended for the Blackboard Technology Initiative in the Town of Hopkinton".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Johnny Appleseed Visitors' Center;" the following words:- "provided further, that not less than \$200,000 shall be expended for the Ashland Vision downtown renovation and redevelopment project in the Town of Ashland;".

The amendment was *rejected*

Messrs. Brown and Timilty moved that the bill be amended in section 2, in item 7007-0900, in line 20, by inserting after "Bay State Games" the following words:- "that not less than \$50,000 shall be expended for the Attleboro Museum"; and in said item by striking out the figures "\$20,605,032" and inserting in place thereof the figure "\$20,655,032".

The amendment was *rejected*

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Johnny Appleseed Visitors' Center;" the following words:- "provided further, that not less than \$100,000 shall be expended for the development of a long range strategic plan for the economic development in the Natick town center;".

The amendment was *rejected*

Messrs. Brown and Timilty and Ms. Walsh moved that the bill be amended by adding the following new section at the end thereof:

SECTION XX. Section 3 of Chapter 747 of the Acts of 1981, as amended by chapter 383 of the Acts of 1996, is hereby further amended by inserting in line 14, after the word "units" the following words:- "or for housing for persons fifty-five years of age or older, or for commercial purposes, including, but not limited to, retail stores and restaurants".

The amendment was *rejected*

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following language:-"provided further, that not less than \$25,000 shall be expended for improvements at Loker Park in the Town of Natick;".

The amendment was *rejected*

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following words:-"provided further, that not less than \$90,000 shall be expended for improvements at the Cole Recreation Center in the Town of Natick;".

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7007-0900, by adding after the word "Plantation" "; and provided further, that not less then \$1,000,000 shall be expended to the Milton Village Central Avenue Revitalization Committee to work in collaboration with the Town of Milton for economic revitalization in and around the Central Avenue Business District in Milton, including but not limited to infrastructure and road improvements, sidewalks, lighting, safety and aesthetic improvements".

The amendment was *rejected*

Ms. Fargo moved that the bill be amended in section 2, by inserting in item 7003-0702, the following wording:-"provided further, that not less than \$150,000 shall be expended for Barn-Raising.org in the town of Wayland".

The amendment was *rejected*

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2, in item 2820-0100, by inserting after the words "Lynn Shore drive facility;" the following language:-"provided further, that not less than \$70,000 shall be expended for improvements at Murphy Playground in the Town of Natick;".

The amendment was *rejected*

Messrs. Joyce and Barrios moved that the bill be amended by inserting, after Section 103, the following new Section:-

"SECTION 104. The Massachusetts Housing Finance Agency shall establish and administer a homebuyers' program that provides low-interest mortgages and counseling to first-time homebuyers who have graduated from a public or private Massachusetts college or university less than 7 years before the date of their application for a mortgage under this program and

who purchase a home in the commonwealth”.
The amendment was *rejected*

Mr. Brown moved that the bill be amended by adding at the end thereof the following section:

SECTION X. Chapter 128C of the General Laws, as appearing in the 2004 official edition, is hereby amended by deleting the following language in the 4th paragraph under Section 2, subsection 5, thereof and inserting in its place, the following language:-
“No racing meeting licensee, whether acting as a guest track or host track, shall simulcast live races unless the licensee conducts a full schedule of live racing performances during a racing season except that, if the commission determines that a licensee cannot conduct a full schedule of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the commission may permit the licensee to continue simulcasting and, if it appears that a racing meeting licensee is or will become unable to conduct a full schedule of live racing performances, the commission shall suspend such right to simulcast until the licensee conducts or resumes a full schedule of live racing performances; provided, however, that no racing meeting licensee shall simulcast live races in any racing season unless each racing meeting licensee, with the exception of the running horse racing licensee in Suffolk county and the harness horse racing licensee in Norfolk county, in each of those racing seasons is licensed to and actually conducts not

less than a total of 150 racing performances taking place on at least 150 racing days; and provided, further, that the running horse racing meeting licensee in Suffolk county and the harness horse racing licensee in Norfolk county may simulcast live races in any racing season provided that to insure a full season of live harness horse racing in Norfolk County, the Norfolk County Licensee shall race no less than 22 live races every calendar week between March 31 and December 1 of each licensed year”.
The amendment was *rejected*

Mr. Joyce moved that the bill be amended by inserting after Section 103, the following new Section:-

SECTION 104. Notwithstanding the provisions of any general or special law to the contrary, \$500,000 of funds appropriated and provided for in line item 0611-5510 of Chapter 149 of the Acts of 2004, as supplemented by Section 2 of Chapter 352 of the Acts of 2004, for purposes of reimbursements to cities and towns in lieu of taxes on state owned land, pursuant to sections 13 to 17B, inclusive, of Chapter 58 of the General Laws and other related acts, for fiscal year 2005 and 2006 payments, shall be allocated and paid with respect to properties described as the Blue Hills Reservation and certain properties in the town of Stoneham, as referenced in section 23 of Chapter 352 of the Acts of 2004, to the following cities and towns in the specified amounts:

Braintree	\$4,850
Canton	\$86,040
Milton	\$118,026
Quincy	\$175,556
Randolph	\$51,516
Stoneham	\$64,012

The amendment was *rejected*

Messrs. Joyce, Hedlund and Knapik, Ms. Fargo, Ms. Tucker, Messrs. Barrios, McGee, and Augustus moved that the bill be amended, by inserting after Section 103, the following new Section:-

“SECTION 104. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2006, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act the conditions specified in this act or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2007 . The sum is said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

Department of Housing and Community Development

7004-9005.....10,748,698

Line Item 7004-9005 of said section 2 of said chapter 45 is hereby amended by inserting after the words “appropriated in this item” the following words:-; provided further, that \$7,748,698 shall be expended for funds owed to local housing authorities for prior operating subsidy deficiencies; provided further, the department of housing and community development shall not expend less than \$3,000,000 of the funds appropriated herein to increase by 6 per cent the department’s allowable non-utility expense levels on all housing authority budgets for elderly and family public housing effective July 1, 2005 .
The amendment was *rejected*

Messrs. Joyce, Hedlund and Knapik, Ms. Fargo, Ms. Tucker, Messrs. Barrios, McGee, and Augustus moved that the bill be amended in section 2, line item 7004-9005 by adding at the end thereof, the following: “; provided further, that said department shall expend not less than \$1,000,000 of the funds appropriated herein to increase the non-utility allowable expense level caps, on

housing authority operation budgets for elderly and family public housing, beginning with July 1 budgets for elderly and family public housing, beginning with July 1 fiscal year operating budgets and thereafter on those housing authority operating budgets with fiscal years beginning October 1, January 1, and April 1” and, in said item, by striking out the figures “43,113,590” and inserting in place thereof the figures “45,113,590”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7004-9033, by striking out the figure “\$2,500,000” and inserting in place thereof, the following figure:- “\$3,000,000”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 6005-0015, by inserting after the word “program” “;and provided further, that not less than \$100,000 shall be expended for platform repairs in the town of Stoughton”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7004-0099, by inserting after the word “Hopedale”, “; provided further, that \$1,000,000 shall be expended for repairs and improvements to the Stoughton Train Station and the surrounding central business district in the Town of Stoughton, including but not limited to infrastructure and parking improvements, sidewalks, lighting, safety and aesthetic improvements, and salaries and/or fees for professional municipal planning work related to said repairs and improvements”.

Mr. Joyce further moves to amend the bill, in section 2, in item 7004-0099, by striking out the figure “\$8,262,633” and inserting in place thereof “\$9,262,633”.

The amendment was *rejected*

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900 by inserting at the end the following:- “; provided further, that \$20,000 shall be transferred to the town of Monson for the beautification of the downtown area”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words, “commission on travel and tourism;” the words “provided further, that not less than \$3,000,000 be expended for the purpose of fostering environmental and health and fitness education, the enjoyment of Boston Harbor and the development of public access on the Boston waterfront, a payment to the Children’s Museum in connection with the construction of a certain project located on the Fort Point channel in the city of Boston; provided further, that the program of the Children’s Museum of free school group admission for the school children of the commonwealth, which program was adopted by the trustees of the museum, shall be continued for a period of not less than twenty years from the effective date of this act; provided further, that prior to such payment, the Children’s Museum shall certify that private funding commitments for said project equal to seventy-five percentage of total project costs have been secured by the Museum.

The amendment was *rejected*

Mr. Baddour moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “city of Cambridge ;” the following:- “provided further, that not less than \$1,000,000 shall be expended for the renovation of the Haverhill Stadium;”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map” – “provided further that not less than \$300,000 shall be expended on a matching program to encourage private and corporate donations to support the Franklin Park Zoo”.

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Massachusetts Sports and Entertainment Partnership;” the following:- “provided further, that not less than \$150,000 be expended for improvements to the Stevens Library in North Andover”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Edmund Fowle House in Watertown ” the following words:- “provided further that not less than \$200,000 shall be made available to the Barrington Stage located in the City of Pittsfield ”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “regional tourism and economic development’ the following words:-“provided further that not less than \$250,000 shall be available for the Berkshire Museum located in the City of Pittsfield”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Woods Hole Film Festival” the following words:- “provided further that not less than \$50,000 shall be made available to the Berkshire Opera Company”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Massachusetts Sports and Entertainment Partnership” the following words:-“provided further that not less than \$500,000 shall be made available to the City of Pittsfield for improvements to the downtown Pittsfield Cinema Center ”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cultural Center of Cape Cod”, the following words:- “provided further that not less than \$75,000 shall be made available for the operation and maintenance of the Hancock Shaker, in the Town of Hancock ”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Mayflower II in Plymouth ” the following words:-“provided further that not less than \$200,000 shall be made available to the Mahaiwe Theater, in the Town of Great Barrington ”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “both in the city of Boston” the following words:-“provided further that not less than \$1,000,000 shall be made available to the City of Pittsfield for the design and construction of infrastructure improvements to Pittsfield’s Historic Downtown”.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “From the Top, Inc” the following words:-“provided further that not less than \$200,000 shall be made available to the City of Pittsfield for the completion of Pittsfield ’s Historic Gateway Project”.

The amendment was *rejected*

Mr. Baddour moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Jump Start Program;” the following:- “provided further, that not less than \$50,000 shall be allocated for the Methuen geriatric safety program;”.

The amendment was *rejected*

Messrs. Baddour and Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “New England Aquarium;” the following:- “provided further, that not less than \$100,000 be expended for the Old Center/Common project in North Andover ”.

The amendment was *rejected*

Messrs. Baddour, and Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Massachusetts Sports and Entertainment Partnership;” the following:- “provided further, that not less than \$20,000 be expended for a Vietnam Fallen Heroes Memorial in the town of North Andover”.

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words “Cambridge Housing Authority Work Force Program;” the following:- “provided further, that \$75,000 shall be provided to World Is Our Classroom, Inc. serving the towns of Holyoke , Westfield , Chicopee , and Greenfield ”.

The amendment was *rejected*

Messrs. Knapik and Lees moved that the bill be amended in section 2, in item 7003-0702 by inserting after the words “Easthampton Youth Entrepreneurship Project;” the following:- “provided further that not less than \$150,000 shall be made available for the Regional Employment Board of Hampden County for a pilot program for precision machining training”.

The amendment was *rejected*

Mr. Tisei moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “town of Hopedale;” the following:- “provided further, that not less than \$450,000 shall be expended for Bare Meadow in Reading;” and by striking out the figure “\$8,262,633” and inserting in place thereof the following figure:- “\$8,712,633”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 7007-0900, by adding at the end thereof the following:- “provided further, that not less than \$350,000 shall be expended for fixed and public safety costs for the Head of the Charles Regatta”.

The amendment was *rejected*

Messrs. Buoniconti, Knapik, and Tarr moved that the bill be amended by inserting the following outside section:- “Whereas rapidly escalating fuel prices constitute an eminent and growing economic threat to the Commonwealth, and whereas the Massachusetts Technology Collaborative (MTC) is mandated to support energy efficiency as well as economic development through new technologies, and whereas the internal combustion engine is a primary producer of energy in the Commonwealth and the United States and a primary polluter, and whereas increasing the efficiency of the internal combustion engine shall benefit the environment and the economy of the Commonwealth; the grant making entities operated by the MTC, including the John Adams Innovation Institute and the Renewable Energy Collaborative, shall be authorized to make grants, not to exceed and total of \$4,000,000 annually, in support of Massachusetts-based public and private enterprises developing new technology to significantly increase the efficiency of the internal combustion engine”.

The amendment was *rejected*

Mr. Tolman moved that the bill be amended in section 2, in item 7003-0702 by adding the following at the end thereof: “provided further, that not less than \$500,000 shall be expended for existing Boston youth service providers, as determined by the Boston Workforce Investment Board, who provide youth career exploration, academic support and remediation, and mentoring for at-risk youth in the city of Boston”.

The amendment was *rejected*

Messrs. Buoniconti, and Knapik moved that the bill be amended by inserting the following outside section:-

“Section 1. Clause 16 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: “; provided, however, the Agency shall be required to remit to the General Fund annually an amount of not less than five hundred thousand Dollars from revenues received by the Agency”.

Section 2. Clause 23 of section 3 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: “;provided, however, that the Agency, upon the land owned or operated by the Agency that was previously operated by or on behalf of the federal government as “Fort Devens,” shall at all times be required to provide for the maintenance, full use, and enjoyment of transitional or permanent housing facilities for the homeless, or those at risk of being homeless, to be operated by Applicants whose application for the use of buildings, facilities, and/or land at the former Fort Devens was allowed, granted, and/or approved by the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government, and such housing facilities and services are to be provided within or on the land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applicants. If such land, buildings, residential units, administrative offices, and playground facilities identified in the applications submitted by such Applications are not habitable because of environmental contamination, the Agency shall provide the equivalent land, buildings, residential units, administrative offices, and playground facilities elsewhere in the property formerly known as Fort Devens . The Agency shall not assess against or collect from such Applicants any rental payments, taxes, user fees, education fees, or any other form of charge payable to the Agency or any third party, except for the actual costs paid or incurred by the Agency in connection with the provision of utilities to Applicants or their residents, but only if separately and individually metered by residential or administrative unit. The Agency shall not interfere with the management, programs or any other aspect of the operations of the Applicants’ housing facilities or services. For the purposes of this subsection, “Applicants” shall mean each and every applicant who submitted an application to the United States Department of Housing and Urban Development, the United States Department of Defense, or any other agency of the United States Government for the use of any land, building, office, playground, or other property at the former Fort Devens, including such applicants’ successors and assigns.

Section 3. Section 10 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by striking the word “biennial” and substituting in place thereof the word “annual” and by adding the following at the end thereof: “; provided, however, that the Agency shall at all times be required to maintain detailed books and records of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency, including (i) copies of all invoices for fees and expenses, which invoices shall include detailed entries for all time incurred by such outside counsel or other professionals and (ii) a written disclosure of any personal or professional relationships between said outside counsel or other professionals and any officer, director, or employee of the Agency; such books and records shall be subject to review immediately upon request of the house or senate committees on ways and means”.

Section 4. Section 17 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding at the end of the second paragraph therein the following: “Prior to the disposition of any state surplus lands or any interest therein acquired by the Agency, the Agency shall file with the house and senate committees on ways and means a written disclosure detailing with specificity any personal or professional relationships between any officer, director, or employee of the Agency and any party involved with said disposition, including any purchaser, outside counsel or other professional involved with the disposition. The Agency shall, within thirty days of any request by the house or senate committees on ways and means, provide such committees with a detailed summary of all legal and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency in connection with any such disposition”.

Section 5. Section 34 of chapter 23G of the General Laws, as appearing in the Official 2000 Edition, is hereby amended by adding the following at the end thereof: “; Such annual report shall also include (i) a detailed summary of all legal, state and federal lobbying, and other professional fees and expenses incurred by outside counsel or other professionals retained by or on behalf of the Agency and (ii) a written disclosure of any personal or professional relationships between said outside counsel, lobbyists, or other professionals and any officer, director, or employee of the Agency”.

The amendment was *rejected*

Messrs. Buoniconti and Lees, Ms. Chandler and Mr. Montigny moved that the bill be amended in section 2, in item 7007-0900 by adding:-“and provided further, that not less than \$500,000 shall be expended for Partners for a Healthier Community, Inc. to provide the Open Wide Oral Health Pilot Program in Hampden County”.

The amendment was *rejected*

Mr. Tisei, Ms. Resor, Messrs. Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended by inserting, after Section____, the following new Section:-

“SECTION____. Chapter 23A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 3H the following section:-

Section 3I

(a) Notwithstanding any other provisions of this chapter, the department shall, upon receipt of qualifying applications, expend not less than \$500,000 annually in matching grants to assist municipalities with the purchase of environmental insurance naming as an additional insured the MBTA or Executive Office of Transportation, as applicable, for purposes of establishing and maintaining rail-trails, as defined in section 2 of chapter 21E and section 35A of chapter 82, utilizing the Brownfields Redevelopment Access to Capital Policy Form or similar or replacement form, with such terms, conditions, amendments and endorsements as are appropriate under the circumstances of the proposed rail-trail project, and with coverage limits of at least \$3,000,000 per incident, a deductible of at most \$50,000 per incident, and a term of at least 5 years.

(b) Unless specifically required by federal law in connection with any grant for construction of a rail-trail, a municipality that has applied for and received a grant and has purchased such environmental insurance as described in subsection (a) shall not be required to furnish to any person, authority or governmental entity, any other form of environmental insurance, or any defense, indemnification or hold harmless agreement with respect to any claims, injuries, costs, damages or other relief arising out of or related to the pre-existing release or threat of release of oil or hazardous materials at or from the project site as those terms are defined in chapter 21E, in connection with its design, acquisition, construction, use or maintenance of the rail-trail for which the application is made.

(c) The department shall promulgate such regulations, policies or directives as are necessary to expedite the receipt and approval of grant applications from municipalities under this section”.

The amendment was *rejected*

Mr. Tisei moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map” the following:- “provided further, that not less than \$50,000 shall be expended for repairs and renovations to the historic Hartshorne House in the town of Wakefield;”, and by striking out the figure “\$20,605,032” and inserting in place thereof the following figure:- “\$20,655,032”.

The amendment was *rejected*

Mr. Creedon moved that the bill be amended by inserting after Section 104 the following new sections: -

SECTION____. Section 3(d) of chapter 128A, as it appears in the 2004 official edition, is hereby amended in line 71 by striking the words “June 15 and October 15” and inserting in place thereof the following words: “March 1 and December 15, provided that no county racing meeting licensee shall conduct live racing performances in connection with a state or county fair during the live racing season of the running horse racing meeting licensee in Suffolk County”.

SECTION____. Section 2A of Chapter 128C of M.G.L., as it appears in the 2004 official edition, is hereby amended by striking the first paragraph in its entirety and inserting in place thereof the following:

Notwithstanding section 2, the running horse meeting licensee in Plymouth county, which is conducting running horse racing meetings in connection with a state or county fair, may, with the permission of the commission and subject to the approval of the city council and mayor or board of selectmen and town meeting of the city or town where the fair is located, and following a demonstration by the licensee of its ability to complete 50 per cent of the live racing performances approved by the commission, simulcast unlimited interstate thoroughbred horse and greyhound races on any day if such simulcast is conducted in connection with a state or county fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the commonwealth; but if the commission determines that a licensee cannot conduct 50 per cent of live racing performances due to weather conditions, race track conditions, strikes, work stoppages, sickness or quarantine not within the control of the licensee, the

commission may permit the licensee to continue simulcasting on that day despite the stoppage of the performances for said reasons. The total number of days of simulcast at the state or county fair, which is licensed by the commission for live running horse racing meetings, shall not exceed the total number of days the live racing licensee is licensed to operate. The licensee in Plymouth county shall pay 3 per cent of any simulcasts of thoroughbred horse racing to the purse account for the running horse racing performances at such state or county fair and shall simulcast its live racing performances to the greyhound racing meeting licensee located in Bristol county, the greyhound racing meeting licensee located in Suffolk county, the running horse racing meeting licensee located in Suffolk county, and the running harness horse racing meeting licensee located in Norfolk county and receive a fee therefore of 11 per cent, the simulcast shall not be considered a live in-state racing performance for purpose of the sixth paragraph of section 2; provided further that, the licensee may simulcast its live racing performances to any interstate licensee with the approval of the commission.

Notwithstanding any general or special law or rule to the contrary, any application to conduct live running horse racing meetings in Plymouth county in connection with a state or county fair may be filed until July 31st of the year in which such live racing performances are to be conducted, subject to approval by the commission within 30 days that any such application is filed.

The amendment was *rejected*

Mr. McGee moved that the bill be amended in section 2, in item 7004-0099 by inserting at the end thereof the following wording:- "provided further, that not less than \$45,000 shall be expended to the Lynn Housing and Neighborhood Development Corp".

The amendment was *rejected*

Mr. McGee moved that the bill be amended in section 2, in item 7007-0900, by adding at the end thereof the following wording: "provided further, that \$100,000 shall be expended for the Grand Army of the Republic (GAR) Museum in the city of Lynn".

The amendment was *rejected*

Mr. Tolman moved that the bill be amended in section 2, in item 7003-0702 by striking out "provided further, that \$100,000 shall be expended for the Boston Health Care and Research Training Institute;" and inserting in place thereof the following:- "provided further, that \$200,000 shall be expended for the Boston Health Care and Research Training Institute;".

The amendment was *rejected*

Mr. Tisei moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following:- "provided further, that not less than \$500,000 shall be expended for the installation of air conditioning at the historic Memorial Hall in the city of Melrose to allow for year-round cultural performances;" and by striking out the figure "\$20,605,032" and inserting in place thereof the following figure:- "\$21,105,032".

The amendment was *rejected*

Mr. McGee moved that the bill be amended by inserting after Section 12 the following new Section: -

The General Laws are hereby amended by inserting after section 2 of chapter 18 the following new section:

Section 2B. (a) The department shall provide for, through its federal Food Stamp Employment and Training Program Plan, the claiming of allowable federal matching funds as specified in subsection (c).

(b) The department shall claim federal matching funds from the United States Department of Agriculture pursuant to the federal Food Stamp Employment and Training Program for education, employment, and training services for eligible food stamp participants, including related dependent care and transportation expenses, to the fullest extent permitted by federal law.

(c) The department together with agencies and other entities that provide education, employment or training services in Massachusetts, including but not limited to the department of mental retardation, the department of mental health, the department of education, the department of workforce development, the Massachusetts rehabilitation commission, local governments, community colleges, other educational institutions, workforce organizations, and nonprofit providers of education, employment, and training services, shall continue and expand efforts to enroll eligible education, employment, and training program participants in the food stamp program and to enroll eligible food stamp participants in education, employment and training activities.

(d) The department shall expend \$3,000,000 from revenue received from the United States Department of Agriculture as federal Food Stamp Employment and Training Program matching funds for employment and training services provided by or under contract with said department, the department of mental health, the department of mental retardation, and the Massachusetts rehabilitation commission for employment and training services provided to recipients and former recipients of transitional aid to families with dependent children; provided that this amount shall be in addition to any other sums appropriated from the general fund for such services; and provided further that any such funds received in the first half of the fiscal year shall be spent in the fiscal year in which they are received and any such funds received in the second half of the fiscal year shall be spent in that fiscal year or the subsequent fiscal year.

(e) Funds not to exceed the equivalent of five percent of federal Food Stamp Employment and Training Program matching funds received in any fiscal year, excluding the amounts made available for expenditure by the department of transitional assistance pursuant to subsection (d), shall be made available to the department of transitional assistance for otherwise non-reimbursed administrative costs associated with claiming federal matching funds pursuant to the federal Food Stamp Employment and Training Program for education, employment and training services for eligible food stamp participants; provided further, that such funds shall be in addition to any other sums appropriated from the general fund for administration of the food stamp program.

(f) Upon application by the agencies and other entities, including but not limited to those listed in subsection (c), whose expenditures for education or training services for food stamp participants generated the federal matching funds equivalent to the remaining federal Food Stamp Employment and Training Program matching funds received in any fiscal year shall be provided on a pro rata basis to support additional education, employment and training services and related program costs and up to 7.5% of these funds can be used for administrative costs generated by claiming said federal matching funds; provided further that the funds are not used to supplant existing services.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, by adding after item 7003-0702 the following new item:

7003-0703

Notwithstanding any general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer from the General Fund to the Workforce Competitiveness Trust Fund established pursuant to section 2RR½ of chapter 29 of the General Laws an amount equal to the workforce training contributions required by section 14L of chapter 151A of the General Laws and collected in each fiscal year pursuant to said requirements; provided, however, that said transfer shall not be less than \$11,000,000; provided, further, that not less than \$1,000,000 shall be provided for grants to providers of workforce development and job skills training services for projects benefiting older adults; and provided further, that subject to appropriation, the director of workforce development shall make expenditures from the fund for the purposes outlined in section 5 of this act.

The amendment was *rejected*.

Messrs. Tisei and Tarr moved that the bill be amended in section 2, by inserting after item 7004-0099 the following new item:-

“7004-1000

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

The amendment was *rejected*.

Messrs. McGee and Tarr moved that the bill be amended by inserting after Section 13 the following new Section ____:-

Section 1 of chapter 29 of the General Laws, as appearing in the 2004 official edition, is hereby further amended by striking out section 2SS and inserting in place thereof the following section:—

Section 2SS.

(a) There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Workforce Competitiveness Trust Fund, hereinafter called the fund. The fund shall be administered by the department of workforce development which shall contract with the commonwealth corporation to administer the fund. The objectives of the fund shall include, but shall not be limited to, the following: supporting, in conjunction with other private, public and philanthropic resources, the development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low income individuals and low wage workers; improving wages to a level sufficient to support a family or place individuals on a career path leading to such employment and wages; training vulnerable youth to master basic academic skills including the attainment of a high school degree and encouraging students to advance educationally and receive post-secondary degrees at colleges or post-secondary vocational schools, or beyond; developing occupational skills, and becoming employed in jobs that have career potential; and training older workers for new occupations. The department of workforce development shall utilize these projects to improve the workforce development system by integrating employer and worker needs more fully in program design and delivery, and shall support, through grants, partnership programs and planning, grant applications from the following eligible applicants to provide an integrated continuum of education and training: employers and employer associations; local workforce investment boards; labor

organizations; community based organizations, including adult basic education providers; institutions of higher education; vocational education institutions; one-stop career centers; local workforce development entities; and non-profit education, training or other service providers. The fund shall leverage employer, public, philanthropic and other contributions, and shall be available as a state match for federal funds that meet the requirements of the fund. The fund shall be an expendable trust fund and not subject to appropriation. Grants from the fund shall be offered on a competitive basis for a maximum of 3 years, and shall not exceed \$500,000.

(b) The director of the office of workforce development shall appoint an advisory committee, hereinafter referred to as the committee. Said committee shall represent significant constituencies and beneficiaries of the fund, including, but not limited to, high growth or critical industries; the workforce development system; public education; adult basic education; the department of transitional assistance; public higher education; labor; community based organizations and non-profit education, training or other service providers; and advocates of customer populations including representatives of education, training and the one-stop career center provider coalitions, including a minimum of 2 labor representatives selected by the President of the Massachusetts AFL - CIO , and 2 representatives of the Massachusetts Workforce Board Association. The director of the office of workforce development shall serve as chair of the committee. The committee shall supply constituent focused labor market information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the fund's efficiency and effectiveness and the dissemination of relevant information about the fund, and support the general oversight of the fund's implementation. The committee shall meet from time to time, but not less frequently than quarterly.

(c) The commonwealth corporation shall be the administrator of the fund, and shall maintain the fund as a separate fund, and shall cause it to be audited by an independent accountant on an annual basis in accordance with generally accepted accounting principles.

(d) There shall be credited to the fund any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund, and any gifts, grants, private contributions, investment income earned on the fund's assets, and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(e) Partnership programs may include costs for support services including, but not limited to, transportation and childcare, to eliminate barriers to participation in the training program. For any unionized employer participating as a partner in a grant application, the impacted union must be an active participant in the design and implementation of the grant.

(f) A competitive grant program shall be established that provides support to partnerships and eligible applicants as described above, and that leverages applicant co-investment of at least 30 per cent of the grant amount, from employers, philanthropic, and public or private organizations. The period of grant operations may be up to 3 years in duration. Grants may be targeted to specific populations, such as educationally or economically disadvantaged youth, low-income, low-skilled and low-wage workers, disabled citizens, or industries that are deemed to be of critical consequence to the commonwealth. Special grant programs and funding allocations will be determined by the committee and shall be distributed via a regionally-based competitive bid process, which will require the defining of economic regions of the Commonwealth based on labor market factors as determined by the committee. Every municipality in the commonwealth shall be accounted for in a designated region. A formula for regional distribution shall be created, and competition for formula grant funds shall occur within each identified region, and shall be subject to the rules and regulations established by the committee in consultation with regional partners. Respondents to the local competitions must notify, in writing, the region's workforce investment board of their intent to respond to this request for proposals. A planning grant may be offered to define employer needs; to make necessary curriculum and other programmatic improvements to align with employer and worker needs; to determine the feasibility of a proposed workforce development intervention; to plan for, and coordinate strong partnerships among stakeholders; to identify educational and skill needs of workers and program participants; to link training initiatives with employer-based career ladders; and to develop case management and additional support services that would address barriers to participation.

(g) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's healthcare industry. This portion of the fund shall support projects that address barriers and gaps in the healthcare workforce development pipeline. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with a Healthcare subcommittee of the fund committee, which shall include at a minimum appointments made by the following organizations: the Massachusetts Hospital Association; the Massachusetts Extended Care Federation; the Home and Health Care Association of Massachusetts; the Massachusetts Workforce Board Association; and the Massachusetts AFL - CIO , as well as representatives of the other mandatory advisory committee constituencies.

(h) A portion of the grant fund shall be used to support the current and future labor force needs of the Commonwealth's travel and tourism industry. This portion of the grant fund shall be used to support the development of career ladder and wage improvement strategies, including employee ownership and profit-sharing strategies, within Massachusetts' travel and tourism industry. Small planning and needs assessment grants may be offered. A project grant program will be designed by commonwealth corporation in consultation with the Travel and Tourism Advisory Committee, which must include the primary

industry associations that represent the industry in Massachusetts, or in their absence, a cohort of relevant industry employers, as well as representatives of the other mandatory advisory committee constituencies.

(i) Project grants shall be for a maximum of 3 years, competitively based and shall not exceed \$500,000. The committee shall determine how to apportion the grant fund between the healthcare industry, the travel and tourism industry and the general grant program; provided, however, that no more than 7.5 percent of the funds appropriated herein may be expended for the administration of each grant.

(j) The director of the department of workforce development shall annually, not later than December 31, report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on community development and small business, the joint committee on education, arts and humanities, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development, and the joint committee on public health on the status of grants awarded under this section, including the number of educational and eligible service providers receiving grants; the number of participants receiving services; the number of participants placed in employment; the salary and benefits that participants receive post placement; the cost per participant; and job retention or promotion rates one-year after training ends.

(k) The establishment of the Workforce Competitiveness Trust Fund, or any other worker training fund, shall not be determined to replace, displace or serve as a substitute for the Workforce Training Fund as established by section 2RR. The amendment was *rejected*

Messrs. McGee and Tarr moved that the bill be amended by inserting at the end thereof the following item:

“Notwithstanding of any general or special law to the contrary, there is hereby established a performance standards and workforce accountability task force. The task force shall develop and recommend policies that advance skills and workforce development opportunities for incumbent, unemployed and underemployed youth and adult workers whose lack of skills prevent or limit their successful employment. Lack of skills may include, but shall not be limited to, being less than proficient in English, mathematics, reading, writing, science and technology, or such other skills as Massachusetts employers may identify. The following groups shall be specifically targeted for assistance: adult workers with no post-secondary education; adult immigrants who seek to learn English; adults without a high school diploma; displaced workers; older workers; individuals not currently connected to the workforce; and youths between the ages of 16 and 21 who have either dropped out of school or at risk of dropping out, or who are academically at-risk of not completing the requirements for high school graduation. The task force shall develop recommendations which shall include, but not be limited to, the following: (i) maximizing the skills gained, the number of people served, and the quality of outcomes achieved through the workforce development system; (ii) increasing services and resources for those most in need and for the purpose of moving individuals and families out of poverty; (iii) identifying professional development and technical assistance needs and resources to strengthen workforce development programs and the skills of staff who deliver workforce development services; and (iv) evaluating and analyzing current local and state policies for the governance and coordination of workforce development agencies and programs in Massachusetts and making recommendations for improving coordination, oversight, performance standards, streamlining bureaucracy and maximizing resources. The task force shall design and conduct an evaluation and analysis of the present governance and coordination of workforce development agencies and programs in the commonwealth. On the basis of that study the task force shall recommend to the general court, and other appropriate agencies, policies and changes to policies likely to improve the results of workforce development efforts in the commonwealth. Said recommendations shall address improving coordination, oversight and maximizing resources. The goals of the study shall include assisting Massachusetts citizens in making better use of the state’s workforce development system, defining clearer lines of responsibility and accountability, and analyzing the management of the system in an effort to both improve service delivery and supplementing the resources available for education and training. The task force shall publish a resource guide of all the workforce education and training resources in the commonwealth. It shall be the responsibility of the department of workforce development, through the Commonwealth Corporation, in consultation with the workforce accountability task force to evaluate existing, and develop additional, performance standards for workforce and job-training programs receiving state funding in the areas of employment, skill, education, business and customer satisfaction impact for the agencies of the commonwealth that provide workforce development resources, education or training programs as defined by the task force. Commencing July 1, 2006, all workforce development services and job skills training programs receiving state or federal funds must submit, not later than June 30, an annual performance report to the department, the state workforce investment board, the house and senate committees on ways and means, the joint committee on education, the joint committee on higher education, the joint committee on economic development and emerging technologies, and the joint committee on labor and workforce development; provided further, that said annual performance report shall use the employment, education, business and customer satisfaction measures and standards as agreed upon; provided further, said report shall include any recommendations for the termination of any programs no longer required. The task force shall consist of the following members: 2 members to be appointed by the governor, 1 of whom shall be the director of the department of workforce development or his designee; 2 members to be appointed by the president of senate; 2 members to be appointed by the speaker of the house of representatives; the chancellor of the board of higher education or his designee; the secretary of the executive office of health and human services or his designee; 1 member from the Massachusetts Business Roundtable; 1 member from the Associated Industries of Massachusetts; 2 members selected by the president of the Massachusetts AFL - CIO ; 2 employer members from

the Massachusetts workforce investment board association; 1 member from the Workforce Investment Association of Massachusetts; 1 member from the executive office of community colleges; 1 member from the Department of Education; 1 member from the Massachusetts Workforce Investment Board; 1 member from the Commonwealth Corporation; 1 member from the Women's Union; 1 member from the Massachusetts State Colleges Council of Presidents; 1 member from the Massachusetts Association of Community Development Corporations; 1 member from the Massachusetts Coalition for Adult Education; and 1 member from the Massachusetts Workforce Alliance. Members of the task force shall serve without compensation. The task force shall be co-chaired by two members of the taskforce, appointed jointly by the president of the senate and the speaker of the house of representatives and shall annually, on or before December 31, file a report with the clerk of the house and senate, the house and senate committees on ways and means and the joint committee on labor and workforce development and the joint committee on economic development and emerging technologies. The department of workforce development shall provide the funds necessary to carry out the activities of this section through workforce investment act funds; provided further, that the department may use up to \$500,000 of the workforce competitiveness trust fund for this purpose and shall provide administrative support to the task force, as requested".

The amendment was *rejected*

Mr. Tisei moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following:- "provided further, that not less than \$200,000 shall be expended for the repair of Victorian street lighting within the state-recognized historic district of downtown Melrose;" and by striking out the figure "\$20,605,032" and inserting in place thereof the following figure:- "\$20,805,032".

The amendment was *rejected*

Messrs. Montigny and Tarr, Ms. Tucker, Messrs. Joyce and Moore moved that the bill be amended by inserting, after Section 20, the following new Section:-

"SECTION 20A. Subparagraph (i) of paragraph (1) of subsection (b) of section 6J of chapter 62 of the general laws, as appearing in the 2004 official edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 'The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005 , and ending December 31, 2010 , under this section together with section 38R of chapter 63, an amount not to exceed \$50,000,000 per year.'"; and by inserting, after Section 21, the following new Section:-

"SECTION 21A. Subparagraph (i) of paragraph (1) of subsection (b) of section 38R of said chapter 63, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 'The commissioner, in consultation with the Massachusetts historical commission, shall authorize annually, for the 6 year period beginning January 1, 2005 , and ending December 31, 2010 , under this section together with section 6J of chapter 62, an amount not to exceed \$50,000,000 per year.'".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 7007-0900 by adding the following:- "provided further, that not less than \$50,000 shall be expended to RAW Arts, Inc. in the city of Lynn to facilitate youth expansion programs approved by the Board of Directors of said organization".

The amendment was *rejected*

Mr. McGee moved that the bill be amended in section 2, in item 7002-0800 by striking the figure "\$790,043" and insert in place thereof the following:- \$850,316.

The amendment was *rejected*

Ms. Spilka, Messrs. Timilty, Joyce and Tarr moved that the bill be amended in section 2, by inserting after item 7004-4314 the following item:

"7004-9003

For a program of housing and housing assistance to assist homeless individuals and individuals at-risk of homelessness to become self-sufficient and to reduce the need for shelters, said program to be administered by the regional non-profit housing agencies . . .
.. \$1,000,000".

The amendment was *rejected*

Mr. O'Leary moved that the bill be amended in section 2, in item 7007-0900, by inserting after "for the production of a Cranberry Harvest Map", the following:- " provided further, that not less than \$125,000 shall be expended on septic system replacement for the Crosby Mansion and the Cape House septic system on Department of Conservation and recreation property located within Nickerson State Park in the town of Brewster".

The amendment was *rejected*

Mr. O'Leary moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words "for the production of a Cranberry Harvest Map" the following:- "; provided further, that not less than \$200,000 shall be expended for the purpose of restoring the Old Indian Meeting House, in the town of Mashpee".

The amendment was *rejected*

Ms. Wilkerson moved that the bill be amended in section 2, in item 7003-0702 by inserting after the words "use technology" the following: - "provided further, that not less than \$150,000 shall be expended to Dimock Community Health Center to provide workforce training, educational services and other transitional services, with special focus on cultural competency and diversity outreach strategies". And by striking out the figure "\$6,463,000" and inserting in place thereof the following figure: "\$6,613,000".

The amendment was *rejected*

Ms. Wilkerson moved that the bill be amended in section 2, in item 7003-0702 by inserting after the words "use technology" the following: - "provided further, that not less than \$150,000 shall be expended to Benjamin Community Health Center for the career ladder program in nursing"; and by striking out the figure "\$6,463,000" and inserting in place thereof the following figure: "\$6,613,000".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following words:-"provided further, that not less than \$75,000 shall be expended for roof and stairway repairs on the Danforth Building in the Town of Framingham;".

The amendment was *rejected*

Mr. Baddour moved that the bill be amended by inserting, after Section XX, the following new Section:-

"SECTION XX. Notwithstanding Section 12 or 17 of Chapter 138 of the General Laws or any other general or special law to the contrary, a holder of a seasonal liquor license may convert a seasonal liquor license into a full season license for the sale of all alcoholic beverages to be drunk on the premises by applying for conversion to the local licensing authority within 90 days of the enactment of this section. Such approval by the local licensing board may not be unreasonably withheld".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following words:-"provided further, that not less than \$90,000 shall be expended for the construction of and repairs for sidewalks in the Town of Ashland;".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following words:-"provided further, that not less than \$800,000 shall be expended to the Town of Holliston towards acquisition and/or other improvement costs in connection with the rail trail from the Town of Sherborn through a portion of the Town of Holliston;".

The amendment was *rejected*

Mr. Tolman moved that the bill be amended in section 2, by striking out item 7004-3045 and inserting in place thereof the following item:- " 7004-3045 For not less than \$565,000 for a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and families that contain an individual with a disability in cases where the disability is directly related to the reason for eviction".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following words:-"provided further, that not less than \$200,000 shall be expended to rehabilitate the Choate Park Dam in Medway;".

The amendment was *rejected*

Messrs. Montigny, and Timilty moved that the bill be amended in section 2, in item in item 7003-0702, by adding the following: - "provided further that not less than \$150,000 shall be expended to the Commonwealth Corporation for the establishment of an economic transformation model pilot program".

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words "Cranberry Harvest Map;" the following words:-"provided further, that not less than \$200,000 shall be expended for the construction of a new highway barn and salt shed in the Town of Medway;".

The amendment was *rejected*

Mr. Creedon moved that the bill be amended in section 2, in item 7003-0803 by striking the figure “5,000,000” and inserting in place thereof the following figure:- \$6,000,000.

The amendment was *rejected*

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map;” the following words:-“provided further, that not less than \$200,000 shall be expended for the restoration and expansion of 2B Oak Street in the Town of Medway, renovating the currently uninhabitable historic site for use by town and community programs;”.

The amendment was *rejected*

Messrs. Antonioni and Brewer moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “town of Hopedale;” the following:-“provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation;”; and by striking out the figure “\$8,262,633” and inserting in place thereof the following figure:- “\$8,337,633”.

The amendment was *rejected*

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map;” the following words:- “provided further, that not less than \$75,000 shall be expended for safety upgrades to the technological infrastructure of the Police Department in the Town of Franklin;”.

The amendment was *rejected*

Messrs. Tarr and McGee moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map” the following:- “provided further, that not less than \$100,000 shall be expended to the Essex National Heritage Commission for the purpose of matching a federally funded grant;”.

The amendment was *rejected*

Mr. Morrissey moved that the bill be amended in section 2, in item 7004-0099 by inserting after the word “Hopedale” by inserting the following:- “provided further, that \$60,000 shall be expended for upgrades and improvements at the Abington Memorial Stadium in Abington”.

The amendment was *rejected*

Mr. Morrissey moved that the bill be amended in section 2, in item 7004-0099, by inserting, after the word “Hopedale”, the following:- “; provided further, that \$75,000 shall be expended for the Abington Senior Center”.

The amendment was *rejected*

Messrs. Morrissey and Joyce moved that the bill be amended in section 2, in item 7004-0099 by inserting after the word “Hopedale” the following:- “provided further, that \$25,000 shall be expended for the Braintree Councils on Aging for structural improvements to meet the standards for the Americans with Disabilities Act”.

The amendment was *rejected*

Mr. Morrissey moved that the bill be amended in section 2, in item 7004-0099 by inserting after the word “Hopedale” the following words: - “provided further, that \$100,000 shall be expended for the design and construction of full traffic signalization in the vicinity of the Holbrook Public Safety complex at the intersection of King street and South Franklin street in the town of Holbrook”.

The amendment was *rejected*.

Mr. Morrissey moved that Floor 353 be amended by striking out the amendment in its entirety and inserting in place thereof the following:-

Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following new sections:-

SECTION . Section 11 F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition is hereby amended by striking clause (vii) in its entirety and inserting in place thereof the following new clause:- “(vii) incremental energy resulting from increased capacity and/or efficiency at hydroelectric facilities licensed by FERC after 1986, or hydroelectric facilities that receive FERC approval to construct improvements necessary to provide such incremental energy, so long as such increased capacity and/or efficiency does not involve pumped storage of water, is achieved without involving any new impoundment or diversion of water, and meets any further environmental standards as set forth by the division; provided that only such improvements to a hydroelectric facility made after January 1, 1998 , and the incremental energy attributable to such improvements, shall be considered a new renewable energy generating source.

SECTION . Section 11F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition is hereby amended in line 33 by striking the words “clauses (vi) and (vii) herein”. and inserting in place thereof the following:- “clause (vi)”.

SECTION . Said Section 11F of Chapter 25A, as so appearing, is hereby further amended by inserting the following new section:- (d) Commencing in January 2009 and continuing each year thereafter, the Division shall calculate and provide public notice of the total kilowatt-hour sales of generation from eligible hydroelectric generation used for compliance with this section in the previous calendar year, which shall be reported as a percentage of total kilowatt-hour sales to end-use customers in the Commonwealth by retail electricity suppliers. The Division shall adjust upward, by this reported percentage, the minimum percentage of kilowatt-hour sales from new renewable energy generation sources that each retail supplier must provide to end-use customers in the Commonwealth in the following year and each year thereafter, which shall be in addition to any other increases in the minimum percentage requirement for the purchase of new renewable energy generation as determined by the Division. The amendment was *rejected*

Ms. Creem moved that the bill be amended in section 2, in item 7004-0099 by adding at the end thereof the following “provided further, that \$50,000 shall be expended for repairs to the Hamilton Community Center in Newton Lower Falls;” and said item is further amended by striking out the figures “8,262,633” and inserting in place thereof the following figures “8,312,633”.

The amendment was *rejected*

Messrs. Morrissey, Tarr, Augustus and Knapik moved that the bill be amended by adding at the end thereof the following new sections:-

SECTION . Section 5 of said Chapter 775 is hereby amended by striking out clauses (h) and (i) and inserting in place thereof the following new clauses (h)

and (i):- (h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein, with or without consideration and notwithstanding whether such real or personal property is needed or useful by the corporation all upon such terms and conditions as the corporation shall determine; (i) to pledge or assign any money, fees, charges, or other revenues of the agency, or any real or personal property and any proceeds derived by the corporation from the sale of energy or property, insurance or condemnation awards or the purchase of any insurance .

SECTION . Said Section 5 of Chapter 775 is hereby further amended by inserting after clause (t) the following clause:- (u) to enter into contracts determined by the corporation to be necessary or for the prudent management of the corporation’s assets, funds, debts, or fuels including without limitation, interest rate swaps, option contracts, futures contracts, hedging contracts, leases, or other risk management techniques and forward purchase contracts.

SECTION . Section 9 of said Chapter 775 is hereby amended by striking out

clause (a) and inserting in place thereof the following new clause (a):-

(a) The corporation may, subject to the approval of the department under this act, borrow money by the issues of its bonds for any of its corporate purposes. Bonds may be issued hereunder as mortgage bonds, as general obligations of the corporation or a special obligation payable solely from particular funds. Without limiting the generality of the foregoing, such bonds may be issued for project costs, prepayment of fuel, transmission or transportation of fuel, or the corporation’s share of project costs of electric power facilities or long-term purchases or rights to use electric power facilities which may include interest prior to and during the carrying out of any project and for a reasonable period thereafter, prepayments under contracts for the purchase of energy, or services related thereto, stranded investment cost, early termination costs of any electric project, decommissioning costs, such reserves for debt service or other capital of current expenses as may be required by a trust agreement or resolution securing bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

The amendment was *rejected*

Ms. Creem moved that the bill be amended in section 2, in item 7007-0900 “provided further, that not less than \$500,000 shall be expended for the Newton Historical Society for the purchase, preservation and maintenance of the Durant Kenrick Homestead in the City of Newton;” and in said line item by striking the figures “20,605,032” and inserting in place thereof the figures “21,105,032”.

The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 7004-0099 by inserting, after the words “ Rockland Community Center ;” the following: - “provided further that \$50,000 shall be expended for the destruction of old army bunkers

located on the Division of Fisheries and Wildlife land in the town of Hingham ”.
The amendment was *rejected*

Ms. Creem moved that the bill be amended in section 2, in item 7004-0999 by inserting at the end thereof the following new text: - “provided further, that \$40,000 shall be expended to assist the city of Newton with a smart growth development plan for Newton Center”; and by striking the figure “8,262,633” and inserting in place thereof the figure “8,262,673”.
The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 7004-0099 by inserting, after the words “ Rockland Community Center ;” the following: - “provided further that \$50,000 shall be expended for the destruction of old army bunkers located on Mass Highway land in the town of Hingham ”.
The amendment was *rejected*

Messrs. Morrissey and Joyce moved that the bill be amended in section 2, in item 7007-0099 by inserting after the word “Hopedale” the following words:- “provided further, that no less than \$20,000 shall be expend to the Town of Braintree as a one-time community action grant for Thayer Public Library”.
The amendment was *rejected*

Mr. Hedlund moved that the bill be amended in section 2, in item 7004-0099 by inserting, after the words “ Rockland Community Center ;” the following:- “provided further, that \$100,000 shall be expended for the revitalization of downtown Hingham ”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 7004-0099 by inserting, after the words “ Rockland Community Center ;” the following:- “provided further, that \$200,000 shall be expended for the revitalization of the Weymouth Landing area in the town of Weymouth ”.
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 7004-0099 by inserting, after the words “ Rockland Community Center ;” the following:- “provided further, that not less than \$200,000 be allocated for additional parking in Cohasset Village in the Town of Cohasset due to the loss of spaces as a result of the Greenbush Commuter Rail Project”.
The amendment was *rejected*

Messrs. O'Leary, Morrissey and Joyce moved that the bill be amended in section 2, by inserting after item 7004-9316 the following item”-

“7004-9322

For a program to establish the Community Action Support Fund to provide general support for the 24 designated antipoverty agencies operating throughout Massachusetts known as community action agencies, as defined in Chapter 23B, Section 24, of the Massachusetts General Laws; provided further, that the resources from the Community Action Support Fund created by this line-item be used by community action agencies primarily for but not limited to crisis intervention services for low-income individuals and families and elderly persons; provided further, that the resource from the Community Action Support Fund created by this line-item be distributed to the community action agencies by the department of housing and community development in a proportion developed by the department of housing and community development in conjunction with the Massachusetts Association for Community Action, said distribution will be based in part on the percentage of poverty in each of the areas served by each of the 24 community action agencies operating throughout Massachusetts; provided further, that 5 percent of the resources from the Community Action Support Fund created by this line-item be used to support its administration by the department of housing and community development and for the support of community action agencies as defined in Chapter 23B, Section 24, of the Massachusetts General Laws.....\$500,000”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 7010-0005, in line 14 by inserting the words: - “provided further, that not less than \$30,000 in appropriated funds shall be made available for providing building security systems to each of the town’s schools in the town of North Attleboro ”.
The amendment was *rejected*

Ms. Tucker moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words "town of Hopedale ;" the following:- "provided further, not less than \$100,000 shall be expended for the Maria Quintana Family Center in Lawrence".

The amendment was *rejected*

Mr. Moore moved that the bill be amended in section 2, by inserting the following new item:- 7066-0020 For the operation of the Board of Higher Education's nursing and allied health education initiative.....\$2,000,000

The amendment was *rejected*

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 7027-0016 by inserting at the end thereof the following:-"; provided further, that not less than \$50,000 shall be expended for Junior Achievement of Western Massachusetts".

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, by inserting after item 7010-0030 the following new item:-"7010-_____ For costs associated with the planning and design of a new Essex North Shore Agricultural and Technical School in the town of Danvers.....\$250,000".

The amendment was *rejected*

Messrs. Brewer and Antonioni moved that the bill be amended in section 2, in item 7509-0100, by inserting at the end the following:- "; provided, that \$150,000 shall be expended to develop a program to provide technical assistance to state facilities and public school districts to reduce energy costs through the utilization of renewable energy systems"; and by striking the figure "11,980,266" and inserting in place thereof the following figure:- "12,130,266".

The amendment was *rejected*

Ms. Jehlen moved that the bill be by adding the following section:-

"SECTION __: The Department of Education shall procure a full and independent review of the effectiveness of charter schools in Massachusetts, to be conducted by a reputable entity not affiliated with charter schools or regular public schools in the Commonwealth. Said study shall examine existing policies governing charter schools as well as all charter schools presently operating in Massachusetts; provided further, that said study shall provide insight into how well charter schools are advancing reforms in Massachusetts, how well they are serving Massachusetts children, and how well they are meeting the mission of replicable innovation defined for them in the Education Reform Act of 1993. Said shall analyze: 1. The pattern of student, teacher and administrative attrition in comparison with sending school districts to assess the stability of the instructional program and leadership provided by the charter school and to assess the ability of charter schools to retain students and highly qualified personnel; 2. Student recruitment and enrollment patterns, particularly for subgroups identified under the No Child Left Behind Act, in order to ascertain the degree to which charter schools reflect the student distribution of sending school districts, and further the study shall assess the attrition rate for various subgroups in order to identify the type of students who leave the charter school and the reasons for leaving; 3. The qualifications and certifications of teachers and administrators staffing the charter schools to assess the degree to which children are taught by highly qualified personnel; 4. The accuracy of the waiting lists currently reported for enrollment in charter schools; 5. Due process compliance for special education and English language learners and the degree to which charter schools make appropriate accommodations for these students; 6. Compliance with statutes governing the operations of public institutions such as the open meeting law, public bidding laws, and the public records law; 7. The degree to which the charter schools' programs are consistent with and sustain the original intent outlined in the approved application of said charter school; 8. The degree to which charter schools have created innovative teaching and learning models applicable to the sending public schools and have shared this information with the sending public schools; 9. The pattern of spending for various categories identified in the End-of-the-Year report such as administration, financial management, instruction, special education, maintenance, etc. in comparison with the sending public schools; 10. The general management of charter school student discipline through expulsions, suspensions and other disciplinary actions; 11. Improvement in charter school student performance as compared to that of the sending school districts; 12. Identification of particularly successful and unsuccessful educational practices among charter schools with a delineation of those successful practices that may be replicable within public schools. This study shall be completed by no later than March 15th, 2007, a copy of which shall be filed with the Clerk of the House of Representatives, the Clerk of the Senate, the Chairs of the House and Senate Committees on Ways and Means, and the Chairs of the Joint Committee on Education by no later than March 19th, 2007".

The amendment was *rejected*.

Mr. Joyce and Ms. Fargo moved that the bill be amended in section 2, in item 7035-0002, by striking out the figure "\$29,322,628" and inserting in place thereof the following figure:- "32,322,628".

The amendment was *rejected*

Mr. Joyce and Mr. Creedon moved that the bill be amended in section 2, in item 7061-9404, by inserting after the words "New Bedford": - "; provided further, that \$100,000 shall be expended to the Easton public schools for the purpose of the funding of new computers and equipment".

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9404, by inserting after the word “Lynn” “; provided further, that not less than \$1,000,000 shall be expended for language immersion programs in municipalities that contain over 1,800 acres in state-owned land , including Department of Conservation land, in said town(s)”; and by striking out the figure “\$10,339,647” and inserting in place thereof “\$11,339,647”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7061-0011, by inserting after clause (10) the following clause:- “(11) assist towns that before fiscal year 2004 did not receive payment in lieu of taxes for state-owned land if more than 20 per cent of the land in the town was state-owned, including department of conservation and recreation lands;”.

The amendment was *rejected*

Ms. Jehlen and Messrs. Timilty, Montigny and Panagiotakos, and Ms. Creem, moved that the bill be amended, by adding the following section:-

“SECTION__ : Chapter 71, Section.89 of the General Laws is hereby amended by striking out subsection (o) and adding the following subsection:

Each charter school shall annually, no later than April 1, notify each public school district in writing of the number of students who will be attending the charter school from the district the following September as well as the number of new students who will be transferring from that district to the charter school in the following September. Enrollment figures should be based on the previous year’s enrollment in a manner identical to the calculation of a district’s chapter 70 aid. Except in the case of charter schools that have been open less than five years or charter schools that have received approval from the Department of Education in the past year to increase enrollment, first quarter tuition payments would be based on their previous year’s enrollment figure, with payments in subsequent quarters based on actual enrollment figures as of October 1. For charter schools that have been open less than five years or schools that have received approval from the Department of Education in the past year to increase enrollment, first quarter payments will be based on projected enrollment figures”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 4800-0038, by inserting after the words “court diversion program”, the following : - “provided further, that not more than \$140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based program in Boston high schools, middle schools, pilot schools and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk for school drop out”.

The amendment was *rejected*

Mr. Hart and Messrs. Tarr, Barrios, Moore moved that the bill be amended in section 2, in item 7000-9401 by striking the figures \$15,480,361.00 and inserting in place thereof the figures \$16,509,172.00.

The amendment was *rejected*

Messrs. Hart, Barrios, and Moore moved that the bill be amended in section 2, in item 7000-9506 by striking out the figures \$2,833,000.00 and inserting in place thereof the figures \$3,333,000.00.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 7004-0099 by inserting after the words “Worcester Housing Authority” the following; - “provided further, that \$200,000 shall be expended for community-based after school programs administered by the Black Ministerial Alliance, Inc. and PACE in the city of Boston ”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, by adding the following new line item:

7061-xxxx

For the National Foundation for Teaching Entrepreneurship's (NFTE) middle and high school programming to under-performing urban school districts in Massachusetts. NFTE (pronounced 'nifty') teaches entrepreneurship to young people from low-income communities to enhance their economic productivity by improving their business, academic and life skills. NFTE's curriculum aligns with State Standards in Mathematics, English Language Arts, and History and Social Science and correlated to the National Business Education Association's National Standards for Entrepreneurship.....\$500,000”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended by inserting, after Section ___, the following new Section: -

“SECTION _____. Section 89 of Chapter 71 of the Massachusetts General Laws, as appearing in the 2002 Official Edition is hereby amended by striking out the third and fourth sentences in subsection (i) and inserting in place thereof the following three sentences:-

‘(i) In any fiscal year, a public school district’s total charter school tuition payment to the commonwealth charter schools shall not exceed 9 per cent of said district’s net school spending; provided, however, that a public school district’s total charter tuition payment to commonwealth charter schools may equal 20 percent of said district’s net school spending if the board determines the MCAS scores for a school district place said district in the lowest ten percent of all statewide MCAS test performance scores for two consecutive years . The board shall not approve additional applications for any new charter schools in these designated school districts if the district’s MCAS test scores rise above the bottom ten percent of all statewide MCAS scores for any 2 consecutive years after said determination is made by the board. The commonwealth shall incur charter school tuition payments for siblings attending commonwealth charter schools to the extent that their attendance would otherwise cause said school district’s charter tuition payments to exceed 9 percent of said school district’s net school spending.’ “.

The amendment was *rejected*

Mr. Nuciforo moved that the bill be amended in section 2, in item 7113-0105, by striking the figure “\$350,000” and inserting in place thereof the following figure:-“\$425,000”.

The amendment was *rejected*

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9408, by inserting after the word “organization” “; provided further, that not less then \$1,000,000 shall be expended to the Town of Randolph for targeted intervention to assist the town in increasing middle and high school graduation rates. Further, said funding may be used to increase multi-cultural awareness and sensitivity to English as Second Language (ESOL) speakers and the teaching of the English language to non-English speakers”; and by striking out the figure “\$5,000,000” and inserting in place thereof “\$6,000,000”.

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, in item 7061-9404 by inserting after the words “after school programs in the city of New Bedford;” the following:- “provided further, that not less than \$20,000 shall be provided to the Easthampton Elementary After School Program in the city of Easthampton”.

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, by inserting after item 7115-0100 the following item:-

“7115-0101

For the Westfield Energy Efficiency Cogeneration Project at Westfield State College.....\$1,500,000”

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, by inserting after item 7115-0100 the following item: “7115-0103 For the Law Enforcement Training Program at Westfield State College\$150,000”

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, by inserting after item 7506-0100 the following item:

“7506-0101

For the Adult and Family Literacy Center at the Multi-Modal Transportation Facility in Downtown Holyoke\$100,000”.

The amendment was *rejected*

Mr. Knapik moved that the bill be amended in section 2, by inserting after item 7115-0100 the following item:

“7115-0102

For the Synthetic Track and Field Replacement Project at Westfield State College.....\$1,000,000”.

The amendment was *rejected*

Timilty, O’Leary, Brown, Tarr, Nuciforo, Rosenberg, Lees, Baddour and Creedon, Ms. Chandler, Ms. Resor, and Ms. Spilka moved that the bill be amended in section 2, in item 7035-0006, by striking out the figure “\$50,000,000” and inserting in place thereof the following figure:- “\$63,400,000”.

The amendment was *rejected*

Mr. Hart moved that the bill be amended in section 2, in item 7027-0019 by striking the figure “\$4,129,687” and inserting in place thereof the following figure:- “\$7,129,687”.

The amendment was *rejected*

Mr. Creedon moved that the bill be amended in section 2, in item 7027-0016 by adding the following:- “; provided further, that not less than \$300,000 shall be expended for My Turn in Brockton ”. ; and by deleting the figure \$1,969,566 and inserting in place thereof the following figure:- \$2,269,566.
The amendment was *rejected*

Mr. Baddour moved that the bill be amended in section 2, by striking out item 7061-9408 and inserting in place thereof the following item:-

“7061-9408

For targeted intervention to schools and districts at risk of or determined to be underperforming under sections 1J and 1K of chapter 69 of the General Laws; provided, that no money shall be expended in any school or district that fails to file a comprehensive district plan pursuant to section 1I of said chapter 69; provided, schools given priority for targeted intervention under this item shall be any school which meets a predetermined measure of underperformance set by the Board of Education; provided further, that funds may be expended on grants which allow for the implementation of whole school reform in schools and districts; provided further, that the department shall only approve reform plans with proven, replicable results in improving student performance; provided further, that in carrying out this item, the department may contract with school support specialists, turnaround partners and such other external assistance as is needed in the expert opinion of the commissioner, to successfully turn around failing school and district performance ;provided further that district officials and teacher union representatives in schools receiving funds have taken or have expressed the intention to take those actions necessary to remove barriers (policies, practices, work rules, organizational structures, and/or relationships that would impede improvement efforts) to successful implementation of planned improvement strategies; provided further, that no funds shall be expended on targeted intervention unless the department shall have approved, as part of the comprehensive district improvement plan, a professional development plan which addresses the needs of the district as determined by the department; provided further, that eligible professional development activities for purposes of this item shall include but not be limited to: professional development among teachers of the same grade levels and teachers of the same subject matter across grade levels, professional development focused on improving the teacher’s content knowledge in the field or subject area in which the teacher is practicing, professional development which provides teachers with research based strategies for increasing student success, professional development teaching the principles of data driven instruction, and funding which helps provide common planning time for teachers within a school and within the school district; provided further, that preference in the awarding of such funds shall be given to professional development in math and English content skills; provided further, that funds from any targeted intervention grant may be used to partially offset the cost of said professional development and common planning time; provided further, that funds may be expended for the purchase of instructional materials pursuant to section 57 of chapter 15 of the General Laws; provided further, that no funds shall be expended on instructional materials except where the purchase of such materials is part of a comprehensive plan to align the school or district curriculum with the Massachusetts curriculum frameworks; provided further, that funds may be expended on leadership academies for principals and superintendents pursuant to section 58 of chapter 15 of the General Laws; provided further, that such training shall focus on expanding and increasing the capacity of the principal or superintendent to be an instructional and educational leader within their district and schools and shall include, but not be limited to: training in effective personnel evaluation, curriculum development, with a focus on aligning the curriculum with the Massachusetts curriculum frameworks established pursuant to chapter 69 of the General Laws, school-based management skills, with a focus on distributed leadership, data analysis skills that enhance the capacity of the principal or superintendent to create an environment of data driven instructional change, and techniques for developing cooperative relationships with parents and community organizations; provided further, that the department shall issue a report, not later than February 1, 2007 and annually thereafter describing and analyzing all intervention and targeted assistance efforts funded by this item; provided further, that such report shall include but not be limited to: the number of school and school districts eligible to receive such assistance, the number of students attending school in the districts, the nature and type of intervention activities funded through this item, by school and school district, the number of teachers in professional development funded in part through this item, the

number of districts with curricula or professional development systems aligned with the Massachusetts curriculum frameworks, and the number that are undertaking that effort with grants funded by this item, the number of outside vendors with whom the department has contracted to provide intervention and turnaround services, the amount each vendor has received, and the results obtained in each instance, the number of students who have passed the MCAS assessment and obtained a competency determination through these programs, before and during the period of intervention and turnaround and any other data relative to the successes achieved or challenges faced by the effort to turn around schools, along with any legislative or budgetary recommendations for improving the initiative and increasing the success of all intervention efforts; provided further, that the report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairpersons of the house and senate ways and means committees and the house and senate chairpersons of the joint committee on education; provided further, that no funds shall be expended on recurring school or school district expenditures unless the department and school district have developed a long-term plan to fund such expenditures from the district's operational budget; provided further, that for the purposes of this item, appropriated funds may be expended through August 31, 2007 to allow for intervention, teacher, principal and superintendent training and professional development which occurs in the summer months; and provided further, that any funds distributed from this item to a city, town or regional school district shall be deposited with the treasurer of the city, town or regional school district and held in a separate account and shall be expended by the school committee of the city, town or regional school district without further appropriation, notwithstanding any general or special law to the contrary.....\$10,000,000

The amendment was *rejected*

Messrs. Tarr, Lees, Knapik and Brown moved that the bill be amended in section 2, in item 7100-0400, by striking the figure "\$100,000" and inserting in place thereof the following figure:- "\$150,000".

The amendment was *rejected*

Messrs. Antonioni and Tarr, Ms. Creem and Ms. Spilka, moved that the bill be amended in section 2, by inserting, after item 7061-9604, the following item:-

"7061-9611

For grants or subsidies for after-school and out-of-school programs; provided, that preference shall be given to after-school proposals developed collaboratively by public and non-public schools and private community based programs; provided further, that the department of education shall fund only those applications which contain accountability systems and measurable outcomes, under guidelines to be determined by the department in consultation with the department of early education and care; provided further, that applicants shall detail funds received from all public sources for existing after-school and out-of-school programs and the types of programs and type of students served by said funds; provided further, that funds may be directed to increase comprehensive after-school and out of school time programming to school age children and youth during the school year and the summer, including but not limited to 21st Century Community Learning Centers programs; provided further, that funds from this item may be used for a variety of activities, including but not limited to:

- (1) academic tutoring and homework centers where content is linked to and based on the curriculum guidelines promulgated by said department,
- (2) programs which improve the health of students, including physical activities, athletics, nutrition and health education, and exercise,
- (3) art, theater, and music programs developed in collaboration with the Massachusetts cultural council, local cultural councils, or cultural organizations in the Commonwealth funded by the Massachusetts cultural council,
- (4) enrichment activities not otherwise provided during the school day,
- (5) advanced study for the gifted and talented, and
- (6) community service programs; provided further, that \$400,000 from this item shall be expended for services that actively include children with disabilities in after-school programs that also serve non-disabled children and services that include children where English is a second language, including but not limited to: increased per-child reimbursement rates, additional staff,

technical assistance, training, and transportation; provided further, that the department of education shall consult the executive office of health and human services and the department of early education and care to maximize the provision of wrap-around services and to coordinate programs and services for children and youth during after-school and out-of-school time programs in order to maximize the provision of “wrap-around” health and human services, so called; provided further, that the department shall select grant recipients not later than September 30, 2006 , and shall report on the preliminary results of said grants not later than February 15, 2007 , to the secretary of administration and finance, the house and senate chairs of the joint committee on education, and the chairs of the house and senate committees on ways and means; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2007 to allow for implementation of said programs during the summer months; and provided further that \$50,000 be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships, and to submit a reports by October 15, 2007 , to the General Court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this line item \$4,000,000”.

The amendment was *rejected*

Messrs. Antonioni, Tarr, Nuciforo, Barrios, Brewer, and Ms. Fargo moved that the bill be amended in section 2, by striking item 7061-9614 and inserting in place thereof the following item:-

“7061-9614

For the alternative education grant program established pursuant to section 1N of chapter 69 of the General Laws; provided that the commission shall allocate funds for both subsections (a) and (b) of said section 1N of chapter 69; and provided further that not more than \$250,000 shall be allocated for evaluation and replication of programs funded under subsection (b) of section 1N of chapter 69.....\$1,500,000”.

The amendment was *rejected*

Messrs. Antonioni, Joyce, Augustus, Ms. Walsh, Ms. Jehlen, Ms. Spilka, Ms. Creem, and Ms. Resor, Messrs. Tarr and Timilty moved that the bill be amended in section 2, by inserting, after item 7061-9408, the following item:-

“7061-9600

For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer concurrent enrollment programs for students with disabilities, as defined in section 1 of chapter 71B of the General Laws, ages 18-22; provided that said students with disabilities can be enrolled in any credit or noncredit courses that include non-disabled students; and provided further that the department, in consultation with the board of higher education, shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education, and supports college success, work success, and provision of a free, appropriate public education in the least restrictive environment.....\$750,000”.

The amendment was *rejected*

Mr. Antonioni moved that the bill be amended in section 2, in item 7027-0016 by striking the figure “\$942,191” and inserting in place thereof the following figure:- “\$1,125,950” and by striking the figure “\$1,969,566” and inserting in place thereof the following figure:- “2,153,325”.

The amendment was *rejected*

Mr. Antonioni moved that the bill be amended in section 2, in item 7030-1002, by inserting after the words, “new full-day classrooms” the following language:-“provided further that not more than \$200,000 shall be expended in any one transition grant;”.

The amendment was *rejected*

Messrs. Brewer, Tarr, Joyce and Timilty, Ms. Spilka, Messrs. Augustus, Moore and Rosenberg, Ms. Resor, Ms. Chandler and Ms. Creem moved that the bill be amended in section 2, by inserting after item 7035-0007 the following new item:-

“7035-0008

For reimbursements to school districts for the cost of transporting special education students; provided, that reimbursements shall be prorated so that expenses of this item do not exceed the amount appropriated in this item; provided further, that upon receipt by the department of education of special education transportation expenditures from school districts, the department shall reimburse districts based on fiscal year 2006 claims.....\$10,000,000”.

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0011 by inserting in (4) after the words “stresses in the commercial” the following word:- “agricultural;” and by inserting in (5) after the words “per capita income below” the words:- “120 percent of” and after the words “valuation per capita above” the words:- “80 percent of;” and by inserting in (10) after the words “student transportation costs”; the following:- “provided, that systems with greater than a 15 percent decline in enrollment over the past five years shall receive priority in this category; and”.

The amendment was *rejected*

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 7061-9404 by inserting the following:-“; and provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in "Campaigns for Proficiency" in Springfield, Boston and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS”.

The amendment was *rejected*

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund, Brown, and Brewer moved that the bill be amended by inserting at the end the following new section:-

“SECTION XX. Chapter 71 of the General Laws, as appearing the 2002 Official Edition, is hereby amended in section 2 by adding the following after the word “government” and a program of relating to the flag of the United States of America, including but not limited to proper etiquette, the correct use and display of the flag, and the provisions of 36 U.S.C. 170 to 177”.

The amendment was *rejected*

Ms. Creem and Messrs. Timilty and Tarr moved that the bill be amended in section 2, in item 7007-0500, by striking out the wording and figure and inserting in place thereof the following:-

“7007-0500

For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the commonwealth; provided that not less than \$250,000 shall be expended for a stem cell research grant program, which shall support innovative research by investigators who are in the formative stages of their careers and shall award grants to investigators, post-doctoral fellows and assistant professors who are within ten years after completion of their highest degree or within ten years after completion of clinical training and will be working in the field of regenerative medicine, including, but not limited to, research and clinical applications involving the derivation and use of human embryonic stem cells, human embryonic germ cells, placental and umbilical cord cells and parthenotes.....\$750,000”.

The amendment was *rejected*

Messrs. Lees, Tisei, Tarr and Moore moved that the bill be amended in section 2, in item 7100-0200 by inserting after the words “William Monroe Trotter Institute at the University of Massachusetts” the following words:- “; provided further, than not less than \$231,000 shall be expended for the Beacon Leadership Foundation, Inc. for the purposes of an oral history project which shall include a history of state government”.

The amendment was *rejected*

Messrs. O'Leary and Rosenberg moved that the bill be amended in section 2, in item 7066-000, by striking out the figure “\$2,753,819” and inserting in place thereof the following figure:- “\$3,434,904”.

The amendment was *rejected*

Ms. Spilka and Mr. Tarr moved that the bill be amended by adding at the end thereof the following new section:-

“SECTION _____. Notwithstanding any general or special law to the contrary, there shall be continuing funding of \$3 million for the Massachusetts Technology Transfer Center , hereinafter referred to as the Center, at the University of Massachusetts , that shall facilitate the transfer of technology from the commonwealth's research institutions to the commonwealth's industries, for productive use by such industries.

The Center shall continue to provide advice and assistance to public and private research institutions on strategies for technology transfer including, but not limited to, advice and assistance in the following areas:

1. assessing the viability and value of developing technologies;
2. defining and exploiting potential markets for such technologies;
3. commercialization strategies;

4. intellectual property issues, including licensing strategies; and
5. business development.

Center shall provide to public and private research institutions gap funds to support commercialization research and development on technologies that have been developed at institutions within the state. These funds would be awarded competitively and could be used for such purposes as, but not limited to,

1. Developing prototypes.
2. Undertaking initial feasibility testing or industrial testing.
3. Obtaining data on performance of new technologies
4. Developing user friendly interfaces for the new technology.

board of trustees of the University of Massachusetts, in consultation with the director of business and technology, shall appoint an executive director of the center. The executive director shall devote his full time to the operation of the center and may be removed at the pleasure of the board of trustees. The executive director shall report annually to the department of business and technology on the number of technology transfer transactions or projects that have been consummated with the assistance of the center, the names and geographic locations of the recipient industries and the estimated number of new jobs created as a result of such transactions or projects.

There shall continue to be an advisory committee relative to the center consisting of the director of business and technology, or his designee, the director of science and technology within the department of business and technology and 7 members selected by the executive director of the center, with the approval of the board of trustees, 1 of whom shall be a representative from a technology industry, at least 1 such member shall be a representative from academia, at least 1 such member shall have experience in venture financing and at least 1 such member shall have experience in public administration. The appointed members of the committee may be removed by the executive director with or without cause, subject to the approval of the board of trustees, and shall serve without compensation, except that each member shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The advisory committee shall meet at least twice annually”.

The amendment was *rejected*.

Mr. O’Leary, Ms. Tucker, Messrs. Montigny, Rosenberg, Creedon, Buoniconti and Antonioni moved that the bill be amended in section 2, in item 7027-0016, by striking out the figure “\$200,000” and inserting in place thereof the following figure:- “\$500,000”; and in said item, by striking out the figure “\$1,969,566” and inserting in place thereof the following figure:- “\$2,359,566”.

The amendment was *rejected*.

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 7061-9404 by inserting at the end thereof the following:- “provided further, that \$300,000 shall be transferred to the Efficacy Institute for work in “Campaigns for Proficiency” in Springfield, Boston, and Lawrence, to be used for training public school teachers and youth workers in after-school programs in methods for using assessment data to develop effective strategies to improve student performance on the MCAS”.

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0029 by inserting after the words “General Laws,” the following:- provided “, that not less than \$250,000 shall be expended for the Massachusetts Educational Research Data Center at the University of Massachusetts at Amherst”.

The amendment was *rejected*.

Messrs. Moore, Brewer, Joyce, Knapik, O’Leary, Panagiotakos, Timilty, Tisei, and Ms. Resor and Mr. Tarr moved that the bill be amended by adding at the end thereof the following new Sections:-

SECTION . The first paragraph of section 57 of chapter 59 of the General Laws, as appearing in section 102 of chapter 149 of the acts of 2004, is hereby further amended by striking the last sentence”.

“SECTION . The seventh paragraph of section 57C of chapter 59 of the General Laws, as appearing in section 26 of chapter 352 of the acts of 2004, is hereby further amended by striking out the second sentence”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “Worcester Housing Authority” the following:- “provided further, that not less than \$50,000 shall be expended for the planning and design of a new senior center in the Town of North Reading ”.

The amendment was *rejected*.

Ms. Menard moved that the bill be amended by inserting, after Section 104, the following new Section: -

“SECTION 105. Section 94B of Chapter 32 of the General Laws, is hereby amended by inserting after the word “unit”, in line 7, the following words: - , municipal police.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words, “Cranberry Harvest Map” the following:- “provided further, that not less than \$400,000 shall be expended for the planning, design and construction of an artificial surface on Alumni Field in the Town of Wilmington, subject to 1:1 matching funds from the Town;”.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map” the following:-“provided further, that not less than \$250,000 shall be expended for improvements to the Georgetown Peabody Library in the town of Georgetown ”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map”, the following:- “provided further, that not less than \$100,000 shall be expended for maintenance and repairs to the roof of the town hall in Essex ”.

The amendment was *rejected*

Mr. Tarr moved that the bill be amended in section 2, in item 8000-0010, by inserting after the words, “of these grants” the following:- “provided further, that not less than \$70,000 shall be expended for the purchase of an emergency generator in the Town of Rowley ”. ; and further, by striking the figure “\$21,271,035” and inserting in place thereof the following:- “\$21,341,035”.

The amendment was *rejected*

Ms. Chandler, Messrs. Brown and Timilty, and Ms. Tucker, Messrs. Brewer, Joyce, Augustus and Tarr moved that the bill be amended in section 2, by striking out the item 0611-5510 and inserting in place thereof the following item:-

“0611-5510

For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws; provided however, that all cities and towns receive no less than the amount of money they received the previous fiscal year to offset changes in assessment and that funds distributed based on the previous fiscal year shall only be available on a one-time non recurring basis; provided further, that the treasurer and receiver general receive written certification from the division of capital asset that each city and town has no less than the same amount of state-owned land as the had the previous fiscal year;\$26,961,766”.

The amendment was *rejected*.

Ms. Chandler, Messrs. Brown and Timilty, Ms. Tucker, Messrs. Brewer, Joyce, Augustus and Tarr moved that the bill be amended in section 2 by striking out the item 0611-5510 and inserting in place thereof the following item:-

“0611-5510

For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws; provided however, that all cities and towns receive no less than three-quarters the amount of money they received the previous fiscal year to offset changes in assessment and that funds distributed based on the previous fiscal year shall only be available on a one-time non-recurring basis ; provided further, that the treasurer and receiver general receive written certification from the division of capital asset that each city and town has no less than the same amount of state-owned land as they had the previous fiscal year.....\$26,004,844”.

The amendment was *rejected*

Mr. Tolman moved that the bill be amended by inserting, after Section 104, the following new Section:-

“SECTION XX. The first sentence of section 1 of Chapter 311 of the Acts of 2002 is hereby amended by striking out “1984” and inserting in place thereof the following: - ‘1989’.”

The amendment was *rejected*.

Messrs. Creedon, Barrios, Joyce and Timilty moved that the bill be amended by inserting after Section 104 the following new Sections: -

SECTION _____. Section 32 of chapter 184 of the General Laws is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

“Such conservation, preservation, agricultural preservation, watershed preservation and affordable housing restrictions are interests in land and may be acquired by any governmental body or such charitable corporation or trust which have power to acquire interest in the land, in the same manner as it may acquire other interests in land. Such a restriction may be enforced by injunction or other proceeding, and shall entitle representatives of the holder to enter the land in a reasonable manner and at reasonable times to assure compliance. If the court in any judicial enforcement proceeding, or the decision maker in any arbitration or other alternative dispute resolution enforcement proceeding, finds there has been a violation of any such restriction or of any other restriction described in section 26(c) of this chapter then, in addition to any other relief ordered, the petitioner bringing such action or proceeding shall be awarded reasonable attorneys’ fees and costs incurred in such action or proceeding. Such a restriction may be released, in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, but only after a public hearing upon reasonable public notice, by the governmental body holding the restriction or if held by a charitable corporation or trust, by the mayor, or in cities having a city manager the city manager, the city council of the city or the selectmen of the town, whose approval shall be required, and in case of a restriction requiring approval by the secretary of environmental affairs, the Massachusetts historical commission, the director of the division of water supply protection of the department of conservation and recreation, the commissioner of food and agriculture, or the director of housing and community development, only with like approval of the release”.

SECTION _____. Notwithstanding any general or special law to the contrary, the provisions of the preceding section shall apply to all enforcement actions commenced after the effective date thereof relative to applicable restrictions granted prior to, on and after said date.

The amendment was *rejected*.

Messrs. Tarr, Joyce and Brewer moved that the bill be amended in section 3, by inserting after the words “amount it received in fiscal year 2006” the following:- “and provided further that every school district shall receive at least the amount received under section 3 of chapter 184 of the acts of 2002”; and by amending said section by striking the distribution table and inserting in place thereof the following table:-

	7061-0008	0611-5500	
Municipality	Chapter 70	Additional Assistance	Lottery Distribution
ABINGTON	7,119,432	0	2,412,357
ACTON	3,081,869	29,696	1,681,010
ACUSHNET	6,132,496	23,875	1,837,561
ADAMS	-	35,042	2,434,463
AGAWAM	12,302,996	0	4,502,085
ALFORD	-	0	16,574
AMESBURY	9,978,669	0	2,385,607
AMHERST	5,940,831	222,910	9,665,752
ANDOVER	6,223,458	0	2,182,376
AQUINNAH	-	0	2,848
ARLINGTON	6,003,471	4,491,775	4,884,315
ASHBURNHAM	-	0	855,677
ASHBY	-	0	468,104
ASHFIELD	120,726	0	227,001
ASHLAND	3,336,358	291,598	1,364,510
ATHOL	-	4,377	2,793,955
ATTLEBORO	27,803,033	0	6,981,165
AUBURN	4,669,138	0	2,095,931
AVON	712,769	400,636	455,985
AYER	4,486,205	44,218	883,466
BARNSTABLE	7,631,735	0	2,575,171
BARRE	16,294	0	994,565
BECKET	91,305	8,580	102,324

BEDFORD	2,419,485	484,271	929,679
BELCHERTOWN	10,459,857	0	2,075,915
BELLINGHAM	8,115,368	0	2,084,059
BELMONT	3,530,649	827,483	1,955,091
BERKLEY	5,231,476	0	743,854
BERLIN	617,571	0	247,316
BERNARDSTON	-	0	345,852
BEVERLY	7,634,024	2,452,442	4,741,621
BILLERICA	15,039,538	2,349,321	4,822,655
BLACKSTONE	147,096	0	1,467,122
BLANDFORD	-	0	154,032
BOLTON	-	0	240,338
BOSTON	210,313,616	164,211,152	70,589,023
BOURNE	4,750,626	352,555	1,449,186
BOXBOROUGH	1,394,072	0	307,421
BOXFORD	1,808,196	36,411	558,969
BOYLSTON	477,114	0	419,320
BRAINTREE	6,090,121	3,378,041	3,689,835
BREWSTER	1,026,159	0	483,871
BRIDGEWATER	140,512	0	3,919,452
BRIMFIELD	1,097,622	0	476,127
BROCKTON	117,289,368	4,310,392	21,427,385
BROOKFIELD	1,635,198	0	605,089
BROOKLINE	6,152,559	3,497,741	4,345,694
BUCKLAND	7,971	0	338,556
BURLINGTON	4,433,992	1,386,400	1,839,692
CAMBRIDGE	8,488,881	17,956,060	8,666,998
CANTON	3,140,912	878,002	1,761,264
CARLISLE	733,483	14,729	254,031
CARVER	9,715,403	0	1,788,612
CHARLEMONT	102,511	0	212,928
CHARLTON	-	0	1,585,440
CHATHAM	560,156	0	185,172
CHELMSFORD	8,241,820	2,535,342	3,722,180
CHELSEA	44,168,375	3,396,864	6,712,895
CHESHIRE	294,018	0	688,189
CHESTER	-	0	219,501
CHESTERFIELD	143,523	0	168,518
CHICOPEE	39,665,289	1,195,616	12,875,772
CHILMARK	-	0	4,582
CLARKSBURG	1,491,068	13,114	432,260
CLINTON	9,894,357	175,517	2,710,934
COHASSET	1,585,802	166,099	468,094
COLRAIN	-	0	310,583
CONCORD	1,928,662	383,959	1,045,180
CONWAY	696,229	0	218,000
CUMMINGTON	40,597	0	101,456
DALTON	286,814	0	1,232,841
DANVERS	4,462,515	1,118,972	2,383,985
DARTMOUTH	9,130,610	0	3,090,028

DEDHAM	3,817,342	1,550,298	2,482,673
DEERFIELD	919,657	0	588,227
DENNIS	-	0	667,364
DEVENS	410,000	0	0
DIGHTON	-	0	851,735
DOUGLAS	6,947,592	0	891,302
DOVER	470,960	0	235,777
DRACUT	14,954,310	0	4,290,188
DUDLEY	-	0	1,888,107
DUNSTABLE	-	30,076	253,795
DUXBURY	3,319,143	0	1,087,538
EAST BRIDGEWATER	10,018,279	0	1,830,270
EAST BROOKFIELD	104,153	0	330,941
EAST LONGMEADOW	4,489,355	0	1,766,653
EASTHAM	302,567	0	182,616
EASTHAMPTON	7,463,438	108,874	3,335,028
EASTON	8,052,131	0	2,679,163
EDGARTOWN	403,848	28,507	53,694
EGREMONT	-	0	77,296
ERVING	306,667	13,150	69,372
ESSEX	-	33,828	267,121
EVERETT	22,961,798	4,084,357	4,434,150
FAIRHAVEN	7,128,848	391,434	2,380,222
FALL RIVER	90,016,284	2,290,951	27,001,554
FALMOUTH	5,288,882	0	1,699,587
FITCHBURG	38,844,166	214,811	10,238,447
FLORIDA	519,237	0	60,898
FOXBOROUGH	7,283,560	0	1,826,396
FRAMINGHAM	10,164,588	4,697,500	7,557,866
FRANKLIN	25,451,342	0	3,021,144
FREETOWN	1,194,147	0	1,164,825
GARDNER	18,611,476	120,747	5,061,766
GEORGETOWN	4,041,429	52,998	824,959
GILL	-	0	259,945
GLOUCESTER	6,554,127	1,923,054	3,004,352
GOSHEN	89,121	0	97,451
GOSNOLD	16,228	1,962	641
GRAFTON	6,559,156	0	1,911,630
GRANBY	3,783,978	0	1,079,257
GRANVILLE	1,304,710	0	195,141
GREAT BARRINGTON	-	0	930,647
GREENFIELD	9,512,771	0	3,883,946
GROTON	-	0	939,545
GROVELAND	-	0	779,771
HADLEY	742,139	138,341	419,142
HALIFAX	2,411,038	0	1,111,847
HAMILTON	-	42,887	744,868

HAMPDEN		-	0	764,821
HANCOCK	186,623		17,638	51,583
HANOVER	5,172,678		1,326,394	1,288,617
HANSON		-	0	1,437,463
HARDWICK		-	3,228	493,270
HARVARD	1,431,925		55,090	1,779,682
HARWICH	1,704,377		0	527,679
HATFIELD	680,586		0	381,771
HAVERHILL	33,849,328		2,503,145	9,565,361
HAWLEY	27,475		12,924	39,884
HEATH		-	0	95,301
HINGHAM	4,110,839		334,151	1,606,448
HINSDALE	96,654		0	259,650
HOLBROOK	4,513,810		4,757	1,806,380
HOLDEN	139,460		0	2,095,744
HOLLAND	818,518		0	246,159
HOLLISTON	7,251,411		412,300	1,490,322
HOLYOKE	65,131,964		606,646	11,818,770
HOPEDALE	5,599,082		0	797,688
HOPKINTON	5,263,097		120,287	839,794
HUBBARDSTON		-	0	487,597
HUDSON	6,446,740		0	2,442,532
HULL	4,516,679		1,388,549	1,232,908
HUNTINGTON		-	0	403,493
IPSWICH	2,461,050		775,432	1,204,484
KINGSTON	3,379,309		0	1,173,911
LAKEVILLE	2,313,148		0	998,981
LANCASTER		-	0	1,015,583
LANESBOROUGH	622,597		0	423,018
LAWRENCE	123,143,295		190,699	23,874,868
LEE	1,852,895		0	762,488
LEICESTER	9,243,015		0	2,127,054
LENOX	1,342,091		72,146	584,604
LEOMINSTER	33,908,665		11,693	6,988,649
LEVERETT	271,789		0	218,817
LEXINGTON	6,119,692		0	1,876,266
LEYDEN		-	0	98,930
LINCOLN	600,182		292,012	546,644
LITTLETON	1,734,384		164,924	706,463
LONGMEADOW	4,231,500		0	1,706,932
LOWELL	111,755,687		6,340,746	24,601,241
LUDLOW	10,429,466		0	3,724,781
LUNENBURG	3,899,479		0	1,295,240
LYNN	103,715,262		9,477,523	18,084,277
LYNNFIELD	2,355,467		362,288	917,435
MALDEN	34,862,870		5,586,730	9,878,824
MANCHESTER		-	0	273,033
MANSFIELD	13,645,784		725,040	2,009,312
MARBLEHEAD	4,094,262		39,403	1,357,230
MARION	397,148		0	276,448

MARLBOROUGH	6,929,440	2,728,327	3,971,938
MARSHFIELD	13,585,947	202,756	2,457,248
MASHPEE	4,816,289	0	446,639
MATTAPOISETT	562,247	0	497,588
MAYNARD	2,682,260	586,886	1,346,778
MEDFIELD	5,014,371	744,614	1,042,026
MEDFORD	12,495,563	6,432,448	8,206,613
MEDWAY	7,245,810	187,002	1,307,124
MELROSE	6,265,487	2,704,187	3,628,787
MENDON	-	0	498,814
MERRIMAC	-	0	891,989
METHUEN	33,208,786	163,026	6,496,234
MIDDLEBOROUGH	16,204,879	0	3,019,945
MIDDLEFIELD	-	0	64,636
MIDDLETON	1,324,273	126,570	540,113
MILFORD	11,643,468	0	3,739,705
MILLBURY	6,360,038	0	2,171,026
MILLIS	2,277,107	320,940	966,349
MILLVILLE	47,510	0	436,487
MILTON	4,024,758	1,245,145	2,715,374
MONROE	66,606	13,927	8,805
MONSON	7,093,364	0	1,594,296
MONTAGUE	-	0	1,544,040
MONTEREY	-	12,538	42,182
MONTGOMERY	-	0	100,521
MOUNT WASHINGTON	31,784	33,286	3,947
NAHANT	455,800	125,393	340,578
NANTUCKET	1,037,063	0	96,959
NATICK	4,931,682	1,942,474	2,756,411
NEEDHAM	4,549,236	205,993	1,935,797
NEW ASHFORD	152,974	7,313	17,429
NEW BEDFORD	104,748,080	716,255	27,531,972
NEW BRAINTREE	-	0	145,340
NEW MARLBOROUGH	-	0	71,466
NEW SALEM	-	0	125,117
NEWBURY	-	0	555,628
NEWBURYPORT	3,492,275	1,380,057	1,770,274
NEWTON	11,419,420	1,377,012	5,847,561
NORFOLK	3,342,421	0	1,173,639
NORTH ADAMS	13,921,926	185,853	5,250,381
NORTH ANDOVER	4,889,300	120,549	2,385,707
NORTH ATTLEBOROUGH	19,276,454	0	3,525,524
NORTH BROOKFIELD	4,326,993	0	976,112
NORTH READING	4,884,379	945,499	1,244,112

NORTHAMPTON	8,032,387	577,922	4,814,888
NORTHBOROUGH	3,113,893	61,111	1,302,735
NORTHBRIDGE	13,296,283	3,071	2,590,732
NORTHFIELD	-	0	386,063
NORTON	12,155,953	0	2,543,776
NORWELL	2,269,077	541,079	780,856
NORWOOD	4,199,430	2,665,880	3,073,863
OAK BLUFFS	634,246	0	89,078
OAKHAM	73,216	0	234,057
ORANGE	5,367,303	2,115	1,977,177
ORLEANS	267,953	0	210,858
OTIS	-	0	44,288
OXFORD	8,850,358	0	2,520,812
PALMER	10,805,477	0	2,448,308
PAXTON	34,270	0	570,919
PEABODY	19,195,873	3,140,276	5,749,219
PELHAM	159,831	0	194,362
PEMBROKE	10,005,837	0	2,056,723
PEPPERELL	-	0	1,564,059
PERU	70,739	0	135,955
PETERSHAM	393,498	0	139,758
PHILLIPSTON	-	4,386	213,184
PITTSFIELD	31,309,537	880,284	9,691,261
PLAINFIELD	53,679	0	61,244
PLAINVILLE	2,526,705	0	928,833
PLYMOUTH	20,298,057	0	4,792,155
PLYMPTON	597,760	0	290,253
PRINCETON	-	0	361,795
PROVINCETOWN	309,126	22,181	148,685
QUINCY	15,165,279	11,567,002	12,015,654
RANDOLPH	11,260,936	1,825,854	4,569,697
RAYNHAM	375	0	1,390,398
READING	7,042,859	1,534,901	2,461,971
REHOBOTH	-	0	1,147,585
REVERE	27,786,496	5,334,444	7,352,186
RICHMOND	386,119	0	132,826
ROCHESTER	1,384,318	0	519,106
ROCKLAND	10,015,816	394,336	2,852,308
ROCKPORT	1,427,901	0	535,965
ROWE	53,056	0	4,791
ROWLEY	-	114,232	548,001
ROYALSTON	-	0	196,637
RUSSELL	-	0	296,507
RUTLAND	11,119	0	998,712
SALEM	12,334,597	3,298,731	5,187,791
SALISBURY	-	0	773,500
SANDISFIELD	7,986	0	42,223
SANDWICH	6,029,252	88,406	1,288,162
SAUGUS	4,228,143	1,784,087	2,735,211

SAVOY	507,480	13,801	128,020
SCITUATE	4,069,720	875,037	1,607,467
SEEKONK	3,664,719	0	1,507,135
SHARON	6,577,955	62,495	1,652,427
SHEFFIELD	-	11,938	285,542
SHELBURNE	-	0	317,279
SHERBORN	409,195	20,951	244,666
SHIRLEY	4,366,506	185,558	1,422,754
SHREWSBURY	15,859,924	298,861	3,107,117
SHUTESBURY	573,004	0	206,641
SOMERSET	3,433,415	0	1,874,757
SOMERVILLE	24,302,486	16,219,924	13,722,067
SOUTH HADLEY	6,171,610	20,214	3,173,547
SOUTHAMPTON	2,403,792	0	776,188
SOUTHBOROUGH	2,657,427	0	533,473
SOUTHBRIDGE	14,851,612	0	4,305,384
SOUTHWICK	-	0	1,390,432
SPENCER	219,706	0	2,397,238
SPRINGFIELD	232,776,570	1,829,496	44,382,546
STERLING	-	0	841,321
STOCKBRIDGE	-	0	122,242
STONEHAM	3,284,829	2,028,958	2,557,667
STOUGHTON	9,737,572	103,134	3,829,351
STOW	-	6,974	508,164
STURBRIDGE	1,298,823	0	947,473
SUDBURY	3,701,068	641,561	1,081,559
SUNDERLAND	853,199	0	617,563
SUTTON	4,986,108	0	954,596
SWAMPSCOTT	2,431,038	352,328	1,237,915
SWANSEA	4,966,726	0	2,304,948
TAUNTON	41,809,967	0	10,322,474
TEMPLETON	-	0	1,483,537
TEWKSBURY	12,453,684	0	3,409,965
TISBURY	355,233	0	120,556
TOLLAND	-	9,864	10,785
TOPSFIELD	934,515	253,284	501,895
TOWNSEND	-	0	1,428,965
TRURO	261,971	0	36,861
TYNGSBOROUGH	6,904,216	0	1,179,149
TYRINGHAM	36,592	0	15,572
UPTON	-	0	599,353
UXBRIDGE	9,256,064	0	1,685,644
WAKEFIELD	4,869,150	1,438,080	2,714,232
WALES	741,058	0	288,113
WALPOLE	5,429,839	883,775	2,251,545
WALTHAM	7,158,929	5,458,868	6,385,718
WARE	7,578,063	15,257	2,096,179
WAREHAM	11,597,828	0	2,430,445
WARREN	-	0	958,156

WARWICK	-	28,890	110,506
WASHINGTON	19,803	23,752	81,444
WATERTOWN	2,969,442	4,427,251	3,470,628
WAYLAND	2,863,219	280,373	830,764
WEBSTER	8,135,299	62,006	2,971,922
WELLESLEY	3,939,991	96,838	1,494,079
WELLFLEET	145,578	0	71,840
WENDELL	-	25,534	179,008
WENHAM	-	139,794	386,306
WEST BOYLSTON	2,724,028	67,754	905,694
WEST BRIDGEWATER	1,962,857	47,212	755,272
WEST BROOKFIELD	-	0	580,664
WEST NEWBURY	-	0	344,207
WEST SPRINGFIELD	15,088,952	0	4,368,789
WEST STOCKBRIDGE	-	0	119,333
WEST TISBURY	-	182,434	44,299
WESTBOROUGH	3,258,106	145,058	1,270,967
WESTFIELD	31,795,433	0	7,682,345
WESTFORD	12,710,107	895,514	1,716,670
WESTHAMPTON	348,019	0	177,092
WESTMINSTER	-	0	787,130
WESTON	1,876,731	0	458,341
WESTPORT	4,209,856	0	1,494,508
WESTWOOD	2,699,421	36,263	857,639
WEYMOUTH	20,997,406	2,424,084	8,314,524
WHATELY	167,006	0	163,294
WHITMAN	-	0	2,568,143
WILBRAHAM	-	0	1,637,493
WILLIAMSBURG	437,793	0	371,091
WILLIAMSTOWN	1,101,138	0	1,169,507
WILMINGTON	4,597,996	1,254,452	1,805,824
WINCHENDON	10,441,224	25,366	2,030,858
WINCHESTER	3,692,026	344,404	1,474,745
WINDSOR	41,640	28,020	92,851
WINTHROP	4,932,699	2,287,531	2,921,294
WOBURN	5,628,191	3,586,952	3,801,532
WORCESTER	167,330,541	11,809,090	39,228,845
WORTHINGTON	-	0	153,044
WRENTHAM	3,624,338	0	1,142,645
YARMOUTH	-	0	1,545,499
Municipality Total	2,963,705,913	378,517,988	920,028,283

7061-0008
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ACTON	
BOXBOROUGH	4,547,065
ADAMS	
CHESHIRE	9,797,932
AMHERST	
PELHAM	9,653,686
ASHBURNHAM	
WESTMINSTER	9,358,091
ASSABET	
VALLEY	3,051,938
ATHOL	
ROYALSTON	17,083,195
BERKSHIRE HILLS	3,268,521
BERLIN	
BOYLSTON	962,915
BLACKSTONE	
MILLVILLE	10,632,254
BLACKSTONE	
VALLEY	5,926,361
BLUE	
HILLS	3,794,449
BRIDGEWATER	
RAYNHAM	19,619,790
BRISTOL	
COUNTY	2,498,116
BRISTOL	
PLYMOUTH	8,013,900
CAPE	
COD	2,220,714
CENTRAL	
BERKSHIRE	8,286,804
CHESTERFIELD	
GOSHEN	714,855
CONCORD	
CARLISLE	1,772,474
DENNIS	
YARMOUTH	7,424,130
DIGHTON	
REHOBOTH	12,024,864
DOVER	
SHERBORN	1,423,318
DUDLEY	
CHARLTON	22,137,590
ESSEX	
COUNTY	3,869,526
FARMINGTON	
RIVER	451,007

FRANKLIN		
COUNTY		3,096,637
FREETOWN		
LAKEVILLE		6,790,787
FRONTIER		
		2,734,996
GATEWAY		
		6,957,660
GILL		
MONTAGUE		
		6,450,351
GREATER	FALL	
RIVER		12,915,248
GREATER		
LAWRENCE		
		20,380,541
GREATER		
LOWELL		19,362,286
GREATER	NEW	
BEDFORD		20,182,728
GROTON		
DUNSTABLE		
		10,585,532
HAMILTON		
WENHAM		3,474,401
HAMPDEN		
WILBRAHAM		
		10,173,819
HAMPSHIRE		
		2,668,482
HAWLEMONT		
		758,481
KING		
PHILIP		6,749,236
LINCOLN		
SUDBURY		
		2,251,479
MANCHESTER		
ESSEX		1,646,605
MARTHAS		
VINEYARD		2,837,860
MASCONOMET		
		4,794,144
MENDON		
UPTON		10,826,391
MINUTEMAN		
		2,565,688
MOHAWK		
TRAIL		7,345,280
MONTACHUSETT		
		10,477,796
MOUNT		
GREYLOCK		
		2,044,500
NARRAGANSETT		
		9,480,025

NASHOBA		6,476,966
NASHOBA		
VALLEY		2,386,144
NAUSET		3,903,029
NEW	SALEM	
WENDELL		744,144
NORFOLK		
COUNTY		770,941
NORTH		
MIDDLESEX		20,184,957
NORTH		
SHORE		1,758,805
NORTHAMPTON		
SMITH		1,097,622
NORTHBORO		
SOUTHBORO		2,285,990
NORTHEAST		
METROPOLITAN		6,502,464
NORTHERN		
BERKSHIRE		3,876,706
OLD		
COLONY		2,906,302
OLD		
ROCHESTER		1,837,325
PATHFINDER		4,056,909
PENTUCKET		13,072,872
PIONEER		4,016,083
QUABBIN		16,467,052
QUABOAG		7,976,266
RALPH	C	
MAHAR		4,747,191
SHAWSHEEN		
VALLEY		3,843,071
SILVER		
LAKE		6,028,881
SOUTH		
MIDDLESEX		2,664,555
SOUTH		
SHORE		3,110,011
SOUTHEASTERN		10,522,592
SOUTHERN		
BERKSHIRE		2,106,780
SOUTHERN		
WORCESTER		7,234,659

SOUTHWICK	
TOLLAND	7,790,746
SPENCER EAST	
BROOKFIELD	13,081,736
TANTASQUA	
	7,377,327
TRI	
COUNTY	
	4,245,157
TRITON	
	8,845,837
UPISLAND	958,843
UPPER CAPE	
COD	2,754,965
WACHUSETT	
	17,602,075
WHITMAN	
HANSON	22,338,000
WHITTIER	
	5,600,250
Regional Total	587,257,701

Chapter 70 Total 3,550,963,614

The amendment was *rejected*.

Messrs. Tarr and Brewer moved that the bill be amended in section 3, by inserting after the words “amount it received in fiscal year 2006” the following:- “and provided further that every school district shall receive at least the amount received under section 3 of chapter 184 of the acts of 2002”; and by amending said section by striking the distribution table and inserting in place thereof the following table:-

“

Municipality	7061-0008 Chapter 70	0611-5500 Additional Assistance	Lottery Distribution
ABINGTON	7,119,432	0	2,412,357
ACTON	3,081,869	29,696	1,681,010
ACUSHNET	6,132,496	23,875	1,837,561
ADAMS	-	35,042	2,434,463
AGAWAM	12,302,996	0	4,502,085
ALFORD	-	0	16,574
AMESBURY	9,978,669	0	2,385,607
AMHERST	5,940,831	222,910	9,665,752
ANDOVER	6,223,458	0	2,182,376
AQUINNAH	-	0	2,848
ARLINGTON	6,003,471	4,491,775	4,884,315
ASHBURNHAM	-	0	855,677
ASHBY	-	0	468,104
ASHFIELD	120,726	0	227,001
ASHLAND	3,336,358	291,598	1,364,510
ATHOL	-	4,377	2,793,955
ATTLEBORO	27,803,033	0	6,981,165
AUBURN	4,669,138	0	2,095,931

AVON	712,769	400,636	455,985
AYER	4,486,205	44,218	883,466
BARNSTABLE	7,631,735	0	2,575,171
BARRE	16,294	0	994,565
BECKET	91,305	8,580	102,324
BEDFORD	2,419,485	484,271	929,679
BELCHERTOWN	10,459,857	0	2,075,915
BELLINGHAM	8,115,368	0	2,084,059
BELMONT	3,530,649	827,483	1,955,091
BERKLEY	5,231,476	0	743,854
BERLIN	617,571	0	247,316
BERNARDSTON	-	0	345,852
BEVERLY	7,634,024	2,452,442	4,741,621
BILLERICA	15,039,538	2,349,321	4,822,655
BLACKSTONE	147,096	0	1,467,122
BLANDFORD	-	0	154,032
BOLTON	-	0	240,338
BOSTON	210,313,616	164,211,152	70,589,023
BOURNE	4,750,626	352,555	1,449,186
BOXBOROUGH	1,394,072	0	307,421
BOXFORD	1,808,196	36,411	558,969
BOYLSTON	477,114	0	419,320
BRAINTREE	6,090,121	3,378,041	3,689,835
BREWSTER	1,026,159	0	483,871
BRIDGEWATER	140,512	0	3,919,452
BRIMFIELD	1,097,622	0	476,127
BROCKTON	117,289,368	4,310,392	21,427,385
BROOKFIELD	1,635,198	0	605,089
BROOKLINE	6,152,559	3,497,741	4,345,694
BUCKLAND	7,971	0	338,556
BURLINGTON	4,433,992	1,386,400	1,839,692
CAMBRIDGE	8,488,881	17,956,060	8,666,998
CANTON	3,140,912	878,002	1,761,264
CARLISLE	733,483	14,729	254,031
CARVER	9,715,403	0	1,788,612
CHARLEMONT	102,511	0	212,928
CHARLTON	-	0	1,585,440
CHATHAM	560,156	0	185,172
CHELMSFORD	8,241,820	2,535,342	3,722,180
CHELSEA	44,168,375	3,396,864	6,712,895
CHESHIRE	294,018	0	688,189
CHESTER	-	0	219,501
CHESTERFIELD	143,523	0	168,518
CHICOPEE	39,665,289	1,195,616	12,875,772
CHILMARK	-	0	4,582
CLARKSBURG	1,491,068	13,114	432,260
CLINTON	9,894,357	175,517	2,710,934
COHASSET	1,585,802	166,099	468,094
COLRAIN	-	0	310,583
CONCORD	1,928,662	383,959	1,045,180

CONWAY	696,229	0	218,000
CUMMINGTON	40,597	0	101,456
DALTON	286,814	0	1,232,841
DANVERS	4,462,515	1,118,972	2,383,985
DARTMOUTH	9,130,610	0	3,090,028
DEDHAM	3,817,342	1,550,298	2,482,673
DEERFIELD	919,657	0	588,227
DENNIS	-	0	667,364
DEVENS	410,000	0	0
DIGHTON	-	0	851,735
DOUGLAS	6,947,592	0	891,302
DOVER	470,960	0	235,777
DRACUT	14,954,310	0	4,290,188
DUDLEY	-	0	1,888,107
DUNSTABLE	-	30,076	253,795
DUXBURY	3,319,143	0	1,087,538
EAST BRIDGEWATER	10,018,279	0	1,830,270
EAST BROOKFIELD	104,153	0	330,941
EAST LONGMEADOW	4,489,355	0	1,766,653
EASTHAM	302,567	0	182,616
EASTHAMPTON	7,463,438	108,874	3,335,028
EASTON	8,052,131	0	2,679,163
EDGARTOWN	403,848	28,507	53,694
EGREMONT	-	0	77,296
ERVING	306,667	13,150	69,372
ESSEX	-	33,828	267,121
EVERETT	22,961,798	4,084,357	4,434,150
FAIRHAVEN	7,128,848	391,434	2,380,222
FALL RIVER	90,016,284	2,290,951	27,001,554
FALMOUTH	5,288,882	0	1,699,587
FITCHBURG	38,844,166	214,811	10,238,447
FLORIDA	519,237	0	60,898
FOXBOROUGH	7,283,560	0	1,826,396
FRAMINGHAM	10,164,588	4,697,500	7,557,866
FRANKLIN	25,451,342	0	3,021,144
FREETOWN	1,194,147	0	1,164,825
GARDNER	18,611,476	120,747	5,061,766
GEORGETOWN	4,041,429	52,998	824,959
GILL	-	0	259,945
GLOUCESTER	6,554,127	1,923,054	3,004,352
GOSHEN	89,121	0	97,451
GOSNOLD	16,228	1,962	641
GRAFTON	6,559,156	0	1,911,630
GRANBY	3,783,978	0	1,079,257
GRANVILLE	1,304,710	0	195,141
GREAT BARRINGTON	-	0	930,647
GREENFIELD	9,512,771	0	3,883,946
GROTON	-	0	939,545

GROVELAND		-	0	779,771
HADLEY	742,139		138,341	419,142
HALIFAX	2,411,038		0	1,111,847
HAMILTON		-	42,887	744,868
HAMPDEN		-	0	764,821
HANCOCK	186,623		17,638	51,583
HANOVER	5,172,678		1,326,394	1,288,617
HANSON		-	0	1,437,463
HARDWICK		-	3,228	493,270
HARVARD	1,431,925		55,090	1,779,682
HARWICH	1,704,377		0	527,679
HATFIELD	680,586		0	381,771
HAVERHILL	33,849,328		2,503,145	9,565,361
HAWLEY	27,475		12,924	39,884
HEATH		-	0	95,301
HINGHAM	4,110,839		334,151	1,606,448
HINSDALE	96,654		0	259,650
HOLBROOK	4,513,810		4,757	1,806,380
HOLDEN	139,460		0	2,095,744
HOLLAND	818,518		0	246,159
HOLLISTON	7,251,411		412,300	1,490,322
HOLYOKE	65,131,964		606,646	11,818,770
HOPEDALE	5,599,082		0	797,688
HOPKINTON	5,263,097		120,287	839,794
HUBBARDSTON		-	0	487,597
HUDSON	6,446,740		0	2,442,532
HULL	4,516,679		1,388,549	1,232,908
HUNTINGTON		-	0	403,493
IPSWICH	2,461,050		775,432	1,204,484
KINGSTON	3,379,309		0	1,173,911
LAKEVILLE	2,313,148		0	998,981
LANCASTER		-	0	1,015,583
LANESBOROUGH	622,597		0	423,018
LAWRENCE	123,143,295		190,699	23,874,868
LEE	1,852,895		0	762,488
LEICESTER	9,243,015		0	2,127,054
LENOX	1,342,091		72,146	584,604
LEOMINSTER	33,908,665		11,693	6,988,649
LEVERETT	271,789		0	218,817
LEXINGTON	6,119,692		0	1,876,266
LEYDEN		-	0	98,930
LINCOLN	600,182		292,012	546,644
LITTLETON	1,734,384		164,924	706,463
LONGMEADOW	4,231,500		0	1,706,932
LOWELL	111,755,687		6,340,746	24,601,241
LUDLOW	10,429,466		0	3,724,781
LUNENBURG	3,899,479		0	1,295,240
LYNN	103,715,262		9,477,523	18,084,277
LYNNFIELD	2,355,467		362,288	917,435
MALDEN	34,862,870		5,586,730	9,878,824

MANCHESTER	-	0	273,033
MANSFIELD	13,645,784	725,040	2,009,312
MARBLEHEAD	4,094,262	39,403	1,357,230
MARION	397,148	0	276,448
MARLBOROUGH	6,929,440	2,728,327	3,971,938
MARSHFIELD	13,585,947	202,756	2,457,248
MASHPEE	4,816,289	0	446,639
MATTAPOISETT	562,247	0	497,588
MAYNARD	2,682,260	586,886	1,346,778
MEDFIELD	5,014,371	744,614	1,042,026
MEDFORD	12,495,563	6,432,448	8,206,613
MEDWAY	7,245,810	187,002	1,307,124
MELROSE	6,265,487	2,704,187	3,628,787
MENDON	-	0	498,814
MERRIMAC	-	0	891,989
METHUEN	33,208,786	163,026	6,496,234
MIDDLEBOROUGH	16,204,879	0	3,019,945
MIDDLEFIELD	-	0	64,636
MIDDLETON	1,324,273	126,570	540,113
MILFORD	11,643,468	0	3,739,705
MILLBURY	6,360,038	0	2,171,026
MILLIS	2,277,107	320,940	966,349
MILLVILLE	47,510	0	436,487
MILTON	4,024,758	1,245,145	2,715,374
MONROE	66,606	13,927	8,805
MONSON	7,093,364	0	1,594,296
MONTAGUE	-	0	1,544,040
MONTEREY	-	12,538	42,182
MONTGOMERY	-	0	100,521
MOUNT WASHINGTON	31,784	33,286	3,947
NAHANT	455,800	125,393	340,578
NANTUCKET	1,037,063	0	96,959
NATICK	4,931,682	1,942,474	2,756,411
NEEDHAM	4,549,236	205,993	1,935,797
NEW ASHFORD	152,974	7,313	17,429
NEW BEDFORD	104,748,080	716,255	27,531,972
NEW BRAINTREE	-	0	145,340
NEW MARLBOROUGH	-	0	71,466
NEW SALEM	-	0	125,117
NEWBURY	-	0	555,628
NEWBURYPORT	3,492,275	1,380,057	1,770,274
NEWTON	11,419,420	1,377,012	5,847,561
NORFOLK	3,342,421	0	1,173,639
NORTH ADAMS	13,921,926	185,853	5,250,381
NORTH ANDOVER	4,889,300	120,549	2,385,707
NORTH ATTLEBOROUGH	19,276,454	0	3,525,524

NORTH			
BROOKFIELD	4,326,993	0	976,112
NORTH READING	4,884,379	945,499	1,244,112
NORTHAMPTON	8,032,387	577,922	4,814,888
NORTHBOROUGH	3,113,893	61,111	1,302,735
NORTHBRIDGE	13,296,283	3,071	2,590,732
NORTHFIELD	-	0	386,063
NORTON	12,155,953	0	2,543,776
NORWELL	2,269,077	541,079	780,856
NORWOOD	4,199,430	2,665,880	3,073,863
OAK BLUFFS	634,246	0	89,078
OAKHAM	73,216	0	234,057
ORANGE	5,367,303	2,115	1,977,177
ORLEANS	267,953	0	210,858
OTIS	-	0	44,288
OXFORD	8,850,358	0	2,520,812
PALMER	10,805,477	0	2,448,308
PAXTON	34,270	0	570,919
PEABODY	19,195,873	3,140,276	5,749,219
PELHAM	159,831	0	194,362
PEMBROKE	10,005,837	0	2,056,723
PEPPERELL	-	0	1,564,059
PERU	70,739	0	135,955
PETERSHAM	393,498	0	139,758
PHILLIPSTON	-	4,386	213,184
PITTSFIELD	31,309,537	880,284	9,691,261
PLAINFIELD	53,679	0	61,244
PLAINVILLE	2,526,705	0	928,833
PLYMOUTH	20,298,057	0	4,792,155
PLYMPTON	597,760	0	290,253
PRINCETON	-	0	361,795
PROVINCETOWN	309,126	22,181	148,685
QUINCY	15,165,279	11,567,002	12,015,654
RANDOLPH	11,260,936	1,825,854	4,569,697
RAYNHAM	375	0	1,390,398
READING	7,042,859	1,534,901	2,461,971
REHOBOTH	-	0	1,147,585
REVERE	27,786,496	5,334,444	7,352,186
RICHMOND	386,119	0	132,826
ROCHESTER	1,384,318	0	519,106
ROCKLAND	10,015,816	394,336	2,852,308
ROCKPORT	1,427,901	0	535,965
ROWE	53,056	0	4,791
ROWLEY	-	114,232	548,001
ROYALSTON	-	0	196,637
RUSSELL	-	0	296,507
RUTLAND	11,119	0	998,712
SALEM	12,334,597	3,298,731	5,187,791
SALISBURY	-	0	773,500
SANDISFIELD	7,986	0	42,223
SANDWICH	6,029,252	88,406	1,288,162

SAUGUS	4,228,143	1,784,087	2,735,211
SAVOY	507,480	13,801	128,020
SCITUATE	4,069,720	875,037	1,607,467
SEEKONK	3,664,719	0	1,507,135
SHARON	6,577,955	62,495	1,652,427
SHEFFIELD	-	11,938	285,542
SHELBURNE	-	0	317,279
SHERBORN	409,195	20,951	244,666
SHIRLEY	4,366,506	185,558	1,422,754
SHREWSBURY	15,859,924	298,861	3,107,117
SHUTESBURY	573,004	0	206,641
SOMERSET	3,433,415	0	1,874,757
SOMERVILLE	24,302,486	16,219,924	13,722,067
SOUTH HADLEY	6,171,610	20,214	3,173,547
SOUTHAMPTON	2,403,792	0	776,188
SOUTHBOROUGH	2,657,427	0	533,473
SOUTHBRIDGE	14,851,612	0	4,305,384
SOUTHWICK	-	0	1,390,432
SPENCER	219,706	0	2,397,238
SPRINGFIELD	232,776,570	1,829,496	44,382,546
STERLING	-	0	841,321
STOCKBRIDGE	-	0	122,242
STONEHAM	3,284,829	2,028,958	2,557,667
STOUGHTON	9,737,572	103,134	3,829,351
STOW	-	6,974	508,164
STURBRIDGE	1,298,823	0	947,473
SUDBURY	3,701,068	641,561	1,081,559
SUNDERLAND	853,199	0	617,563
SUTTON	4,986,108	0	954,596
SWAMPSCOTT	2,431,038	352,328	1,237,915
SWANSEA	4,966,726	0	2,304,948
TAUNTON	41,809,967	0	10,322,474
TEMPLETON	-	0	1,483,537
TEWKSBURY	12,453,684	0	3,409,965
TISBURY	355,233	0	120,556
TOLLAND	-	9,864	10,785
TOPSFIELD	934,515	253,284	501,895
TOWNSEND	-	0	1,428,965
TRURO	261,971	0	36,861
TYNGSBOROUGH	6,904,216	0	1,179,149
TYRINGHAM	36,592	0	15,572
UPTON	-	0	599,353
UXBRIDGE	9,256,064	0	1,685,644
WAKEFIELD	4,869,150	1,438,080	2,714,232
WALES	741,058	0	288,113
WALPOLE	5,429,839	883,775	2,251,545
WALTHAM	7,158,929	5,458,868	6,385,718
WARE	7,578,063	15,257	2,096,179
WAREHAM	11,597,828	0	2,430,445
WARREN	-	0	958,156

WARWICK	-	28,890	110,506
WASHINGTON	19,803	23,752	81,444
WATERTOWN	2,969,442	4,427,251	3,470,628
WAYLAND	2,863,219	280,373	830,764
WEBSTER	8,135,299	62,006	2,971,922
WELLESLEY	3,939,991	96,838	1,494,079
WELLFLEET	145,578	0	71,840
WENDELL	-	25,534	179,008
WENHAM	-	139,794	386,306
WEST BOYLSTON	2,724,028	67,754	905,694
WEST BRIDGEWATER	1,962,857	47,212	755,272
WEST BROOKFIELD	-	0	580,664
WEST NEWBURY	-	0	344,207
WEST SPRINGFIELD	15,088,952	0	4,368,789
WEST STOCKBRIDGE	-	0	119,333
WEST TISBURY	-	182,434	44,299
WESTBOROUGH	3,258,106	145,058	1,270,967
WESTFIELD	31,795,433	0	7,682,345
WESTFORD	12,710,107	895,514	1,716,670
WESTHAMPTON	348,019	0	177,092
WESTMINSTER	-	0	787,130
WESTON	1,876,731	0	458,341
WESTPORT	4,209,856	0	1,494,508
WESTWOOD	2,699,421	36,263	857,639
WEYMOUTH	20,997,406	2,424,084	8,314,524
WHATELY	167,006	0	163,294
WHITMAN	-	0	2,568,143
WILBRAHAM	-	0	1,637,493
WILLIAMSBURG	437,793	0	371,091
WILLIAMSTOWN	1,101,138	0	1,169,507
WILMINGTON	4,597,996	1,254,452	1,805,824
WINCHENDON	10,441,224	25,366	2,030,858
WINCHESTER	3,692,026	344,404	1,474,745
WINDSOR	41,640	28,020	92,851
WINTHROP	4,932,699	2,287,531	2,921,294
WOBURN	5,628,191	3,586,952	3,801,532
WORCESTER	167,330,541	11,809,090	39,228,845
WORTHINGTON	-	0	153,044
WRENTHAM	3,624,338	0	1,142,645
YARMOUTH	-	0	1,545,499
Municipality Total	2,963,705,913	378,517,988	920,028,283

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ACTON	
BOXBOROUGH	4,547,065
ADAMS	
CHESHIRE	9,797,932
AMHERST	
PELHAM	9,653,686
ASHBURNHAM	
WESTMINSTER	9,358,091
ASSABET	
VALLEY	3,051,938
ATHOL	
ROYALSTON	17,083,195
BERKSHIRE HILLS	3,268,521
BERLIN BOYLSTON	962,915
BLACKSTONE	
MILLVILLE	10,632,254
BLACKSTONE	
VALLEY	5,926,361
BLUE	
HILLS	3,794,449
BRIDGEWATER	
RAYNHAM	19,619,790
BRISTOL	
COUNTY	2,498,116
BRISTOL	
PLYMOUTH	8,013,900
CAPE	
COD	2,220,714
CENTRAL	
BERKSHIRE	8,286,804
CHESTERFIELD	
GOSHEN	714,855
CONCORD	
CARLISLE	1,772,474
DENNIS	
YARMOUTH	7,424,130
DIGHTON	
REHOBOTH	12,024,864
DOVER	
SHERBORN	1,423,318
DUDLEY	
CHARLTON	22,137,590
ESSEX	
COUNTY	3,869,526
FARMINGTON	
RIVER	451,007
FRANKLIN	
COUNTY	3,096,637
FREETOWN	
LAKEVILLE	6,790,787

FRONTIER		
		2,734,996
GATEWAY		
		6,957,660
GILL		
MONTAGUE		
		6,450,351
GREATER	FALL	
RIVER		12,915,248
GREATER		
LAWRENCE		20,380,541
GREATER		
LOWELL		19,362,286
GREATER	NEW	
BEDFORD		20,182,728
GROTON		
DUNSTABLE		10,585,532
HAMILTON		
WENHAM		3,474,401
HAMPDEN		
WILBRAHAM		10,173,819
HAMPSHIRE		
		2,668,482
HAWLEMONT		
		758,481
KING		
PHILIP		6,749,236
LINCOLN		
SUDBURY		2,251,479
MANCHESTER		
ESSEX		1,646,605
MARTHAS		
VINEYARD		2,837,860
MASCONOMET		
		4,794,144
MENDON		
UPTON		10,826,391
MINUTEMAN		
		2,565,688
MOHAWK		
TRAIL		7,345,280
MONTACHUSETT		
		10,477,796
MOUNT		
GREYLOCK		
		2,044,500
NARRAGANSETT		
		9,480,025
NASHOBA		
		6,476,966
NASHOBA		
VALLEY		2,386,144
NAUSET		
		3,903,029
NEW	SALEM	
WENDELL		744,144

NORFOLK		
COUNTY		770,941
NORTH		
MIDDLESEX		20,184,957
NORTH		
SHORE		1,758,805
NORTHAMPTON		
SMITH		1,097,622
NORTHBORO		
SOUTHBORO		2,285,990
NORTHEAST		
METROPOLITAN		
		6,502,464
NORTHERN		
BERKSHIRE		3,876,706
OLD		
COLONY		2,906,302
OLD		
ROCHESTER		
		1,837,325
PATHFINDER		
		4,056,909
PENTUCKET		
		13,072,872
PIONEER		
		4,016,083
QUABBIN		
		16,467,052
QUABOAG		7,976,266
RALPH	C	
MAHAR		4,747,191
SHAWSHEEN		
VALLEY		3,843,071
SILVER		
LAKE		6,028,881
SOUTH		
MIDDLESEX		2,664,555
SOUTH		
SHORE		3,110,011
SOUTHEASTERN		
		10,522,592
SOUTHERN		
BERKSHIRE		2,106,780
SOUTHERN		
WORCESTER		
		7,234,659
SOUTHWICK		
TOLLAND		7,790,746
SPENCER	EAST	
BROOKFIELD		13,081,736
TANTASQUA		
		7,377,327
TRI		
COUNTY		
		4,245,157

TRITON	
	8,845,837
UPISLAND	958,843
UPPER CAPE	
COD	2,754,965
WACHUSETT	
	17,602,075
WHITMAN	
HANSON	22,338,000
WHITTIER	
	5,600,250
Regional Total	587,257,701
Chapter 70 Total	3,550,963,614

The amendment was *rejected*.

Ms. Fargo and Messrs. Tarr and Timilty moved that the bill be amended by inserting, after Section 21 of the outside sections, the following new Section: -

SECTION 21B. Any municipality of the commonwealth that buys any fuel on which an excise tax has been paid under chapter 64A by December 31, 2006 and, which fuel has been purchased for its municipal consumption and use, shall be reimbursed the amount of such excise in the manner and subject to the conditions herein provided. All claims for reimbursement shall be filed with the commissioner of revenue by April 1, 2007 and shall be made in such form and containing such information as the commissioner of revenue shall prescribe. The commissioner of revenue shall transmit any such claims approved by him to the comptroller for certification, and the amount so approved and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter 64A, without specific appropriation. No claim for reimbursement for said excise tax shall be made by a municipality under sections 7 and 7A of chapter 64A, for fuel purchased during said period, to which a municipality is entitled to claim a reimbursement under this section.

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended in section 2, in item 1102-3206 by inserting after the words "each bond authorization;" the following: - "provided further, the division shall release its reversionary interest in a parcel of land conveyed to the town of Tewksbury by a deed authorized through chapter 564 of the acts of 1956".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 0526-0100 by inserting the following: - "provided that \$157,000 shall be paid to Consigli Construction Company, Inc. of Milford, Massachusetts to reimburse them for restoration and relocation of a historic town owned building, the Milford Granite Elementary School

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 1410-0010, by inserting at the end the following wording: - "; provided further, that \$50,000 shall be transferred to the town of Ware to design and plan the excavation of the Veterans Memorial Park"; and by striking the figure "\$2,012,187" and inserting in place thereof the following figure: - "2,062,187"

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown and Barrios moved that the bill be amended in section 2, in item 0900-0100 by striking out the figure "\$1,535,370" and inserting in place thereof the following figure: - "\$1,626,112".

The amendment was *rejected*.

Ms. Chandler, Messrs. Brewer and Moore moved that the bill be amended in section 2, in item 1410-0012, by inserting after the words "Middleboro Veterans' Outreach Center" the following: - "provided further, that not less than \$61,000 shall be made available to Massachusetts Veterans Inc. in the City of Worcester"; and in section 2, in item 1410-0012, by striking the figure "\$1,535,064" and inserting in place thereof the following figure: - "1,596,064".

The amendment was *rejected*.

Messrs. Timilty and Brown moved that the bill be amended in section 2, in item 2800-0600, by inserting after the words "maintenance and upkeep" the following: - "Provided further, \$1,500,000 be designated for design and engineering services related to the renovation of DCR's community pools, provided that priority shall be given to those pools that were deemed to be in critical condition or very poor condition in the department's "Key Components Assessment Summary" conducted in 2004 and further

provided that design and facility operation plans shall be developed in partnership with the local community, provided, that \$120,000 shall be expended for the design of the Spatcher Pool in Attleboro”, and moved to further amend said item by striking the figure “\$750,000” and inserting in place thereof the following figure: - “\$2,250,000”.
The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting, after section ___, the following new Sections:-

“SECTION ___. Chapter 34B of the General Laws, as so appearing, is hereby amended by deleting sections 1 and 2 and inserting in place thereof the following sections: -

Section 1. The government of each of the following counties, in this chapter called an "abolished county" is hereby abolished as of the following date, in this chapter called the "transfer date", or on such earlier date 30 days after the commissioner of revenue certifies in writing that the county has failed to make a required payment on an outstanding bond or note: (a) Middlesex county, as of July 11, 1997 ; (b) Hampden and Worcester counties, as of July 1, 1998 ; (c) Hampshire county, as of January 1, 1999 ; provided, however, that all functions, duties and responsibilities for the operation and management of the jail, house of correction and registry of deeds of Hampshire county and all duties and responsibilities for operation and management of property occupied primarily by the sheriff, registry of deeds and the trial courts in Hampshire county are hereby transferred to the commonwealth, effective September 1, 1998 , subject to the provisions of this chapter; (d) Essex county as of July 1, 1999 ; (e) Berkshire county on July 1, 2000 , but all functions, duties and responsibilities for the operation and management of the registries of deeds of Suffolk and Berkshire counties and all duties and responsibilities for the operation and management of property occupied primarily by the registries of deeds in Berkshire and Suffolk counties are hereby transferred to the commonwealth, effective on July 1, 1999 , subject to the provisions of this chapter; and (f) Suffolk county as of July 1, 2006 .

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the government of each abolished county, except the office of county treasurer, is hereby abolished as of the transfer date for all purposes, including, but not limited to, the purposes established pursuant to chapters 34, 34A, 35 and 36 or as otherwise authorized by this chapter. The office of county auditor and county treasurer for Suffolk county shall expire on December 31, 2007 and the office of county treasurer for all other abolished counties shall expire on December 31, 2002 . Nothing in this chapter shall affect the existing county boundaries.

SECTION ___. Chapter 34B is further amended by inserting at the end of section 18 the following:- “Notwithstanding the provisions of this section and of section 8 to the contrary, the employees and retirees and inactives of the Suffolk County Sheriff's Department and its predecessors shall be transferred to the state retirement system, and said system shall be responsible for all liability attributable to the service of such employees, retirees and inactives. The total amount of the transfer assets for this particular transaction shall be determined by dividing the state-boston retirement system's total market value of assets by its total actuarial accrued liability determined under the Entry Age Normal funding method as of the prior January 1st and applying the resulting percentage to the actuarial accrued liability of the Suffolk County Sheriff's Department and its predecessors' employees and retirees and inactives as calculated on the same date. This transfer of assets shall relieve the state-boston retirement system of all liability for the Suffolk County Sheriff's Department and its predecessors' employees and retirees and inactives”.
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 1232-0100, by inserting at the end thereof the following:- “; provided further, that no less than \$800,000 shall be expended to the Town of Ashburnham for remediation efforts on Fitchburg Road”.
The amendment was *rejected*.

Messrs. Brewer and Augustus and Ms. Chandler moved that the bill be amended in section 2, in item 1410-0010, by inserting at the end thereof the following words:- “; provided further, that no less than \$112,000 shall be expended for the completion of the Korean War Memorial of Central Massachusetts Walkway of Honor in Worcester” and further amends the item by striking the figure “2,012,187” and inserting in place thereof the following figure:- “2,124,187”.
The amendment was *rejected*.

Messrs. Brewer and Augustus and Ms. Chandler moved that the bill be amended in section 2, in item 1410-0010, by inserting at the end thereof the following:- “;provided further, that \$110,000 be provided to the City of Worcester for the Vietnam Veterans Memorial”, and further amends the item by striking the figure “2,012,187” and inserting in place thereof the following figure:- “2,122,187”.
The amendment was *rejected*.

Mr. Hart moved that the bill be amended by inserting, after Section ___, the following new Section: -

“SECTION _____. Section 3 of Chapter 32 of the General Laws, as appearing in the 2004 official edition, is hereby amended by inserting in line 254 after the word ‘of’, the following words:- ‘commissioner of probation, first deputy commissioner of probation, second deputy commissioner of probation, deputy commissioner of probation regional supervisor, program manager, executive director of the office of community corrections, deputy director of the office of community corrections, statewide

program manager, statewide supervisor, assistant statewide supervisor,”.
The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended in section 2, in item 1410-0012, by inserting after the words “Association of Massachusetts, Inc” the following words:–“provided further, that not less than \$80,000 shall be expended to United Veterans of America for the purpose of providing services to homeless veterans in Berkshire County ”.
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2, in item 0900-0100 by striking out the figure “\$1,535,370” and inserting in place thereof the following figure:– “\$1,626,112”.
The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended by inserting, after Section____, the following new Section:–

“SECTION____. Section 3 (c) of chapter 63B of the General Laws is hereby amended by striking out the section in its entirety and inserting in place thereof the following:–

Section 3 (c). For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year. The amount of any installment shall be twenty-five per cent of the required annual payment. The term “required annual payment” shall mean the lesser of:

- (i) ninety percent of the tax shown on the return for the taxable year or, if no return is filed, ninety percent of the tax for such year, or
- (ii) one hundred percent of the tax shown on the return of the corporation for the preceding taxable year, or
- (iii) ninety percent of the tax for the taxable year or, if no return is filed, ninety percent of tax for such year determined by using the income apportionment percentage, if any, applicable for the preceding taxable year in computing its net income subject to tax under chapter sixty-three.

Clause (ii) shall not apply if the preceding taxable year was not a taxable year of twelve months or the corporation did not file a return for such preceding taxable year showing a liability for tax. Clause (ii) shall not apply in the case of a large corporation, as defined in section sixty-six hundred and fifty-five (g) of the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and eighty-nine and in effect for the taxable year except for the purposes of determining the amount of the first required installment for any taxable year; provided, however, that any reduction in such first installment by reason of this provision shall be recaptured by increasing the amount of the next required installment by the amount of such reduction.

Section 2. Section 4A of said chapter 63B, as so appearing, is hereby amended, in line 4, by striking out the word “sixty-five” and inserting in place thereof the following word:– “fifty”; in line 9, by striking out the word “ten” and inserting in place thereof the following word:– “twenty-five”; in line 14, by striking out the word “ninety” and inserting in place thereof the following word:– “seventy-five”; and in line 16, by striking out the word “ten” and inserting in place thereof the following word:– “twenty-five”.

Section 3. Section 4B of said chapter 63B, as so appearing, is hereby amended by striking out the section in its entirety.
The amendment was *rejected*.

Mr. Timilty and Ms. Resor moved that the bill be amended in section 2, by striking out item 1107-2400 and inserting in place thereof the following item: –

“1107-2400 For the office on disability, provided, that \$125,000 shall be provided to conduct training for employees working in the State House on the Americans with Disabilities Act and how to assist people with disabilities within the building.....878,978”.
The amendment was *rejected*.

Mr. Tisei moved that the bill be amended by inserting, after Section____, the following new Section:–

“SECTION____. Chapter 149 of the Acts of 2004 is hereby amended by striking out section 232 and inserting in place thereof the following section:–

Section 232. Section 1A of chapter 152 of the acts of 1997 is hereby amended by inserting after item 1100-7985 the following item:-

“1599-0018

For a grant to the town of Wakefield for the cleanup of Lake Quannapowitt, its shoreline, bank, buffer zone, and land in the vicinity thereof\$500,000”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended by inserting, after Section ___, the following new Section:-

“SECTION ___. Section 5 of chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding at the end thereof the following: -

All vendors that collect sales tax shall be entitled to retain an amount equal to two per centum of the total amount of sales tax collected in any one calendar year. The total amount so retained in any calendar year by any one vendor, when combined with use taxes retained as provided in section 6 of chapter 64I, shall not exceed two thousand dollars. The vendor shall retain these amounts by deducting not more than two per centum of the sales tax collected during the standard reporting period. Upon reaching the annual maximum retention amount, the vendor shall not be entitled to deduct any further amount from collected sales taxes until the beginning of the next calendar year.

SECTION 2. Section 6 of chapter 64I of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following:-

All vendors that collect use tax shall be entitled to retain an amount equal to two per centum of the total amount of use tax collected in any one calendar year. The total amount so retained in any calendar year by any one vendor, when combined with sales taxes retained as provided in Section 5 of chapter 64H, shall not exceed two thousand dollars. The vendor shall not be entitled to deduct any further amounts from collected use taxes until the beginning of the next calendar year.

SECTION 3. The act shall take effect on January 1, 2007 .
The amendment was *rejected*.

Messrs. Tisei, Barrios, Timilty, Tarr, Hedlund and Brown moved that the bill be amended in section 2, in item 1231-1000, by striking out the figure “\$15,000,000” and inserting in place thereof the following figure:- “\$25,000,000”.
The amendment was *rejected*.

Messrs. McGee and Tarr moved that the bill be amended in section 2, in item 0540-1000 by striking out the figure \$2,713,400 and inserting in place thereof the following figure \$2,817,158.
The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended in section 2, in item 0640-0300 by inserting after the words “that a grant made under this program shall not exceed \$100,000” the following:- “; provided further that not less than \$50,000 shall be expended to Plimoth Plantation, Inc. to establish the Cultural Coast program, to develop and market itineraries and web-based planning tools to encourage visitor exploration of the Commonwealth’s coastal region from Quincy to Provincetown”.
The amendment was *rejected*.

Messrs. Hart and Tolman moved that the bill be amended by inserting, after Section ___, the following new Section: -

“Section _____. Section 10 of chapter 152 of the acts of 1997 is hereby amended by striking out subsection (c), as most recently amended by section 64 of chapter 352 of the acts of 2004, and inserting in place thereof the following subsection:— (c) In order to increase the marketability of special obligation bonds described in section 11 and any other bonds issued by the commonwealth which are payable from amounts held in the Convention Center Fund and thereby ensure the issuance of such bonds at the lowest possible cost to the commonwealth, the special receipts deposited in the Convention Center Fund in accordance with this subsection are hereby impressed with a trust for the benefit of the owners from time to time of such bonds and special receipts shall be applied by the state treasurer without further appropriation to the payment of principal, including sinking fund payments and premium, if any, and interest on such bonds, to the maintenance of, or provisions for, the Capital Reserve Fund described in said section 11, to the payment of the costs of issuance of such bonds and to the payment of the cost of, and the satisfaction of the obligations of the commonwealth under, any surety bond, insurance policy or other form of credit enhancement required or provided for in any trust of security agreement or credit enhancement agreement entered into pursuant to this act to secure such bonds. The state treasurer, with the concurrence of the secretary of administration and finance, shall determine that sufficient amounts are held in the Convention Center Fund to meet debt service payments and compliance with any applicable restrictions relating thereto including, without limitation, any coverage requirements contained in any such trust or security agreement or credit enhancement agreement. If the state treasurer and the secretary of administration and finance determine that the balance of the Convention Center Fund exceeds the amount necessary to satisfy the requirement of sufficiency, then the Authority may make expenditures from the Convention Center Fund, in an amount not to exceed such surplus, for the following purposes: (i) to pay costs, not exceeding

\$50,000,000, of the heating, ventilating and air conditioning systems for the project if the Authority deems it in the best interest of the Authority to fund such costs in whole or in part from amounts held in the Convention Center Fund rather than through a lease or lease purchase agreement for such systems; (ii) to pay start-up costs, not exceeding \$2,000,000, of the project; (iii) to pay costs, not exceeding \$2,000,000, of engineering and construction of surface parking facilities within the convention center development area as defined in section 2 without completion of an antecedent facility study and engineering study as provided in section 38N of chapter 190 of the acts of 1982; (iv) to provide for, and maintain, any reserve for capital and current expenses of the project and other facilities of the Authority as the Authority shall deem necessary to appropriate; provided, however, that the Authority shall receive written approval from the secretary of administration and finance; (v) to defray the net cost of operations, at an amount not to exceed \$23,000,000 in Fiscal Year 2004 and that the same amount in each fiscal year thereafter, of the Authority as defined in section 32 of said chapter 190".

The amendment was *rejected*.

Messrs. Tolman and Barrios moved that the bill be amended by inserting, after Section 104, the following new Section: - "Provided that Section 17 J of chapter 180 of the general laws is hereby amended by inserting at the end thereof the following: Where the recipient specified is a duly licensed insurance agent or insurance broker receiving sums so deducted for any property-casualty insurance offered in conjunction with the employee organization, the agent or broker shall forward the sums deducted and received to the appropriate insurance company within two business days after receipt from the treasurer or common paymaster. No insurance company doing business in the Commonwealth of Massachusetts shall refuse to accept payment of property-casualty insurance premiums without interest or charges in equal weekly or biweekly installments via payroll deduction for unionized state, county, municipal or other public employees where the agent or broker is remitting the deducted sums as required under this section. Provided, however, if any such insurance company shall not offer or allow any such agent or broker to forward funds received by electronic funds transfer from a designated premium account, then the agent or broker shall be permitted to pay the funds received under the time limits set forth in the last paragraph of Section 163 of Chapter 175 of the general laws. This act shall take effect upon its passage".

The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund Brown and Morrissey moved that the bill be amended by inserting at the end the following two sections:-

"SECTION ____ . Section 13 of chapter 64A of the General Laws, as appearing in the 2004 Official Edition is hereby amended by striking out, commencing in line 4, the words, 'the General Fund and may be used for airport development projects approved and carried out at airports and landing facilities pursuant to 49 USC App. Sec. 2210', and inserting in place thereof the words, 'and deposited in a revolving account established to fund the operating and administrative expenses of the Massachusetts Aeronautics Commission.'

SECTION ____ . Section 49 of chapter 90 of the General Laws, as appearing in the 2004 Official Edition is hereby amended by inserting after the sentence ending in the words, 'annual fee' in line 29, the following sentence: 'Fees collected from the registration of aircraft and dealers of aircraft, and additional fees, if any, associated with late registration or fees from other infractions shall be credited and deposited in a revolving account established to fund the operating and administrative expenses of the Massachusetts Aeronautics Commission.'"

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, by inserting after item 1599-3838, the following new item:

"1599-3842 For payment to the town of Scituate to be transferred from the general fund, pursuant to a fine levied against Cashman, Balfour, Beatty, the primary contractor for the Greenbush rail restoration project, for wetlands violations, discovered and responded to, due to the vigilance of the officials of the town of Scituate . Said reimbursement shall be used by the town of Scituate for assessment and mitigation of impacts to wetlands and resource areas...\$245,000".

The amendment was *rejected*.

Messrs. Morrissey and Tarr and Ms. Jehlen moved that the bill be amended by inserting at the end thereof the following new section:-

SECTION ____ . Notwithstanding the provisions of any general or special law to the contrary, the commonwealth shall pay a refund of fifty percent of the medicare part B premium, which was paid by any person, who is insured and required to pay the medicare part B premium under Chapter 32A of the General Laws, during fiscal year 2006.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 6010-0001 by inserting, after the words " Gorham Street , Lowell ;" the following: - "provided further, that not less than \$250,000 shall be expended for the installation of a stop light and related road construction at the Winter Street and Route 53 intersection in the Town of Duxbury "

The amendment was *rejected*.

Messrs. Hedlund, Tisei, Barrios, Morrissey, Ms. Fargo, Messrs. Barrios, Tarr, Timilty, Ms. Chandler and Ms. Tucker, Messrs. Knapik, Nuciforo and Buoniconti moved that the bill be amended in section 2, by striking out item 8400-0016 and inserting in place thereof the following item: -

“8400-0016

For the operation of the motorcycle safety program.....\$250,853”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by adding after Section 100, the following section: -

SECTION 101. The Massachusetts Bay Transportation Authority shall grant the town of Cohasset access to the MBTA right of way on north side of Greenbush Commuter Rail tracks from the Cohasset Commuter Rail Station to King Road for the purpose of construction and utilizing a multi-use pedestrian access pathway.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by inserting, after Section 100, the following new Section:-

SECTION 101. The town of Cohasset water department is hereby granted a permanent easement within the Massachusetts highway department’s maintenance site and access easement on or near Crocker lane in the town of Cohasset , to allow the Cohasset water department vehicular and pedestrian access to the Scituate Hill water storage tank at all times. Said easement being shown on a plan entitled “Easement Plan of Land for Off Crocker Lane in Cohasset , Mass. ,” dated November 29, 2004 , Ross Engineering Company Inc., Professional Engineers – Land Surveyors.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 6010-0001 by inserting after the word “Woburn” the following words: - “provided further, that \$2,000,000 shall be expended for the general maintenance, evaluation, and equipment and the maintenance and operation of bridges in the city of Boston” and by further amending the item by striking out the figure \$17,498,815” and inserting in place thereof the following figure: - “\$19,498,815”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 6005-0015 by inserting after the words “and focus the report on the reforms and improvements,” the following:- “; provided further that no less than \$75,000 shall be expended to the Flex Route on the Lower Cape”.

The amendment was *rejected*.

Messrs. Brown, Tarr, Tisei, Timilty and Joyce and Ms. Spilka moved that the bill be amended in section 2, in item 6005-0015, the following item:-

“6005-0016

For a Pilot Program on certain Massachusetts Bay Transit Authority Commuter Rail Train to fund the installation of defibrillators to be used in certain emergency situations.....\$2,000,000;”.

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2, in item 6000-0200, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:- “2,250,000”.

The amendment was *rejected*.

Ms. Spilka, Ms. Resor and Messrs. Tarr and Moore, Ms. Fargo and Mr. Brown moved that the bill be amended in section 2, in item 6005-0015 after the words “and the inter-city bus capital assistance program” by adding the following words:- “provided, that notwithstanding section 9 of chapter 161A and section 3 of chapter 161B, cities and towns may chose to join existing regional transit authorities or create new regional transit authorities; and provided further, that funds shall be expended from this item to provide transit services to such cities and towns;”; in said item after the words: ‘the 15 regional transit authorities’ in each instance where they appear by inserting the following words:- “and any new regional transit authority created after July 1, 2006 ”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in section 2, in item 6010-0001 by inserting the following language: “Provided that not less than \$100,000 be expended on improvements and repairs on the Memorial Bridge rotary in West Springfield ”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended by inserting, after Section 36, the following new Sections:-

“SECTIONS 36A. Chapter 149, Section 44D ½ (h) of the Massachusetts General Laws shall be amended by striking out the following:- “A general contractor’s score shall be made available to the general contractor upon request. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of fraud or collusion”. and inserting in place thereof the following wording:- “The prequalification committee shall provide a general contractor submitting an SOQ with the opportunity to respond to any information provided in a reference that may result in that general contractor not being prequalified by the committee.

A general contractor’s score shall be made available to the general contractor upon request. A general contractor who does not achieve an overall minimum score of 70 or the mandatory minimum in any category shall have seven days from receipt of said score to provide the prequalification committee with additional information which the committee shall consider, and the committee may, at its discretion, revise the general contractor’s score. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of arbitrariness, capriciousness, fraud or collusion”.

“SECTION 36B. Chapter 149, Section 44D 3/4 (h) of the Massachusetts General Laws shall be amended by striking out the following:- “A subcontractor’s score shall be made available to the subcontractor upon request. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of fraud or collusion”. And inserting in place thereof the following:- “The prequalification committee shall provide a subcontractor submitting an SOQ with the opportunity to respond to any information provided in a reference that may result in that subcontractor not being prequalified by the committee. A subcontractor’s score shall be made available to the subcontractor upon request. A subcontractor who does not achieve a minimum score of 70 shall have seven days from receipt of said score to provide the prequalification committee with additional information which the committee shall consider, and the committee may, at its discretion, revise the subcontractor’s score. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of arbitrariness, capriciousness, fraud or collusion.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended by inserting, after Section ____, the following new Sections:-

“Section ____A. Section 8B of chapter 29 of the general laws is hereby amended in the second paragraph by striking the words “by a surety company” and inserting in place thereof the following:- “by one or more surety companies who shall be jointly and severally liable and are”

Section ____B. Section 39M of chapter 30 of the general laws is hereby amended in paragraph (c) by striking the words “of a surety company” and inserting in place thereof the following:- “of one or more surety companies who shall be jointly and severally liable and are”

Section ____C. Section 44E of chapter 149 of the general laws is hereby amended in paragraph (2)E by striking the words “of a surety company” and inserting in place thereof the following:- “of one or more surety companies who shall be jointly and severally liable and are”

Section ____D. Section 44E of chapter 149 of the general laws is hereby amended in the last paragraph by striking the words “of a surety company” and inserting in place thereof the following:- “of one or more surety companies who shall be jointly and severally liable and are”.

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended by inserting, after Section XX, the following new Section:-

“SECTION ____A. Section 1. Chapter thirty of the general laws is amended by striking section thirty-nine Q and substituting for it the following four sections:

Section 39Q. A mandatory alternative dispute resolution program is hereby established for contractually based claims in connection with the construction of public works and capital facilities for the commonwealth, and all its agencies, authorities and political subdivisions, excluding cities and towns. Each public agency, political subdivision and authority is authorized to propose and adopt its own alternative dispute resolution procedure, provided that such procedure contains the minimum standards set forth in section thirty-nine R of this Chapter. If a public entity fails to adopt its own alternative dispute resolution procedure within sixty days of the effective date of this act, the provisions of section thirty-nine S of this Chapter shall apply to such public entity. A public entity which has adopted an alternative dispute resolution procedure containing the standards set forth in Section 39R shall include its provisions in any public works or capital facilities construction related contract in lieu of the contractual terms set forth in section thirty-nine S of this Chapter. Otherwise the terms set forth in section thirty-nine S of this Chapter shall be inserted in every contract for the construction, alteration, remodeling, repair or demolition of any capital facility or public work. Where the terms set forth in section thirty-nine S of this Chapter were required to be included but are in fact omitted from a contract, those terms shall be deemed to be part of the contract.

Section 39R. Each alternative dispute resolution procedure adopted pursuant to this Chapter must contain provisions which at a minimum:

1. Require the opposing party to articulate its position in writing within thirty days after the dispute is submitted in writing to it by the party initiating the process;

2. Produce a decision to be issued within two hundred ten days after the dispute is submitted in writing by the party initiating the process, unless the parties mutually agree to extend that period and provide that failure to issue a decision within said period of two hundred ten days or longer by agreement of the parties shall be deemed to be a negative decision triggering the appellate rights set forth in subparagraph (6) below;

3. Permit each party to inspect all documents supporting the opposing party's position, including, without limitation, statements of both percipient and expert witnesses which have been reduced to writing or orally recorded, without making those documents public records within the meaning of chapter sixty six of the general laws; provided further, attorney-client privilege and the attorney work-product doctrine shall apply to such documents;

4. Provide for non-binding alternate dispute resolution before a neutral fact finder, or a fact finding panel which may include an equal number of representatives of the parties to the dispute and must include at least one disinterested person, with the costs split by the public entity and contractor;

5. Require the fact finder to prepare a written record of proceedings sufficient for purposes of judicial review;

6. Except in the case of contracts subject to section five of chapter sixteen of the general laws, permit either party to appeal from the non-binding decision set forth in the preceding clause and authorize the contractor to elect between (a) binding arbitration to be conducted in accordance with section thirty-nine S, subparagraph d of this chapter or the rules of the American Arbitration Association or (b) judicial review. In the case of contracts subject to section five of chapter sixteen, either party shall be permitted to appeal to the hearing examiner described in said section five.

The findings of fact and decision of the neutral fact finder, fact finding panel or the said hearing examiner shall be admissible in any subsequent administrative or judicial proceeding.

Section 39S. Except as otherwise provided in Section thirty-nine Q and R of this Chapter, and notwithstanding any previously enacted general or special law to the contrary, every public construction contract awarded by the Commonwealth, or a "State Agency" as defined by section thirty-nine A of Chapter seven, "Authority," as defined by section thirty-nine of chapter three, or political subdivision of the Commonwealth, excluding cities and towns, hereinafter collectively referred to as a "public entity" shall contain subparagraphs (a) through (e) in their entirety:

a) Initial Notice. Disputes regarding changes in and interpretations of the terms or scope of the contract and denials of or failures to act upon claims for payment for extra work or materials shall be resolved according to either the administrative, judicial or arbitration procedures in this and the following subparagraphs, which shall constitute the exclusive methods for resolving such disputes. Written notice of the matter in dispute shall be submitted by the claimant to the chief executive official of the public entity which awarded the contract or his designee within a period which commences with the execution of the contract or the authorized commencement of work on the contract project and ends when the claim would otherwise be foreclosed by the passage of time and operation of applicable law. Acceptance of an amount offered as final payment shall not preclude any person, firm or corporation from bringing a claim under this section unless the claim has been expressly released prior to or upon final payment. All legal defenses except governmental immunity shall be reserved to the public entity. Interest on any award shall begin to accrue to a claimant under this paragraph sixty days after the claimant submits a notice or demand to the public entity for the unpaid debt upon which such interest is to be based. No person or business entity having a contract with a public entity shall delay, suspend, or curtail performance under that contract as a result of any dispute subject to this paragraph. Any disputed order, decision or action by the public entity or its authorized representative shall be fully performed or complied with pending resolution of the dispute. No consolidation of arbitration proceedings shall take place where the public entity is not a party to both arbitration proceedings before the consolidation.

b) Initial Determination By Agency. Within sixty days of submission pursuant to subparagraph (a) above of the initial notice of the matter in dispute to the chief executive official of the public entity or his designee, the chief executive official shall issue a written decision stating the reasons therefor, and shall notify the parties of their options for appeal. If the chief executive official or his designee is unable to issue a decision within sixty days, he shall notify the parties to the dispute in writing of the reasons why a decision cannot be issued within sixty days and of the date by which a decision shall issue. Failure to issue a decision within the sixty day period or within an additional time period specified in such written notice, if any, and agreed upon by the contractor/claimant shall be deemed to constitute a denial of the claim and shall authorize resort to the appeal procedure described below. The decision of the chief executive official or his designee shall be final and conclusive unless an appeal is taken as provided below.

c) Election of Remedies. Within twenty-one calendar days of the receipt of a written decision or of the date a denial is deemed to have occurred by virtue of a failure to issue a decision as stated in the preceding paragraph (b), any aggrieved party may file a demand for arbitration under subparagraph (d) and shall thereafter serve copies thereof upon all other parties in the form and

manner prescribed by the rules governing the conduct of adjudicatory proceedings of the division of hearing officers. The aggrieved party may instead file an action directly in a court of competent jurisdiction or, in a case of contracts subject to section five of chapter sixteen, follow the procedures set forth in said section of chapter sixteen of the general laws, electing to forego the alternative dispute resolution rights conferred herein. In the event an aggrieved party exercises his option to file an action directly in court as provided in the previous sentence, the twenty-one day period shall not apply to such filing and the period for filing such action shall be the same period otherwise applicable for filing such a civil action in court.

d) Facts Final, Binding Arbitration. A demand for arbitration shall include the amount of damages sought and the alleged facts and contractual or statutory provisions which form the basis of the claim. Arbitration of such claim or claims shall be conducted under (1) the rules of any dispute resolution entity, approved by such person, firm or corporation and the chief executive official of the public entity or his designee and (2) the provisions of this paragraph, except that if the parties cannot agree upon a dispute resolution entity, the rules of the American Arbitration Association and this paragraph shall apply. If a demand for arbitration is made to the chief executive official of the public entity or his designee, each party shall allow the other to examine and copy any nonprivileged documents which may be relevant either to the claimant's claims or to the public entity's defenses to such claims. The attorney-client privilege and the attorney work-product doctrine shall apply to the public entity's documentation. All issues not addressed by this paragraph or by agreement, or by the rules of the mutually designated dispute resolution entity or the American Arbitration Association, whichever shall apply, shall be governed by chapter two-hundred and fifty-one of the general laws. Any documents obtained by the agency through such discovery shall not be subject to compelled disclosure under chapter sixty-six of the general laws and shall not be disclosed by the public entity to any person or entity that is not a party to or an agent of a party to the arbitration. Such documents shall be used only for settlement or litigation of the parties' claims. The arbitrators shall determine any claim of privilege or issue as to the relevance of such documents after an in camera inspection. The arbitrators shall seal such documents during arbitration and the arbitrators as well as any other party obtaining a copy during discovery shall return such documents to the appropriate party claimant after final disposition of the claim.

Hearings shall be scheduled for arbitration in a manner that shall ensure that each party shall have reasonable time and opportunity to prepare and present its case, taking into consideration the size and complexity of the claims presented. Unless the parties mutually agree otherwise, no evidentiary hearing on the merits of the claim may begin less than thirty (30) nor more than one hundred-twenty (120) days after the demand for arbitration is filed with the dispute resolution entity.

The arbitrators shall conduct the hearing and shall hear evidence as to the facts and arguments as to the interpretation and application of contractual provisions. After the hearing, the arbitrators shall issue in writing: (1) findings of fact, (2) a decision in which the arbitrators interpret the contract and law and apply it to the facts found and (3) an award. The arbitrators' findings of fact shall be final and conclusive, and their decision and award shall be final and binding, subject, in both cases, to vacation, rehearing or confirmation pursuant to the procedures set forth in section twelve of chapter two-hundred and fifty-one and under the standards set forth in section fourteen of chapter thirty a of the general laws. Interest on any award shall begin to accrue sixty days after an initial notice is filed under subparagraph (a) above.

Section 39T. The Commissioner of Administration shall prepare annually a report concerning the construction contract claims submitted to public entities during the preceding twelve months, in such form as the commissioner shall prescribe. The report shall contain, at a minimum, the following information: the number of claims submitted; the names of all parties to each such claim; a brief description of each claim; the date of submission and of disposition of each claim; its disposition, whether by settlement, withdrawal, default, written agency decision, non-binding arbitration pursuant to an agency plan approved pursuant to section thirty-nine R of this chapter, or binding arbitration pursuant to section thirty-nine S thereof; and the number of claims currently pending. The original of the report shall be submitted by the Commissioner of Administration to the Clerks of the House and Senate by January fifteenth and a copy shall be filed with the state librarian and shall be a public document. The fourth annual report so filed and each report thereafter shall set forth recommendations concerning the implementation of the alternative dispute resolution program established by section thirty-nine Q of this chapter, including a recommendation whether to eliminate the option available to each public entity to adopt its own such program under section thirty-nine R thereof.

Section 2. Said Chapter thirty is hereby further amended by redesignating "section thirty-nine R" appearing in the 1994 official edition, as "section thirty-nine U".

Section 3. Said Chapter thirty is hereby further amended by adding after section thirty-nine U the following new section:

Section 39V. The alternate dispute resolution procedures in sections 39Q, R and S shall apply only to claims by persons, firms or corporations that have direct contracts with a public entity as defined in the preceding sections.

Section 4. The provisions of this Act, being remedial in nature, shall apply to all contracts executed after its effective date and may be voluntarily applied with the consent of all parties to contracts in existence as of the effective date of this Act.

Section 5. The provisions of section four of this Act are severable from its other provisions.

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 6010-0001 by inserting at the end the following:- “; provided further, that \$40,000 shall be expended to the Town of Orange for flood remediation activities on Eagleville Road”.
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 6010-0001 by inserting at the end the following:- “; provided further, that \$13,000 shall be expended to the town of Royalston for costs associated with the breach of a beaver dam that caused the collapse of said Route 68”.
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 6010-0001, by inserting after the word “Woburn”:- “; provided further, to provide for transportation improvements, to include road, pedestrian and infrastructure projects; provided, that \$336,000 shall be expended for the Bolivar Street project in the town of Canton”.
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 6010-0001, by adding the following:- “Provided that not less than \$45,000 be expended for improvements to the sidewalk on North Main Street in Sherborn to meet the standards of the Americans with Disabilities Act”; and in said item by striking out the figures “\$17,498,815” and inserting in place thereof the figures “\$17,543,815”.
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 6010-0001, by inserting after the words “in Woburn ” the following words: - “provided further, that not less than \$900,000 shall be made available for repair of culverts in the town of Walpole ”.
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item 6010-0001, by inserting after the words “in Woburn” the following words: - “provided further, that not less than \$100,000 shall be made available for the completion of the design and engineering as well as the development of needed improvements of the intersection of Copeland Drive and Chauncey Street in the town of Mansfield”.
The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 2, in item in item 6010-0001, by inserting after the words “in Woburn ” the following words: - “provided further, that not less than \$1,500,000 shall be made available for the reconstruction of the Plympton street bridge in the town of Walpole ”.
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 6010-0001 by inserting after the words “street bridge in Woburn” the following:- “provided further, that not less than \$250,000 shall be expended for the planning, design and construction of sidewalks along Route 22 in the town of Wenham;”; and by striking the figure “\$17,498,815” and inserting in place thereof the following figure:- “\$17,748,815”.
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 6010-0001 by inserting after the words “street bridge in Woburn” the following:- “provided further, that not less than \$250,000 shall be expended for the planning, design and construction of sidewalks along River Street in the town of Middleton;”; and by striking the figure “\$17,498,815” and inserting in place thereof the following figure:- “\$17,748,815”.
The amendment was *rejected*.

Ms. Chandler moved that the bill be amended in section 2, in item 6010-0001, by inserting after the words “ Boston street bridge in Woburn ” the following words: - “provided further that \$4,500,000 shall be made available for the reconstruction of the Vocational School bus route/ Route 9 corridor in the city of Worcester ”.
The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 6000-0100, by inserting at the end thereof the following:- “provided further that not less than \$918,000 shall be expended for the preliminary design of a bikeway and riding trail along the former Providence and Worcester Railroad right of way through Southbridge , Dudley and Webster”.
The amendment was *rejected*.

Mr. Havern and Ms. Fargo moved that the bill be amended in section 2, in item 6010-0001 by adding at the end thereof the following:- “provided further, that said department shall construct sound barriers in the town of Lexington shall be constructed from the off-ramp from Route 3 accessing Route 128 south and extending to the Grove Street Bridge; provided further, that funds shall be expended for the construction of sound barriers in the town of Chelmsford as follows: designated Area Number 21, Waterford Place in Chelmsford, designated Area 1, Ledgewood/Lido Land in Bedford, as defined by HMMH Report Number

298280 as prepared for said document".
The amendment was *rejected*.

Messrs. Havern, Morrissey and Tarr moved that the bill be amended in section 2, in item 6005-0015, by adding the following at the end thereof:- "; provided further, that not less than \$1,950,000 shall be expended to establish and maintain a hybrid electric mini-bus, para-transit pilot program" and in said item by striking out the figures "\$51,437,200" and inserting in place thereof the figures "\$53,387,200".
The amendment was *rejected*.

Mr. Havern moved that the bill be amended in section 2, in item 6010-0001 by adding at the end thereof the following: "provided that \$250,000 shall be expended for improvements to traffic flow in Billerica center" and in said item by striking out the figures "\$17,498,815" and inserting in place thereof the figures "\$17,748,815".
The amendment was *rejected*.

Mr. Brown and Ms. Creem moved that the bill be amended in section 2, in item 6010-0001, in line 14, by inserting after the word "department" the following words:- "provided further, that \$795,000 shall be expended for the renovation of the Rockland Street Bridge in the Town of Wellesley;".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 6010-0001, in line nine, by inserting after the word "program" the following words:- "provided further, that \$350,000 shall be expended for the study and design of the intersection of Warren, Harris and Dedham Avenues in the town of Needham;".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 6010-0001, in line nine, by inserting after the word "program" the following words:- "provided further, that \$2,400,000 shall be expended for improvements on Chestnut Street in the town of Needham;".
The amendment was *rejected*.

Mr. Havern moved that the bill be amended in section 2, by inserting after item 8000-0619 the following item:
"8000-0620
For the establishment, equipment and training of a K-9 team for the Police Department in the Town of Arlington\$40,000".
The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 7007-0900 by inserting at the end thereof, the following:- "provided further, that \$100,000 shall be expended for a public safety program in the town of Dudley ;".
The amendment was *rejected*.

Messrs. Tarr and Baddour moved that the bill be amended in section 2, in item 8000-0010 by inserting after the words "fiscal year 2003" the following:- "provided further, that not less than \$170,000 shall be expended for the purchase of new communications equipment for the police department in the town of North Andover;"; and by striking the figure "\$21,271,035" and inserting in place thereof the following figure:- "\$21,441,035".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8324-0000, by adding the following words:- "Not less than \$65,000 shall be expended for forest fire control equipment in Millis"; and in said item by striking out the figures "\$10,927,047" and inserting in place thereof the figures "\$10,992,047".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8324-0000, by adding the following:-
"Not less than \$40,000 shall be expended for an air bottle compressor for the Millis Fire Department"; and in said item by striking out the figures "\$10,927,047" and inserting in place thereof the figures "\$10,967,047".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8324-0000, the following item: -
"8234-1020
For the replacement of the emergency generator at Fire Headquarters Station in the town of North Attleboro\$20,000".
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8900-0001, in line 7, by inserting after “town of Lancaster” the following words:- “provided further, that not less than \$200,000 shall be expended for the Community that host the Bay State Correctional Center”; and in said item by striking out the figures “\$451,497,512” and inserting in place thereof the figures “\$451,697,512”.

The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended in section 2, in item 8000-0010, by inserting after the words “non-related overtime”, the following words:- “provided further that not less than \$30,000 shall be expended for community policing activities in the Town of Lanesboro ”

The amendment was *rejected*.

Messrs. Buoniconti, Lees, Knapik and Brewer moved that the bill be amended by inserting the following outside section:-

“In accordance with the measures originally authorized in Chapter 12 of the Acts of 1996, not less than \$6,000,000 shall be expended, through DCAMM, for the construction of the 56 cell ‘alternate unit’ of the Hampden County Women’s Correctional Facility in the City of Chicopee”.

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2, in item 8700-0001, by inserting after the words “military pay grades;” the following:- “provided further, that \$460,802 shall be expended for reimbursements to the city of Malden for the costs associated with soil contamination found throughout property once owned and conveyed by the commonwealth to the city of Malden;”.

The amendment was *rejected*.

Messrs. Brewer, Barrios, Knapik, Timilty, Tarr, and Bouniconti moved that the bill be amended in section 2, by inserting after item 8000-0040 the following item:-

8000-0050

For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety, provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further that no grant shall be awarded to the department of fire services; provided further that not later than February 1, 2007 , the executive office of public safety shall submit a report to the house and senate committees on ways and means and to the secretary for administration and finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipality will provide the executive office of public safety with a comprehensive list of the best-practices that have been instituted as a result of these grants
.....\$10,000,000

The amendment was *rejected*.

Messrs. Brown, Lees, Hedlund, Knapik, Tisei and Timilty moved that the bill be amended by adding the following new section at the end thereof:-

SECTION _____. Paragraph (b) of subsection (2) of section 178K of chapter 6 of the General Laws, as most recently amended by section 20 of chapter 77 of the Acts of 2003, is hereby further amended by inserting the in the fourth paragraph after the words “dangerousness posed to the public” the following words:- “, however if the offender is convicted for a crime against a minor the offender shall receive a mandatory minimum of a level three classification”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting at the end the following section:-

“Section 178F of chapter 6 of the general laws is hereby amended in line 9 by striking the number ‘90’ and inserting in place thereof the following:- ‘30’.

The amendment was *rejected*.

Messrs. Rosenberg, Brewer, Knapik, Lees, and Nuciforo move that the bill be amended in section 2, in item 8910-0110 by inserting after the word "Northampton" the following words:- "and provided further, the \$460,000 shall be spent for the operation of the regional lockup facility in Hampshire county"; and by striking the figure \$12,024,589" and inserting in place thereof the following figure:- "\$12,484,589".

The amendment was *rejected*.

Messrs. Rosenberg, Brewer, and Nuciforo move that the bill be amended in section 2, in item 8910-0108 by striking out the figure "\$8,264,541" and inserting in place thereof the following figure "\$8,644,500".

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 8000-0202 by striking out the figure "\$80,000" and inserting in place thereof the following figure:- "\$110,000".

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended in section 2, in item 8324-0000 by inserting after the words, "Norfolk County dispatch center" the following:- "; provided further that no less than \$250,000 shall be expended for a Communications Console at Police Department in Braintree".

The amendment was *rejected*.

Messrs. Knapik, Tarr, Lees, Tisei, and Buoniconti moved that the bill be amended in section 2, in item 8315-1000 by inserting after the words "control of a building or domicile in which an elevator is operated;" the following:- "provided further, that not less than \$3,000,000 be provided to the Commonwealth Corporation Economic Stabilization Trust for the purposes of providing low interest financial assistance to said owners or building operators in complying with the provisions of Section 8 of Chapter 45 of the Acts of 2006,"; and by striking out the figure "\$5,123,696" and inserting in place thereof the figure "\$8,123,696".

The amendment was *rejected*.

Messrs. Moore and Timilty moved that the bill be amended in section 2, in item 0321-1600, by striking the figure, "\$9,470,424 and replacing therein the following new figure:- "\$12, 066,799".

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 0330-0410, by striking the wording "; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol;" and inserting in place thereof the following wording:- "; provided further that not less than \$113,000 shall be expended for Quabbin Mediation in Athol;".

The amendment was *rejected*.

Messrs. Lees, Knapik and Buoniconti moved that the bill be amended in section 2, in item 0340-0500 by striking out the figure "\$7,086,499" and inserting in place thereof the following figure:- "\$7,297,786".

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown and Timilty moved that the bill be amended by inserting, after Section_____, the following new Sections:-

"SECTION _____. Subsection (a) of section 15A of chapter 265 of the General Laws, as appearing in the 2004 Official Edition is hereby amended by striking out the word "ten", in line 3, and inserting in place thereof the following figure:- 15; by striking out the word "one", in line 4, and inserting in place thereof the following word:- two; by striking out the words "two and one-half", in line 5, and inserting in place thereof the following word:- five; and by striking out the word "two", in line 9, and inserting in place thereof the following word:- five.

SECTION _____. Subsection (a) of section 15B of said chapter 265 is hereby amended by striking out the word "five", in line 3, and inserting in place thereof the following word:- ten; by striking out the word "one", in line 4, and inserting in place thereof the following word:- two; by striking out the words "two and one-half", in line 5, and inserting in place thereof the following word:- five; and by striking out the words "one year", in lines 9-10, and inserting in place thereof the following words:- "five years".

SECTION _____. Subsection (a) of section 18 of said chapter 265 is hereby amended by striking out the word "twenty", in line 3, and inserting in place thereof the following figure:- 25; and by striking out the word "two", in line 10, and inserting in place thereof the following word:- five.

SECTION _____. Subsection (a) of section 19 of said chapter 265 is hereby amended by striking out the words "not less than two years", in lines 8-9, and inserting in place thereof the following word:- life; by striking out the word "two", the second time it appears in line 9, and inserting in place thereof the following word:- ten; and by striking out the word "two", in line 12, and inserting in place thereof the following word:- ten".

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after Section _____, the following new Section:-

“SECTION _____. Section 1A of chapter 188 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the word ‘sixty-two’, in line 2, and inserting in place thereof the following figure:- ‘55’.
The amendment was *rejected*.

Ms. Chandler moved that the bill be amended in section 2, in item 0333-0002 by striking the words “, and the Worcester probate court family services clinic” and inserting in place thereof the following words:- “;provided further, that \$213,046 be provided for the Worcester probate court family services clinic”.
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2, in item 0339-1003, by striking out the figure “\$5,706,757” and inserting in place thereof the following figure:-“\$5,862,043”.
The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 0333-0002 be amended by adding:- “and provided that not less than \$2,607,285 shall be expended for the Hampden Division of the Probate and Family Court”.
The amendment was *rejected*.

Messrs. Creedon and Timilty moved that the bill be amended in section 2, in item 0330-3200 by striking out the figure “\$55,839,031” and inserting in place thereof the following figure:- “58,486,002”.
The amendment was *rejected*.

Messrs. Creedon and Timilty moved that the bill be amended in section 2, by inserting after line item 0332-0100 the following new line item:

0332-0101

For one additional clerk magistrate for each region of the District Court to assist with the increase in cases as a result of primary seat belt enforcement.....\$546,240

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended in section 2, in item 0330-0300, by inserting after the words “torch of the Bristol county superior court”, the following:- “; provided further, that not less than \$138,000 shall be expended on a pilot program utilizing non-ionizing energy and non-chemical sterilent, high-intensity decontamination technology to protect court facilities and employees from potential biohazards delivered through the mail,” and by striking out the figures “\$131,912,460” and inserting in place thereof the figures “\$132,050,460”.
The amendment was *rejected*.

Mr. Creedon moved that the bill be amended in section 2, in item 0331-0100 by striking the figure “\$22,520,733” and inserting in place thereof the following figure: - \$22,657,293 and by inserting at the end thereof the following new section:

SECTION _____. Section 5 of Chapter 221 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in line 14 by deleting “ Plymouth , 6 assistant clerks” and inserting in place thereof “ Plymouth , 8 assistant clerks”.
The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting at the end the following new section:-

“SECTION _____. Section 6A of Chapter 201 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding, after subsection (h) the following new subsection:

(i) A petition pursuant to subsection (a) above may be filed, and the court may rule on such petition, not more than 90 days prior to the eighteenth birthday of the individual who is the subject of the petition, provided that any guardianship so established shall not take effect prior to that birthday”.
The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended by inserting, after Section 105, the following new Section:-

“Section XX. Subsection (2)(g) of section 3 of chapter 32 of the General Laws is hereby amended by inserting after the words “employees of the trial court of the commonwealth who hold the position of” the following words:- “clerk-magistrate, assistant clerk-magistrate, clerk of court, assistant clerk of court, register of probate,”.
The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in section 2, by inserting after line item 0337-0002 by inserting following line item:-

0337-0003

For expenses associated with the expansion of the juvenile court, shall be expended for lease costs, furnishings and equipment for a juvenile court facility to be located within the jurisdictional area of the Quincy District Court.....\$1,055,000.

The amendment was *rejected*.

Messrs. Morrissey, Barrios, Hedlund and Joyce moved that the bill be amended in section 2, in item 0330-0410 by striking out the figure “\$62,811” and inserting in place thereof the following new figure:- “75,000”; and in section 2, in item 0330-0410 by striking out the figure “\$943,189” and inserting in place thereof the following new figure:- “\$955,378”.
The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding the following sections:-

SECTION _____. Section 32H of chapter 94C, as so appearing, is hereby amended by striking out, in line 13, the word “parole,” and is hereby further amended by inserting at the end of said section the following paragraph:-

Notwithstanding any general or special law to the contrary, a person convicted of violating any provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General, who is serving a sentence where two-thirds of the maximum term of imprisonment imposed is less than the mandatory minimum sentence required under that section shall be eligible for parole after serving two-thirds of the maximum term of imprisonment imposed.

SECTION _____. Notwithstanding the provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General Laws, or any other general or special law to the contrary, persons serving mandatory minimum sentences for violations of the above referenced sections as of July 1, 2006 shall be eligible for parole after serving two-thirds of their maximum sentence.

SECTION _____. Chapter 279 of the General Laws, as so appearing, is hereby amended by inserting after section 27 the following section following section:—

Section 28. For all sentences to incarceration for a period of twelve months or more which are imposed in accordance with the sentencing guidelines as established in this chapter, there shall be imposed a period of post-incarceration supervision. The period of post-incarceration supervision shall be imposed as follows: a period of six months for a sentence with a maximum term greater than or equal to 12 months but less than 30 months; a period of 12 months for a sentence with a maximum term greater than or equal to 30 months but less than 60 months; and a period of 24 months for a sentence with a maximum term greater than 60 months. The total term of incarceration for the offense plus any additional commitment for a violation of a condition of post-incarceration supervision that does not otherwise constitute a new offense, shall not be greater than the maximum term fixed by statute for the governing offense. During the period of post-incarceration supervision, the prisoner shall be subject to the supervision of the Parole Board under such terms and conditions as established by the Board.

The post-incarceration supervision period shall be deemed completed if the prisoner completes the sentence to incarceration while on parole, if the prisoner is granted a certificate of termination of sentence pursuant to G.L. c. 127, § 130A, if the prisoner is subject upon release from custody to lifetime parole pursuant to section 133C of chapter 127, or if upon completion of the sentence the prisoner is immediately committed to a sentence of incarceration, to the custody of any other state or federal authority, or to the custody of immigration authorities. The post-incarceration supervision shall be stayed for any period the prisoner is in custody pursuant to any order of custody under chapter 123A. The post-incarceration supervision period shall be deemed completed upon commitment pursuant to section 14 of chapter 123A. In all other circumstances, the period of post-incarceration supervision shall commence upon discharge from the sentence.

During the period of post-incarceration supervision, the prisoner shall be subject to the jurisdiction of the parole board in accordance with section 130 of chapter 127. The prisoner may be supervised in another jurisdiction in accordance with sections 151A through 151L of chapter 127 and shall be considered on parole for the purposes of such supervision. By a majority vote of a panel of the parole board after a hearing and for good cause, the parole board may terminate the period of post-incarceration supervision at any time before completion.

An individual who violates a condition of post-incarceration supervision shall be subject to the provisions of section 149 of chapter 127. Upon a first violation, the prisoner may be incarcerated for a period no greater than two months or the maximum remaining period of post-incarceration supervision, whichever is less, if such violation does not otherwise constitute a criminal offense. Upon a second violation, the prisoner may be incarcerated for a period no greater than six months or the maximum remaining period of post-incarceration supervision, whichever is less, if such violation does not otherwise constitute a criminal offense. Upon a third or subsequent violation the prisoner, may be incarcerated for a period no greater than twelve months or the maximum remaining period of post-incarceration supervision, whichever is less, if such violation does not otherwise constitute a criminal offense. If such violation otherwise constitutes a criminal offense, said period of incarceration shall be served on and after

any sentence received for commission of the new offense. In the event that the prisoner has been convicted of more than one offense, post-incarceration supervision may be imposed if the maximum sentence on all offenses has not been served.

Notwithstanding Section 23 of Chapter 279, where the defendant is sentenced to the house of correction, the total term of incarceration for any offense plus any additional commitment for violation of a condition or conditions of post-incarceration supervision pursuant to section 17 of chapter 211G shall not exceed the longest term fixed by law for the punishment of the crime of which the prisoner has been convicted or if the defendant is serving a sentence after being convicted of only one offense, two and one half years, whichever is less.

SECTION _____. Section 25 of chapter 279, as so appearing, is hereby amended by inserting after the word "sentenced" in line 8 the following words:— in addition to two years of post-release supervision to be served when the habitual offender is released from prison, notwithstanding that the combined total of years of the term of imprisonment and the post-release supervision exceeds the maximum term fixed by law. During the period of post-release supervision, the offender shall be under the jurisdiction and supervised by the parole board pursuant to the provisions of sections 128 through 151 of chapter 127.

SECTION _____. Section 130 of chapter 127 of the General Laws, as so appearing is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences:— No prisoner shall be granted a parole permit merely as a reward for good conduct but only if the parole board is of the opinion that there is a reasonable probability that, if such prisoner is released, in light of appropriate conditions and community supervision, he will live and remain at liberty without violating the law and that his release is compatible with the welfare of society. In making this determination, the board shall consider whether, during the period of incarceration, the prisoner has participated in available work opportunities and education or treatment programs, and demonstrated good behavior. The board shall also consider whether risk reduction programs made available through collaboration with criminal justice agencies would minimize the probability of the prisoner re-offending once released. The amendment was *rejected*.

Ms. Creem and Messrs. O'Leary, Timilty and Tisei moved that the bill be amended by adding the following section:-

SECTION _____. Section 4C of Chapter 260 of the General Laws, as so appearing, shall be stricken in its entirety and inserted in place thereof the following:

Section 4C. Actions for assault and battery alleging the defendant sexually abused a minor may be commenced at any time after the acts alleged to have caused an injury or condition. Actions for negligence alleging that the defendant negligently supervised a third person who sexually abused a minor, or that the defendant's conduct caused or contributed to the sexual abuse of a minor by a third person, may be commenced at any time after the acts alleged to have caused an injury or condition.

For purposes of this section, "sexual abuse" shall mean the commission of any act against a minor as set forth in section 13 B, 13F, 13H, 13L, 22, 22 A, 23, 24, or 24 B of chapter 265, or section 35A of chapter 272. The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding the following section:-

SECTION _____. Chapter 231 of the General Laws, as so appearing, is hereby amended by striking out section 85K, and inserting in place thereof the following new section:-

Section 85K. It shall not constitute a defense to any cause of action based on tort brought against a corporation, trustees of a trust, or members of an association that said corporation, trust, or association is or at the time the cause of action arose was a charity; provided, that if the tort was committed in the course of any activity carried on to accomplish directly the charitable purpose of such corporation, trust, or association, liability in any such cause of action shall not exceed the sum of twenty thousand dollars exclusive of interest and costs. Notwithstanding any other provision of this section, a charitable corporation, trust, or association shall be considered to have conclusively waived any limitation of liability for any tort to the extent that such charitable corporation, trust or association has insurance covering the liability for such charitable organization for any tort. The amount of damages in any such case shall not exceed the aggregate of twenty thousand dollars plus the limits of coverage available under any insurance policy, and the courts shall abate any verdict in any such action to the extent that it exceeds such aggregate amount.

Notwithstanding any limitations existing under Massachusetts law, the liability of charitable corporations, trustees of charitable trust, or members of charitable associations shall be unlimited and not be subject to the limitations set forth in this section or any provision under Massachusetts law if the tort was committed 1) in the course of activities primarily commercial in character even though carried on to obtain revenue to be used for charitable purposes, or 2) in the course of criminal conduct or in the course of activities designed, intended, or which had the effect, to conceal criminal conduct.

The provisions of this section shall be effective immediately and shall be applicable to (a) all tortious conduct whether occurring prior or subsequent to the effective date of this section, and (b) all pending actions for which final judgment has not entered.

The amendment was *rejected*.

Messrs. McGee, Baddour and Tarr moved that the bill be amended in section 2, in item 0340-0300 by striking the figure “\$7,738,780” and insert in place thereof the following:- “\$8,181,987”.
The amendment was *rejected*.

As previously stated, the above amendments were considered as one, and were *rejected*.

Mr. Antonioni moved that the bill be amended by inserting the following section:-

“SECTION XX. The Johnny Appleseed Park located at the intersection of Dickinson Street and Rifle Street in the City of Springfield shall be renamed the Brian P. Lees – Johnny Appleseed Park; provided further, that erected in said park shall be a plaque reading, “The Brian P. Lees – Johnny Appleseed Park named in honor of two great sons of the Commonwealth dedicated to improving the lives of their fellow citizens by planting apple trees at no cost to the taxpayer”..

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at a half past seven o'clock P.M., on motion of Mr. Antonioni, as follows, to wit (yeas 37 - nays 0) [**Yeas and Nays No. 271**]:

YEAS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Wilkerson, Dianne — 37.
Menard, Joan M.	
NAYS — 0.	
ABSENT OR NOT VOTING.	
Brown, Scott P.	Walsh, Marian — 2.
ANSWERED “PRESENT”.	

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

Ms. Spilka and Mr. Tarr moved that the bill be amended by adding at the end thereof the following new section:

“SECTION ____ . Section 6 of Chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after subsection (k) the following subsection:

(l) There is hereby established a credit for the amount expended by an individual for tolls paid through a Fast Lane account, not including amounts reimbursed by an employer or otherwise. In the case of a single person or a married person filing a separate return or a head of household, the credit shall be 33 per cent of the amount expended in excess of \$225, not to exceed a total credit of \$300. In the case of a married couple filing a joint return, the credit shall be 33 per cent of the amount expended in excess of \$225 by each individual, not to exceed a total credit of \$300 for each individual. The commissioner of revenue shall adopt regulations necessary for the implementation of this section”.

The amendment was rejected.

Mr. Lees moved that the bill be amended, after Section ____, by inserting at the end thereof the following new sections:-

“SECTION ____ . Subsection (a) of section 3 of chapter 62 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out subdivision (13) in its entirety and inserting in place thereof the following subdivision:—

(13) An amount equal to the amount of the charitable contribution deduction allowed or allowable to the taxpayer under section 170 of the Code; provided, however, that, in taxable years beginning on or after January 1, 2004 , no such deduction shall be allowed in any taxable year unless the personal exemptions provided in subparagraph (A) of subdivision (1) of subsection (b) of this section, subparagraph (A) of subdivision (1A) of subsection (b) of this section, and subparagraph (A) of subdivision (2) of subsection (b) of this section for such taxable year are the maximum allowable amounts set forth in said subparagraphs; and provided further, that notwithstanding said section 170 of the Code, no deduction shall be allowed for contributions of household goods or used clothing, as those items are recognized under said section 170 of the Code. All requirements, conditions and limitations applicable to charitable contributions under the Code shall apply for purposes of determining the amount of the deduction under this subparagraph, except that taxpayers shall not be required to itemize their deductions in their federal income tax returns.

Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue.

SECTION ____ . Section 4 of said chapter, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following paragraph:—

(b) Part B taxable income shall be taxed at the rate of 5.15 per cent for taxable years beginning on or after January 1, 2007 but before January 1, 2008 .

Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue.

SECTION ____ . Section 4 of said chapter, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following paragraph:—

(b) Part B taxable income shall be taxed at the rate of 5.0 per cent for taxable years beginning on or after January 1, 2008 .

Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of their impact on the state's economy and the revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the joint committee on revenue”.

Mr. Havern in the Chair, after remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at eighteen minutes before eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 7 - nays 31) [Yeas and Nays No. 272]:

YEAS.	
Baddour, Steven A.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. —7.

Lees, Brian P.	
NAYS.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 27.
Menard, Joan M.	
ABSENT OR NOT VOTING.	
Brown, Scott P. — 1.	

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

Ms. Jehlen and Mr. Barrios moved that the bill amended in section 2, in item 2820-0100 by striking out the figure \$24,349,586" and inserting in place thereof the figure "\$25,349,586" and by inserting after the word "Somerville;" the following:- "provided further that \$1,000,000 shall be expended for the improvement of Veterans Memorial Rinkvin the city of Somerville". The amendment was *rejected*.

Ms. Resor, Ms. Creem, Messrs. Brewer, Tarr and Creedon, Ms. Spilka, Ms. Jehlen, and Mr. Timilty moved that the bill be amended by inserting, after section 100, the following new Section:-

"SECTION 100A. Notwithstanding any general or special law to the contrary, amounts expended from the Natural Heritage and Endangered Species Fund, established by section 35D of chapter 10 of the General Laws, shall be exempt from indirect cost charges pursuant to chapter 29 of the General Laws".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at eleven minutes before eight o'clock P.M., on motion of Ms. Resor, as follows, to wit (yeas 17 - nays 22) [**Yeas and Nays No. 273**]:

YEAS.	
Augustus, Edward M., Jr.	Pacheco, Marc R.

Barrios, Jarrett T.	Resor, Pamela
Brewer, Stephen M.	Rosenberg, Stanley C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Tisei, Richard R.
Morrissey, Michael W.	Tucker, Susan C. — 17.
O’Leary, Robert A.	
NAYS.	
Antonioni, Robert A.	Lees, Brian P.
Baddour, Steven A.	McGee, Thomas M.
Berry, Frederick E.	Menard, Joan M.
Brown, Scott P.	Montigny, Mark C.
Buoniconti, Stephen J.	Moore, Richard T.
Chandler, Harriette L.	Murray, Therese
Fargo, Susan C.	Nuciforo, Andrea F., Jr.
Hart, John A., Jr.	Panagiotakos, Steven C.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 22.

The yeas and nays having been completed at six minutes before eight o’clock P.M. , the amendment was *rejected*.

Ms. Resor, Ms. Fargo and Ms. Tucker, Ms. Chandler, Mr. Antonioni, Mr. Moore, Mr. Creedon, Mr. Brewer, Ms. Spilka, Ms. Jehlen, and Mr. Timilty moved that the bill amended in section 2, in item 2810-0100 by striking out the figure “\$20,485,304” and inserting in place thereof the following figure:- “\$22,527,890”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 2820-0100 by inserting, after the words “DCR Lynn Shore drive facility” the following:- “provided further, that \$100,000 shall be expended for improvements to the William A. Meaney Playground in Dorchester;”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 2810-0100 after the words “Schooner Ernestina commission” the following: -“provided further, that no less than \$500,000 shall be expended for a public safety grant on Morrissey Boulevard in Dorchester;”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended by inserting, after Section ___, the following new Section: -

“SECTION ___. Section1. Notwithstanding sections 40F and 40F 1/2 of Chapter 7 of the General Laws or any other general or special law or rule or regulation to the contrary, the board of trustees of the University of Massachusetts, or any officer designated by the board, for itself and of behalf of the Commonwealth of Massachusetts, may convey to the United States of America acting by and through the National Archives and Records Administration, with conditions, a certain parcel of vacant land

in the City of Boston

A certain parcel of land situated in the City of Boston, County of Suffolk, Commonwealth of Massachusetts, as shown as Parcel B-3 on a plan entitled, "Plan of Land, Boston, Massachusetts, Prepared for: The Commonwealth of Massachusetts", prepared by Judith Nitsch Engineering, Inc., dated April 20, 2006, and being more particularly described as follows:

Beginning at a point at the most northeasterly portion of said herein described parcel at land of the United States of America, thence running S21°-27'-34"W, by land of the United States of America, a distance of 394.31 feet to a point;

Thence N50°-07'-44"W, by Parcel B-2 as shown on said plan, a distance of 246.60 feet to a point at remaining lands of the Commonwealth of Massachusetts;

Thence N39°-51'-39"E, by said remaining lands, a distance of 333.47 feet to a point;

Thence S68°-32'-24"E, a distance of 128.71 feet to the point of beginning;

Containing 66,495 square feet of land, more or less, and being subject to easements and restrictions of record, so long as the same do not materially interfere with the use of said land by the United States of America acting by and through the National Records and Archives Administration.

For grantor's Title see Deed recorded in Book 8343 Page 694 at the Suffolk County Registry of Deeds.

Section 2. The consideration for the conveyance authorized by this act shall be the full and fair market value of the property based upon an independent professional appraisal. The inspector general shall review the appraisal. The inspector general shall prepare a report of his review of the methodology used for the appraisal and file the report with the house and senate committees on ways and means and the chairmen of the joint committee on state administration in accordance with this act. The university shall, 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Nothing in this act shall prevent a submission of an appraisal conducted in the 2 years before the effective date of this act from being submitted to the inspector general for his review and comment.

The inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. The university shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 15 days before execution.

Section 3. The proceeds of the conveyance shall be deposited in a trust fund established by the board of trustees of the University of Massachusetts and may be used for endowment purposes and managed as such. The proceeds shall be used to benefit university programs of study, including but not limited to the establishment of academic chairs and research programs.

Section 4. The United States of America acting by and through the National Archives and Records Administration shall pay for all costs of the appraisal, survey and deed preparation for the conveyance of the property authorized by this act.

Section 5. The property described in section 1 shall be utilized by the United States of America acting by and through the National Archives and Records Administration in connection with an addition to the John F. Kennedy Library".
The amendment was *rejected*.

Mr. Creedon moved that the bill amended in section 2, in item 2800-0100 by adding the following :- ; provided further that \$1,200,000 be expended for repairs to the Manning pool in the City of Brockton; and by deleting the figure "\$5,968,515" and inserting in place thereof the following figure:- \$7,168,515.

The amendment was *rejected*.

Ms. Resor, Ms. Fargo and Mr. Hedlund moved that the bill be amended in section 2, in item 2511-0100 by inserting at the end thereof the following:- "; provided, further that \$150,000 shall be expended for an electronic pesticide license and product registration system for the licensing and registration required under Chapter 132B, provided further, that said system shall be integrated with the existing SPORT electronic licensing system operated by the Department of Fish and Game"; and by striking out the figure "4,332,692" and inserting in place thereof the following:- "4,482,692".

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 2, in item 2810-2000, by inserting after the word "employees" "; provided further, that \$1,436,000 shall be extended to the Towns of Braintree, Canton, Milton, and Randolph for emergency municipal funding, including but not limited to fire and police protection, fire prevention and fire fighting in the Blue Hills reservation. Said funding shall be distributed in accordance with total Blue Hills reservation land mass in said towns"; and in section 2, in item 2810-2000, by striking out the figure "\$5,567,735" and inserting in place thereof "\$7,003,735".

The amendment was *rejected*.

Messrs. Brewer, Moore, Creedon, O'Leary, Nuciforo, Joyce, Ms. Resor, Mr. Tucker, and Ms. Fargo moved that the bill amended by inserting, after Section 104, the following new section:-

"SECTION . Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(m)(1) As used in this subsection the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Bargain sale," the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

"Certified land" or "certified lands," an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of

environmental affairs shall ensure that all certified lands are protected in perpetuity.

"Interest in real property," any right in real property in the Commonwealth of Massachusetts, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

"Public or private conservation agency," the commonwealth of Massachusetts, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth of Massachusetts, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

"Qualified donation," a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

"Taxpayer," a taxpayer subject to the income tax under this chapter.

(2) A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. . The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed fifty thousand dollars.

(3) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in this section, the taxpayer shall, at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by the department, the taxpayer shall submit the appraisal itself.

(4) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent taxable years.

(5)(i) The secretary of the executive office of environmental affairs shall promulgate regulations that define land eligible for certification under this section and under section 38U of chapter 63. Regulations shall be promulgated within 180 days of passage of this section.

(ii) The secretary of the executive office of environmental affairs, within five years of passage of this section, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, describing the certified lands conserved as a result of this section and section 38U of chapter 63.

(iii) The commissioner, in consultation with the secretary of the executive office of environmental affairs, shall promulgate regulations to administer this section and section 38U of chapter 63. Such regulations shall include provisions to prevent the generation of multiple credits with respect to the same property. Regulations shall be promulgated within 180 days of passage of this section.

(iv) The commissioner, within five years of passage of this section, shall prepare a report to the joint committee on revenue and the joint committee on environment, natural resources and agriculture, calculating the annual tax savings to individuals and corporations under this section and under section 38U of chapter 63.

(v) There shall be a commission to study the transferability of tax credits under this section and under section 38U of chapter 63. The commission shall be composed of 9 persons, including the commissioner of the department of agricultural resources, or his designee, who shall serve as chairman; the commissioner of the department of revenue, or his designee; two members of the house of representatives, to be appointed by the speaker of the house of representatives; two members of the senate, to be appointed by the senate president; a representative of the American Farmland Trust; a representative of the Massachusetts Audubon Society; and a representative of the Massachusetts Chapter of The Nature Conservancy. The commission shall examine all aspects of transferability, including but not limited to: the status of its application in other states, potential fiscal impacts, and potential conservation benefits. The commission shall file a report of its findings and recommendations, including any legislative recommendations, with the joint committee on revenue and joint committee on environment, natural resources and agriculture on or before January 1, 2007 .

(6)(i) All or any tax credits issued in accordance with this section shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2007 and consecutive taxable years thereafter.

(ii) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer's federal income tax return for the same qualified donations of certified lands.

(iii) Any taxpayer claiming a tax credit under this section may not claim an additional state income tax credit or deduction during any one tax year for the donation of the same interest in certified lands.

(iv) All or any tax credits issued in accordance with this section that result from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership limited partnership, limited liability partnership, limited liability company, subchapter S corporation, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

(v) All or any tax credits issued in accordance with this section that result from the qualified donations of certified land by a married couple shall be used only if the spouses file a joint return, if both spouses are required to file Massachusetts income tax returns. If only one spouse is required to file a Massachusetts income tax return, that spouse may claim the credit allowed under this section on a separate return.

Chapter 63 of the General Laws is hereby amended by adding the following section:-

Section 38U. (1) As used in this subsection the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Bargain sale," the sale of an interest in real property by a taxpayer at a cost below appraised market value, when a portion of the value of the interest in real property is a qualified donation, as such terms are defined herein, and which meets the requirements of Section 1011(b) of the Internal Revenue Code of 1986, as amended.

"Certified land" or "certified lands," an interest in real property, as defined herein, the donation or bargain sale of which, as defined herein, has first been determined by the secretary of environmental affairs to be in the public interest for natural resource protection, including, but not limited to, drinking water supplies, wildlife habitat and biological diversity, agricultural and forestry production, recreational opportunities, archaeological and historical resources, or scenic and cultural values. The secretary of environmental affairs shall ensure that all certified lands are protected in perpetuity.

"Interest in real property," any right in real property in the Commonwealth of Massachusetts, with or without improvements thereon, or water, including, but not limited to, fee simple, life estate, restriction, easement, covenant, condition, partial interest, remainder, future interest, lease, license, mineral right, riparian right, or other interest or right in real property that may be conveyed concerning the power to transfer property.

"Public or private conservation agency," the commonwealth of Massachusetts, or any municipality, or private nonprofit corporation organized for the purposes of land conservation, which is authorized to do business in the commonwealth of Massachusetts, and which has tax-exempt status as a nonprofit charitable organization as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

"Qualified donation," a donation, or the donated portion of a bargain sale, made in perpetuity of a fee interest in real property or a less-than-fee interest in real property, including a conservation restriction, agricultural preservation restriction or watershed preservation restriction, pursuant to chapter 184 of the general laws, provided that such less-than-fee interest meets the requirements of Qualified Conservation Contributions under the Internal Revenue Code of 1986, Section 170(h).

"Taxpayer," a taxpayer subject to the income tax under this chapter.

(2) A taxpayer making a qualified donation of certified land to a public or private conservation agency shall be allowed a credit against the taxes imposed by this chapter. The credit shall be equal to 50 percent of the fair market value of the qualified donation. The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed fifty thousand dollars.

(3) The fair market value of certified land shall be substantiated by a Qualified Appraisal, as defined in United States Treasury Regulation Section 1.170A-13(c)(3), and shall be prepared by a Qualified Appraiser, as defined in United States Treasury Regulation Section 1.170A-13(c)(5). For any taxpayer to qualify for the credit provided for in this section, the taxpayer shall, at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, file with the department a summary of a Qualified Appraisal, or if requested by the department, the taxpayer shall submit the appraisal itself.

(4) In any one tax year the credit used may not exceed the amount of tax liability otherwise owed by the taxpayer. The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 10 subsequent taxable years.

(5)(i) All or any tax credits issued in accordance with this section shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2007 and consecutive taxable years thereafter.

(ii) All or any tax credits issued in accordance with this section may be in addition to any charitable deductions claimed on the taxpayer's federal income tax return for the same qualified donations of certified lands.

(iii) Any taxpayer claiming a tax credit under this section may not claim an additional excise tax credit or deduction during any one tax year for the donation of the same interest in certified lands.

(iv) All or any tax credits issued in accordance with this section that result from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, limited partnership, limited liability partnership, limited liability company, subchapter S corporation, or other fiduciary, shall be used either by such entity in the event it is the taxpayer on behalf of such entity or by the member, partner, shareholder, or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions, and tax liability passes through such entity to such member, partner, shareholder, or beneficiary. Such tax credits may not be claimed by both the entity and the member, partner, shareholder, or beneficiary, for the same conveyance.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item in item 6010-0001 by inserting after the words "Boston street bridge in Woburn" the following: - "provided further, that no more than \$400,000 shall be expended for installation, maintenance and repair of a wave attenuator system at the Massachusetts Highway Department Reserve Channel bridge in the South Boston section of the city of Boston".

After remarks, the amendment was **adopted**.

Messrs. Morrissey and Hedlund moved that the bill amended by inserting at the end thereof the following new sections:-

SECTION . Chapter 92 of the General Laws is hereby amended by inserting after section 120 the following new section:-

Section 121. (a) The commissioner of the division of capital asset management and maintenance is authorized, in consultation with the department of conservation and recreation and notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to enter into leases or other agreements for a term up to 10 years with existing nonprofit organizations located on public park land under the care and control of the department, the land associated with the following boating and yacht facilities: Union Boat Club, Boston; Cambridge Boat Club, Cambridge; Riverside Boat Club, Cambridge; Buckingham, Browne & Nichols Boat House, Cambridge; M.I.T. Boat House, Cambridge; Belmont Hill / Winsor Boat House, Cambridge; Tufts University, Medford; Harvard Sailing Pavilion, Cambridge; Boston University Sailing Pavilion, Boston; M.I.T. Sailing Pavilion, Cambridge; Puritan Canoe Club, Boston; Neponset Valley Yacht Club, Milton/Braintree; Wollaston Yacht Club, Quincy; Squantum Yacht Club, Quincy; South Shore Yacht Club, Weymouth; Charlesgate Yacht Club, Cambridge; Charles River Yacht Club, Cambridge; Newton Yacht Club, Newton; Columbia Yacht Club, Boston; South Boston Yacht Club, Boston; Riverside Yacht Club, Medford; Medford Boat Club, Medford; Mystic Wellington Yacht Club, Medford; Winterhill Yacht Club, Somerville; Watertown Yacht Club, Watertown; East Boston Yacht Club, Boston; Dorchester Yacht Club, Dorchester; Boston Harbor Yacht Club, Boston.

(b) Such leases and other agreements shall be on terms and conditions acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and shall require appropriate public access to public park land and outreach and stewardship by the lessees. The department of conservation and recreation shall consider the following criteria when negotiating lease fees with yachting and boating clubs: the club's service to the community, community outreach and public access; the actual revenue generated by the club, the number of years the club has been at that location, the size of the club's dues-paying membership, the nature and type of services the yacht club provides to its members, the capital improvements and maintenance on clubs located on the department's properties, future capital improvements or need for improvements to the structure, the historic nature of the structure and its use and the fees and taxes paid by the club to the municipality in which it is located.

(c) The lease shall be prepared in accordance with the generally accepted real estate principles in accordance with the criteria authorized in section (b). The inspector general shall review and approve said lease, and said review shall include an examination of the methodology utilized for said negotiations. Said commissioner shall, 30 days prior to the execution of any lease or other agreement authorized by this act, submit said lease to said inspector general. Said inspector general shall prepare a report of his review and approval of said lease and file said report with the commissioner, and copies of the same shall be filed with the house and senate committees on ways and means and with the chairmen of the joint committee on state administration at least 15 days prior to said execution. All funds received under the lease shall be deposited into the Urban Parks Trust Fund established pursuant to section 34 of Chapter 92 of the General Laws. The division, in consultation with the department, is authorized to grant 10 year extension to any lease or other agreement.

(d) The Department of Conservation and Recreation and the lessee shall be responsible for their own costs associated with any appraisal, survey, or other expense, unless otherwise specified in said lease or other agreement. After remarks, the amendment was *rejected*.

Messrs. Barrios, Tolman and Creedon, Ms. Creem and Mr. Timilty moved that the bill be amended in section 2, in item 2820-0100, by striking out the figures "\$24,349,586," and inserting in place thereof the figures "\$27,349,586". After remarks, the amendment was *rejected*.

Ms. Menard moved that the bill amended in section 2, in item 7007-0900 by inserting after the words "495/MetroWest Corridor Partnership" the following words:- "; provided further, that no less than \$100,000 shall be expended for Battleship Cove in Fall River in order to assist the Commonwealth's official World War II and 9/11 memorials educational and tourism endeavors". The amendment was **adopted**.

Messrs. Lees, Tisei, Tarr, Knapik and Brown moved that the bill be amended by inserting after section ____ the following section:-

"SECTION ____ Section 24 of Chapter 151A of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following paragraph:--

(a) Have been paid wages in the base period amounting to at least forty times the weekly benefit rate and have been paid wages in at least two calendar quarters in said base period; provided, further, that for the period beginning on January 1, 1995 , the individual has been paid wages of at least two thousand dollars during said base period; provided, further, that said amount shall increase annually proportionately, rounding to the nearest \$100, to any increase which have occurred during the prior calendar year in the minimum wage as set forth in section one of chapter one hundred and fifty-one".

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at a quarter past eight o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 6 - nays 33) [**Yeas and Nays No. 274**]:

YEAS.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. —6.
NAYS.	

Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 33.
Menard, Joan M.	

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

Ms. Spilka moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map;” the following words:- “provided further, that not less than \$250,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion, and coordination of trade and tourism activities in connection with the international ‘Running for the Human Race’ project;”

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 7061-9404, by inserting after the words “Astro Park Astronomy Facility at Barnstable High School;” the following words:- “provided further, that not less than \$60,000 shall be expended for the Resiliency for Life program at Framingham High School;”

The amendment was *rejected*.

Mr. Joyce moved that the bill amended in section 2, in item 7007-0900, by inserting after the word “map”: “; provided further, that not less then \$150,000 shall be expended for a master town plan for the town of Milton ”.

The amendment was *rejected*.

Mr. Joyce moved that the bill amended in section 2, in item 7035-0002, by inserting after the word “purpose”: “; provided further, that not less then \$100,000 shall be expended for the Randolph Community Partnership English Speakers of Other Language (ESOL) education and job training program”.

The amendment was *rejected*.

Messrs. Hart and Barrios moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map” the following: -“provided further, that no less then \$990,000 be expended to the Bostonian Society for emergency projects and repairs to the Old State House”

The amendment was *rejected*.

Mr. Baddour moved that the bill amended in section 2, in item 7007-0900 by inserting after the words “ village of Buzzards Bay ;” the following:- “provided further, that not less than \$100,000 be allocated to fund a Master Plan Study for the

City of Methuen ”

The amendment was *rejected*.

Messrs. Hart and Barrios moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “regions of the commonwealth” the following: “provided further, that \$75,000 shall be expended for the Massachusetts Advocates for the Arts, Sciences, and Humanities”

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 7004-0099, by inserting at the end thereof the following language:- “provided further, that not less than \$50,000 shall be expended for Framingham Downtown Renaissance economic, tourism and cultural developments program”.

The amendment was *rejected*.

Messrs. Tolman and Barrios and Ms. Resor moved that the bill be amended in section 2, in item 7004-0099 by striking out “that not less than \$100,000 shall be expended for the Cambridge Housing Authority Work Force Program;” and inserting in place thereof the following:- “that not less than \$150,000 shall be expended for the Cambridge Housing Authority Work Force Program”; and by striking out the figure “\$8,262,633” and inserting in place thereof “8,312,633”.

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 7004-0099, by inserting after the words “Mansfield housing facility parking lot;” the following language:- “provided further, that not less than \$50,000 shall be expended for the remediation of issues surrounding social service center siting in the Town of Framingham;”

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended by inserting at the end thereof the following:-

SECTION . Chapter 32 of the General Laws is hereby amended by striking out section 90C¾, as so appearing, and inserting in place thereof the following section:—

Section 90C¾. A former state or metropolitan district police officer, retired before July 1, 1992 , who has been retired under this chapter or similar provision or earlier law on account of superannuation after having served in the state or metropolitan district police force for a period of not less than 20 years shall have his retirement allowance increased to an amount not exceeding one-half the rate of regular compensation payable to state police officers holding similar positions, at the time of increasing the allowance, in the comparable grade or classification occupied by the former officer at the time of his retirement.

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended in section 2, in item 7007-0900 by inserting after the words “Cranberry Harvest Map” the following:- “provided further, that \$100,000 shall be expended for an economic development project in the town of Braintree ;”

The amendment was *rejected*.

Mr. Barrios moved that the bill be amended in section 2, in item 7007-0900 after the phrase “Jump Start Program” to include:- provided further, that not less than \$60,000 shall be provided to the Charlestown Historical Society for financial assistance in the planning of resumption of operations of the Society’s Bunker Hill Museum; and provided further that not less than fifty percent of this assistance be allocated by the Society to its on-going historic interpretation programs, and services to the public, including but not limited to, the completion of production of the “Green Square Mile” documentary film and the planned Irish Renaissance Project.

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended by inserting after Section 63, the following new Section:-

“SECTION 63B. Item 1102-2010 of chapter 245 of the acts of 2002 is hereby amended by adding at the end the following:- “; provided further, that \$1,000,000 shall be expended for capital repairs and improvements to the Schooner Ernestina”; and by striking the figure “\$10,000,000” and inserting in place thereof the following figure:- “\$11,000,000”.

The amendment was *rejected*.

Ms. Menard moved that the bill amended in section 2, by inserting after item 7061-9200 the following item:

“7061-9300

For Education Data Warehouse and Reporting System (Data Warehouse); and provided that not less than \$200,000 shall be expended on hardware; and provided that not less than \$4,500,000 shall be expended on statewide software license; and provided that not less than \$500,000 shall be expended on professional services\$5,200,000

The amendment was *rejected*.

Ms. Menard moved that the bill amended in section 2, in item 7061-9200, by striking out the figure “\$768,866” and inserting in place thereof the following figure:- “2,500,000”. The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 2, in item 7066-0015, by striking out the figure “\$2,100,000” and inserting in place thereof the following figure: - “\$2,900,000”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 7003-0702 by inserting after the words “use technology” the following: “provided further, that \$1,250,000 shall be expended for the 1:1 Wireless Initiative at the New Boston Pilot Middle School ”

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 7061-9408, by inserting after the word “organization” “; provided further, that not less than \$1,000,000 shall be expended to the Town of Randolph for targeted intervention to assist the town in increasing middle and high school graduation rates. Further, said funding shall be used to increase multi-cultural awareness and sensitivity to English as Second Language (ESOL) speakers”; and by striking out the figure “\$5,000,000” and inserting in place thereof “\$6,000,000”

The amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended in section 2, in line item 7100-0200 by inserting after the words “field station on Nantucket ;” the following:- “provided further, that not less than \$150,000.00 shall be expended for a pilot program at the University of Massachusetts Lowell Environmental Health and Safety Department for the use of fire resistant intumescent/refractory paint”.

After remarks, the amendment was **adopted**.

Mr. Baddour moved that the bill amended in section 2, in item 7061-9404 by inserting after the words “ Lawrence Higher Education Resource Center for MCAS and SAT preparation;” the following:-“provided further, that not less than \$50,000 be allocated to fund a feasibility study for the Lower Millyard Educational Initiative in the City of Amesbury ”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended in section 2, in item 7061-0011, by striking out the wording and inserting in place thereof the following wording:-

“For a Chapter 70 Equalization grant program, to be administered by the department of education to (i) provide enrollment aid to communities which have experienced past extraordinary enrollment growth or (ii) to meet deficiencies in the base chapter 70 aid that a community received at the inception of the education reform act; provided that said grants shall be available upon application to communities which receive less than 20% of their foundation budget through chapter 70. The commissioner of the department is hereby directed to establish criteria for the awarding of said grants; provided that the commissioner shall consult with the school district regarding the merits of any application; provided further that the commissioner shall issue a report to the chairs of the joint committee on ways and means and to the chairs of the joint committee on education regarding any money expended from this account; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall be available on a recurring basis until the chapter 70 formula has been revised; and provided further, that funds distributed from this item to a municipality shall be considered as base aid used in the calculation of the minimum required local contribution for fiscal year 2007 and subsequent years...\$4,500,000”

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twelve minutes before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 9 - nays 30) **[Yeas and Nays No. 275]:**

YEAS.	
Brown, Scott P.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Joyce, Brian A.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C. — 9.
Lees, Brian P.	
NAYS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Buoniconiti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.

The yeas and nays having been completed at eight minutes before nine o’clock P.M. , the amendment was *rejected*.

Mr. Nuciforo moved that the bill amended in section 2, in item 7007-0900, by inserting after the words “Caribbean Carnival Association” the following words:- “provided further, that the office shall assist the Mohawk Trail Association in the promotion of the Mohawk Trail’s Route 2 Corridor”.

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

Mr. Tisei moved that the bill be amended in section 2, in item 7061-0011, by inserting after the words “expended by a school committee without further appropriation;” in subsection (10) the following:- “(11) assist districts which receive 17 per cent or less of their foundation budget through chapter 70 aid in fiscal year 2007;”
The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended in section 2, in item 7061-0011, by striking out the wording and inserting in place thereof the following wording:- “7061-0011 For a reserve to: (1) meet extraordinary increases in the required local contribution of a municipality as calculated under section 2B of chapter 70 of the General Laws; provided, that a municipality seeking funds from this item shall apply for a waiver from the department of revenue under the provisions of this act; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of education regarding the merits of such application; (2) meet extraordinary increases of greater than 20 per cent in a municipality’s required contribution to any of the districts to which the municipality belongs as a result of the new regional allocation methodology; provided, that said funds may be used by the municipality to reduce its contribution to said district solely for fiscal year 2007 and said reduction shall not be considered a permanent reduction in required contribution in fiscal year 2008; (3) assist regional school districts which, prior to fiscal year 2007, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2007, will assess member towns using the required contributions calculated under chapter 70 of the General Laws; (4) assist towns impacted by stresses in the commercial fishing or lobster industry whose required local contribution exceeds 80% of their foundation budget; (5) assist municipalities with median per capita income below the state average and equalized valuation per capita above the state average; provided, that preference in the awarding of funds shall be given to municipalities with required local contributions greater than 80 per cent of their foundation budgets; (6) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town’s limits; (7) assist districts that receive minimum aid in fiscal year 2007 and are districts that do not offer grades 9 through 12, which are negatively impacted by changes made to the calculation of district foundation budget in fiscal year 2007; (8) assist municipalities that receive reductions of more than one-third in payment in lieu of taxes for state-owned land from fiscal year 2006 to fiscal year 2007 and: (a) have an enrollment of fewer than 500 students or (b) are a part of an academic regional district; (9) assist districts experiencing enrollment declines that have implemented programs in conjunction with a public college or university designed to re-enroll students who have dropped out; provided, that under any grants provided this item shall be expended by a school committee without further appropriation; (10) assist regional school districts with more than five consecutive years of enrollment decline and increasing student transportation costs; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; (11) assist districts which receive 17% or less of their foundation budget through chapter 70 aid in fiscal year 2007; provided further, that notwithstanding any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis; provided further, that

the department shall make not less than 80 per cent of awards from this item not later than October 15, 2006; and provided further, that funds distributed from this item to a municipality shall be considered as base aid used in the calculation of the minimum required local contribution for fiscal year 2007 and subsequent years.....\$4,500,000". After debate, the amendment was *rejected*.

Messrs. Antonioni and Tarr moved that the bill be amended in section 2, in item 7080-0200, by striking the figure "\$340,000" and inserting in place thereof the following figure:- "\$1,000,000". The amendment was *rejected*.

Messrs. Antonioni, McGee, Timilty, Brewer, Knapik, O'Leary and Barrios, Ms. Tucker, Mr. Tisei, Ms. Spilka, Ms. Chandler, Ms. Creem, Ms. Fargo and Mr. Montigny moved that the bill be amended in section 2, in item 3000-4000, by striking the language after, "costs of local councils;" and inserting the following language:- "provided further, that no funds shall be expended from this item for administrative costs of the department of early education and care; provided further, that recipients of grants distributed from this item shall not expend more than 8 per cent of the grants for administrative, costs as defined by the department of early education and care in fiscal year 2006; provided further, that the department shall coordinate with the community partnership councils to submit a report detailing all projected administrative expenditures by council under this item, including salaries and benefits, to the chairpersons of the house and senate committees on ways and means and the chairpersons of the joint education committee by February 1, 2007 ; and provided further, the department shall assist councils receiving grants of less than \$100,000 who choose to regionalize with the implementation of any such regionalization plans". After remarks, the amendment was adopted.

Mr. Antonioni moved that the bill amended in section 2, in item by striking item 7110-0100 and inserting in place thereof the following item:-

"7110-0100

For Fitchburg State College; provided that Fitchburg State College may expend funds to assist public schools in the Cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hardware, for a pilot wireless learning initiative in Worcester County\$24,635,722".

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 7061-0011 by inserting after the words "Student transportation costs;" the following words:- (11) assist districts which continue to be impacted by the reductions in per pupil chapter 70 aid between fiscal year 2003 and fiscal year 2005; provided, that preference in the awarding of such funds shall be given to districts which received reductions in chapter 70 aid of at least 20% between fiscal year 2003 and fiscal year 2004, which closed a school as a result of such reduction that has not reopened, which receive foundation down payment aid which is less than 16 per cent of their foundation budgets in fiscal year 2007, which have a median per capita income above the state average and a low income enrollment of at least 27%, and in which at least 55 different languages are the first language spoken by enrolled students and their families;.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 7066-0000 by inserting at the end thereof the following:- "; provided further, that there shall be a specialized course of study at Salem State College to examine the rise of Polish-Irish legislators who attended the College of the Holy Cross in Worcester". After remarks, the amendment was **adopted**.

Ms. Creem, Mr. Barrios and Ms. Jehlen moved that the bill amended by adding the following new Section:

SECTION ____ . Paragraph (b) of Section 9 of Chapter 70B, as appearing in the Official Edition, is hereby amended by inserting after the second sentence the following sentence:- For approved school projects and projects submitted pursuant to section 45 of chapter 208 of the acts of 2004, whose construction commences on or after June 1 2005 , the authority shall issue annually maximum eligible cost standards which reflect increases in building costs in accordance with the increases set forth in the Engineering News Record City Cost Index for the City of Boston. The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0011 by inserting in (4) after the words "stresses in the commercial" the following word:- "agricultural," After remarks, the amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 7061-0011, by inserting in (5) after the words "per capita income below" the words:- "120 percent of" and after the words "valuation per capita above" the words:- "80 percent of". The amendment was *rejected*

Ms. Resor moved that the bill be amended by inserting after section 100 the following new section:-

"SECTION 100A. (a) Notwithstanding any general or special law to the contrary, the board of selectmen of the town of

Ayer, the board of selectmen of the town of Harvard, and the board of selectmen of the town of Shirley, may, at least 60 days before any biennial state election, submit a nonbinding question regarding the permanent government structure for the ongoing operation and administration of the Devens Regional Enterprise Zone to the state secretary which shall be placed on the official ballot to be used at that election in the towns of Ayer, Harvard and Shirley by the state secretary.

(b)Notwithstanding any general or special law to the contrary, the Devens Disposition Executive Board, the town of Ayer, the town of Harvard, the town of Shirley, and the Massachusetts Development Finance Agency may each appropriate and expend public funds to jointly prepare, produce, distribute and otherwise disseminate information and materials regarding any question placed on the official ballot to be used at an election in the towns of Ayer, Harvard and Shirley regarding the permanent government structure for the ongoing operation and administration of the Devens Regional Enterprise Zone or any other subject matter contained within chapter 498 of the acts of 1993 Any information provided shall be distributed by the Devens Disposition Executive Board to the voters of all 3 towns and shall be limited to: (1) the full text of the question, (2) a fair, unbiased and concise summary of the question and (3) arguments for and against the question from principal proponents and opponents of the question, as determined by the Devens Disposition Executive Board”.

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by inserting at the end the following new section:-

“SECTION ____ . Section 2Z of Chapter 29 of the General Laws is hereby amended by adding after the word ‘project’ in line 21 the following:- ‘And any project in which construction has been initiated and for which completion has been scheduled in Fiscal Year 2005 or thereafter in which the total cost is greater than \$8,000 per capita on a per resident basis as determined by the most recent United States census or any sewer system that experiences extraordinary rate increases due to a mandate pursuant to environmental laws and regulations.’”

The amendment was **adopted**.

Ms. Resor, Ms. Chandler, Mr. Augustus and Ms. Fargo moved that the bill amended by inserting after section 104 the following new section:-

“SECTION 104A. Notwithstanding any internal agency deadline, the City of Marlborough shall be eligible to receive previously approved funding of \$600,000 for a clean water management plan, provided that the city meet and adhere to all additional requirements”.

The amendment was **adopted**.

Messrs. Creedon, Joyce, Timilty and Pacheco moved that the bill amended, in Section 2, in item 0526-0100 by adding at the end thereof the following:- “provided that \$500,000 shall be expended for the purpose of restoration of the Unity Church in Easton”; and by deleting the figure “\$991,125” and inserting in place thereof the following figure:-\$1,491,125. After remarks, the amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended by inserting, after Section 97, the following new Section:-

SECTION ____ . Notwithstanding any general or special law to the contrary, the division of capital asset management is hereby authorized and directed to release its reversionary interest in a parcel of land conveyed to the County of Middlesex by a deed dated February 24, 1986 , and recorded with the Middlesex North Registry of Deeds at Book 3411, Pages 280-281.

The amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended in section 2, in item 1232-0100 by inserting after the words “For underground storage tanks reimbursements to parties that have cleaned up spills of petroleum products pursuant to chapter 21J of the General Laws;” the following text:- “provided further, that in the prioritization of claims, consideration shall be given to claimants who own not more than two dispensing facilities”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Hedlund, Brown and Montigny moved that the bill be amended at the end by inserting the following sections:-

SECTION ____ . Section 2A of chapter 28 of the acts of 1996 is hereby repealed.

SECTION ____ . Section 2 of chapter 28 of the acts of 1996, is hereby amended in item 2000-6966 by inserting after the words “wooden docks in Kingston” the following:- “provided further, that \$1,000,000 shall be expended for capital repairs and improvements to the Schooner Ernestina; provided further, that not less than \$500,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester; provided further, that not less than \$500,000 shall be expended for the dredging and maintenance of Old Harbor in the town of Rockport;” ;

And further in said line item, by striking out the figure “\$65,000,000” and inserting in place thereof the following figure:— “\$150,000,000”.

SECTION ____ . Section 3 of chapter 28 of the acts of 1996 is hereby amended by striking out, in lines 4 to 5, inclusive of the first paragraph, the words “one hundred eighty-three million eight hundred and fifty thousand dollars” and inserting in place thereof the following figure:— “\$268,850,000”.

SECTION ____ . Sections 5 and 6 of chapter 28 of the acts of 1996 are hereby repealed.

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended by inserting, after Section __, the following new Section:-

“SECTION __. (a) The secretary of administration and finance or his designee, in this section called the secretary, the jury commissioner or her designee, and the state secretary or his designee shall together convene a working group to establish an administrative records list of all residents 17 years and older for the purpose of testing the feasibility of using such a list for the creation of jury pools and purging voter lists. The working group shall consist of representatives of appropriate executive and judicial agencies and others, as determined by the secretary. The secretary shall consult with and work collaboratively with the working group in carrying out this section.

(b) All state agencies possessing an electronic database which contains information relative to these persons, including but not limited to the state secretary, registry of motor vehicles, department of revenue, board of higher education, department of transitional assistance, office of medicaid, department of public health and division of unemployment assistance, notwithstanding section 46 of chapter 151A of the General Laws, shall provide in electronic form a copy of the database in a format acceptable to the secretary. In addition, any city or town that conducts an annual census shall provide such data to the secretary, and all public and private colleges and universities shall provide such data from enrollment records. To the extent possible, the data shall include the name, residential address, mailing address, race, gender, social security number, and date of birth of each person. In those cases where a federal or state waiver or authorization is necessary to provide this information, each agency or entity shall take all necessary steps to obtain such authorization or waiver, which a state agency may not unreasonably withhold. No information shall be provided to the secretary beyond that required to create the administrative records list. Nothing shall be included in a printed administrative records list that would indicate from which source list the information on an individual resident was derived. The secretary may secure and use additional lists from nongovernmental institutions and sources in order to create the administrative records list.

(c) The secretary, on behalf of the working group, shall provide in electronic form a copy of the administrative records list, not containing social security numbers, to the jury commissioner for the purpose of testing the feasibility of using such a list for the creation of jury pools. The secretary shall provide in electronic form a copy of the administrative records list to the state secretary only for purposes of testing its use to maintain voter registration lists and testing its use as a source for street lists for cities and towns, and to the Massachusetts State Data Center at the University of Massachusetts Donahue Institute for the purposes of testing the administrative records list and supporting efforts to improve United States Census Bureau population estimates for the commonwealth only. The secretary, the state secretary, the jury commissioner, the department of revenue, the Massachusetts State Data Center, and all others who have access to data under this section shall treat all such data confidentially, and such data and any record created, received or maintained from such data under this section shall not be a public record and shall not be disclosed except as provided in this section. Testing of the administrative records list shall not replace or alter any requirement of current law for creating jury pools, maintaining voting lists or establishing street lists, until further act of the general court. The jury commissioner and the state secretary shall report their findings and recommendations based on the testing required by this section to the clerks of the senate and house of representatives not later than four (4) years from the start of the testing period.

(d) For the purposes of establishing an administrative records list, the commissioner of revenue shall disclose to the office of the secretary the names, social security numbers and addresses of residents filing personal income tax returns, but such information shall not be disclosed if the IV-D agency has been provided with reasonable evidence of a risk of harm pursuant to section 5A of chapter 119A of the General Laws.

(e) For the purposes of this section, the information contained in the wage reporting match system may be disclosed to the secretary for the purpose of establishing an administrative records list. Only information required to create the administrative records list shall be provided to the secretary including, but not limited to, the name and social security number of each individual listed.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2, in item 0540-2000, by striking out the figure “\$787,067” and inserting in place thereof the following figure:- “\$940,083”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting, after Section __, the following new section:-

“SECTION __. Section 1 of Chapter 7A of the General Laws as appearing in the 2004 Official Edition is hereby amended by striking out the ninth sentence”.

The amendment was **adopted**.

Mr. Barrios and Ms. Jehlen moved that the bill be amended in section 2, by inserting after item 6030-7201 the following item:-

6033-0430

For paving and improvement of Washington Street in Somerville from the Boston line up
to and including the area below McGrath Highway \$150,000

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 6010-0001 by inserting, after the words “ Gorham Street , Lowell ;” the following:- “provided further that \$300,000 shall be expended for the study and design of a safe walkable-bikable trail system along George Washington Boulevard in the town of Hull ”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 6000-0100 by inserting at the end thereof the following:- “provided further; that Senate President shall be required to use a Toyota Prius for all official business and shall be required to report back to the Legislature on the efficiency of a vehicle with a combined gas engine and an emissions-free electric motor to achieve fuel economy”

After debate, the amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended by inserting, after Section ____, the following new Sections:-

SECTION ____ A. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in the first paragraph the words “or by the Massachusetts Bay Transportation Authority.

SECTION ____ B. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in the second paragraph the word “requested” and inserting in place thereof the following: “required”.

SECTION ____ C. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in the second paragraph, after the word “police”, the following: “or employees or agents designated by Massachusetts Bay Transportation Authority”“.

After remarks, the amendment was adopted.

Ms. Fargo moved that the bill amended, in Section 2, in item 6010-0001 by inserting after the word “Woburn” the following text:- “; provided further, that \$300,000 be expended for traffic signal improvements at the Trapelo Road and Forest Street intersection and at Lexington Street located at the Glen Meadow Apartment Complex in Waltham”

The amendment was *rejected*.

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 6000-0100 by inserting at the end thereof the following:- “provided further, that not more than \$200,000 shall be provided for the design phase of the construction of an intersection at Allen Street and Bicentennial Highway in Springfield to permit westbound traffic on Bicentennial Highway to turn eastbound on Allen Street; provided further, any funds not used for this purpose may be expended for the construction of an intersection at said roads”

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8800-0001, in line 6, by inserting after the words “December 9, 2005”, the following:- “; and provided further, funds may be expended to purchase and install a regional emergency power generator to be placed in the public shelter of Wayland Middle School in the Town of Wayland”;

The amendment was **adopted**.

Mr. Pacheco moved that the bill be amended by inserting, after Section ____, the following new Section:

“SECTION _____. The Executive Office of Public Safety shall provide a grant to Plymouth, the town in which the Pilgrim Nuclear Power Plant is located, and to Braintree, Bridgewater, and Taunton, the cities and towns that are required to provide services to the Pilgrim Nuclear Power Plant as “host communities,” as defined under the radiological emergency response plan of the commonwealth approved on January 10, 2003 , utilizing if available, but not limited to, federal Department of Homeland Security funds. The grant shall be sufficient to provide for public safety service equal to the levels of public safety service provided for as of January 10, 2003 , and shall be awarded only if Plymouth or the host community meets the following criteria, as determined by the division of local services of the department of revenue: (1) the community has exhausted all available reserves; (2) the community is taxing to its levy limits; and (3) aggregate local aid reductions since fiscal year 2004 for the community has caused a reduction in the number of public safety employees in the city or town”.

The amendment was **adopted**.

Ms. Fargo and Ms. Resor moved that the bill amended, in Section 2, in item 8000-0106, by inserting, after the words “Forensic Sciences Advisory Board”, the following wording:- “; and provided further, that the agency shall expend not less than \$90,000 to the municipality hosting the state police crime laboratory in Sudbury”

The amendment was *rejected*.

Ms. Fargo moved that the bill amended, in Section 2, in item 8900-0001, by inserting, after the words “Cedar Junction”, the following wording:- “; and provided further, that the department shall expend not less than \$297,277 to the municipality hosting the MCI-Concord and Northeastern Correctional Center facilities in Concord”.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 0810-0000 by striking the following language: “provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of

Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston and in the city of New Bedford;" and replacing it with the following:-"provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston" The amendment was *rejected*.

Messrs. Tarr and Brown moved that the bill be amended in section 2, by inserting after item 8000-0010 the following new item:-

"8000-_____

For emergency equipment grants to be administered by the executive office of public safety and awarded to cities and towns for the purchase of durable equipment, provided that such grants be awarded on a one-time basis and may be conditioned on a match of funding from grant recipients; provided further that not less than \$70,000 shall be provided to the town of Rowley for the purchase of an emergency generator; provided further that \$225,000 shall be provided to the town of Wayland for the purchase of an emergency generator; provided further that funds from this item shall be provided to the town of North Attleboro for the purchase of an emergency generator; provided further that the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amounts of grants awarded to grant recipients and descriptions of equipment purchased through grant awards\$1,500,000"

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 8100-0000 by inserting after the words "provided further, that not less than \$10,000 shall be expended for the state police to provide police detail at the big E fair, including, but not limited to, a mounted unit to participate in the big E fair parade" the following words:- "and the senator from the Hampden district shall be required to lead the big E fair parade seated on top of an elephant" After remarks, the amendment was *rejected*.

Messrs. Tolman, Barrios and Tarr moved that the bill be amended in section 2, in item 0810-0045, by inserting after "chapter 150E of the General Laws" the following:- "that the department shall employ twelve additional industrial safety and health inspectors in fiscal year 2007 in excess of any such positions approved as of January 1, 2006 "; and in said item by striking out the figure "\$3,105,528" and inserting in place thereof the figure "\$4,105,528". The amendment was *rejected*.

Messrs. Creedon, Morrissey and Barrios, Ms. Chandler, Messrs. McGee, Augustus, Pacheco, Brewer, Antonioni, Buoniconti, Baddour, Hart, Knapik, Timilty and Tolman moved that the bill amended, in Section 2, in item 0339-1001 by striking out the figure "\$122,198,950" and inserting in place thereof the following figure:-\$130,600,000. The amendment was *rejected*.

Messrs. Creedon, Morrissey and Barrios, Ms. Chandler, Messrs. McGee, Augustus, Pacheco, Brewer, Buoniconti, Baddour, Hart, Knapik, Timilty and Tolman moved that the bill amended, in Section 2, in item 0339-1003 by striking out the figure "\$5,706,757" and inserting in place thereof the figure "\$5,862,043". The amendment was *rejected*.

Mr. Tolman moved that the bill amended, in Section 2, in item 8910-0000, by adding at the end thereof the following: "provided further that not less than \$60,000 shall be provided to the Barnstable County Sheriff's Office for their offender transition program;" and by striking the figure "\$145,268,699" and inserting in place thereof the following figure:- "\$145,328,699". The amendment was **adopted**.

Mr. Creedon moved that the bill amended, in Section 2, in item 0332-0100 by striking the figure "\$41,988,423" and inserting in place thereof the following figure: - \$42,056,703 The amendment was *rejected*.

Ms. Resor and Messrs. Timilty, Brown and Antonioni, Ms. Chandler, Ms. Tucker, Ms. Spilka, Messrs. Augustus, Barrios and Moore moved that the bill amended by inserting, after Section 44, the following new section:-

SECTION 44A. The General Laws are hereby amended by inserting after section 46 in chapter 265 the following section:-

HARASSMENT AND WITNESS INTIMIDATION PREVENTION ORDERS

Section 1. Definitions. In this chapter, the following words shall have the following meanings:

“Court”, the Superior, District, Boston Municipal, or Juvenile court departments of the trial court.

“Harassment”, the occurrence of one or more of the following: (a) willfully and maliciously engaging in conduct or acts directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer emotional distress; or (b) engaging in intimidation of witnesses under the provisions of chapter 268 section 13B of the Massachusetts General Laws; or (c) causing another to engage involuntarily in sexual conduct; or (d) causing another to engage involuntarily in sexual conduct by force, threat, or duress, included but not limited to, incapacitation through chemical restraint, drugs or intoxication; or (e) engaging in the enticement of a child under the age of 16 under the provisions of chapter 265 section 26C of the Massachusetts General Laws.

“Harassment Prevention Orders”, an order or emergency order granted under this chapter.

“Involuntarily”, a lack of freely given consent.

“Law officer”, any officer authorized to serve criminal process.

“Petitioner”, any named petitioner for a Harassment Prevention Order or any named victim of harassment on whose behalf the petition is brought.

“Protection order issued by another jurisdiction”, any injunction or other order issued by a court of another state, territory, or possession of the United States, the commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communications with, or physical proximity to a victim of harassment, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

“Sexual Conduct” any intentional or knowing touching or fondling, either directly or through clothing, of the sex organs, anus or breast, or any part of the body, or any transfer or transmission of semen upon any part of the clothed or unclothed body, for the purpose of sexual gratification or arousal; OR any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or object into the sex organ or anus of another, including but not limited to cunnilingus, fellatio or anal penetrations. Evidence of emission of semen is not required to prove sexual conduct.

“Victim”, any person who suffers harassment, without the need of a report of the offense to the police or the issuance of a complaint or indictment.

Section 2. Venue. Proceedings under this chapter shall be filed, heard and determined in the Superior, District, Boston Municipal or Juvenile (if the petitioner or respondent is a juvenile) court departments of the trial court having venue over where: (1) the petitioner resides; (2) the respondent resides; or (3) the alleged harassment occurred.

Section 3. Persons Protected By This Act. A petition for a Harassment Prevention Order may be filed:

- (1) by any person who is a victim of harassment; or
- (2) by a person on behalf of a minor child or an adult who is a victim of harassment but, because of age, disability, and health cannot file the petition.

Section 4. Remedies; Period of Relief. (a) A petitioner may file a petition requesting protection including, but not limited to, the following orders:

- (1) ordering the respondent to refrain from attempting to cause or causing physical harm or harassment of the petitioner, whether the petitioner is an adult or minor;
- (2) ordering the respondent to refrain from contacting the petitioner, either directly or indirectly, unless authorized by the court, whether the petitioner is an adult or minor;
- (3) ordering the respondent to stay away from the petitioner, the petitioner’s household, multiple family dwelling and workplace; or
- (4) ordering the respondent to pay the petitioner monetary compensation for the losses suffered as a direct result of such harassment. Compensatory loss shall include, but not be limited to, loss of earnings, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical costs, moving expenses, cost for obtaining an unlisted telephone number and reasonable attorney’s fees.

(b) Any relief granted by the court shall be for a fixed period of time not to exceed 1 year. Every order shall on its face state the time and date the order is to expire. If the petitioner appears at the court on or before the close of business on the date the order is to expire, the court shall determine whether or not to enter a permanent order, or to extend the order for another period of time reasonably necessary to prevent future harassment or intimidation of the petitioner by the respondent, or contact between the petitioner and the respondent. When the expiration date stated on the order is on a weekend day or holiday, or a date when the court is closed to business, the order shall not expire until the close of business on the next date that the court is open to business. The petitioner may appear on such next court business day to request that the order be extended. At a hearing to extend the order for such additional time, the court shall consider the totality of the circumstances. The fact that harassment or contact between the parties has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated, or for refusing to issue a new order.

(c) The court may modify its order at any subsequent time upon motion by

either party. When the petitioner's address is inaccessible to the respondent, as provided in section 8, and the respondent has filed a motion to modify the court's order, the court shall be responsible for notifying the petitioner. In no event shall the court disclose any such confidential address.

(d) A court shall not deny any petition filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

Section 5. Commencement of action; filing fees. (a) An action for a Harassment Prevention Order is commenced: independently, by filing a Harassment Prevention Order petition in any court, and shall not be contingent upon reporting the alleged harassment to a law enforcement agency nor shall it be contingent upon prosecuting such case criminally; or in conjunction with a delinquency petition or a criminal prosecution for the same act, by filing a petition for a Harassment Prevention Order under the same case number as the delinquency petition or criminal prosecution and treated as a civil and separate matter, to be granted during pre-trial release of a respondent, with any dispositional order issued under section 58 of chapter 119, or as a condition of release, supervision, conditional discharge, probation, periodic imprisonment, parole, or mandatory supervised release, or in conjunction with imprisonment or a bond forfeiture warrant, provided that (i) the violation is alleged in an information, petition, indictment, or delinquency petition on file and the alleged victim is a person that may be afforded protection under this chapter, and (ii) the petition, which is filed by the district attorney, names a victim of the alleged crime as a petitioner.

(b) Withdrawal or dismissal of any petition for a Harassment Prevention Order prior to adjudication shall operate as a dismissal without prejudice.

(c) Any action commenced under the provisions of this chapter shall not preclude any other civil or criminal remedies. Dismissal of the delinquency petition or criminal prosecution for the same act, or a finding of not guilty, shall not require dismissal of the action for a Harassment Prevention Order.

(d) No filing fee shall be charged by the clerk of the court for the filing of the petition. Neither the petitioner nor the petitioner's attorney shall be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of petitioner's copies.

Section 6. Form of complaint; promulgation. The chief justices for Administration and Management, in consultation with the chief justices of the Superior, District, Boston Municipal or Juvenile court departments shall promulgate a form of petition for use under this chapter which shall be in such form and language to permit a petitioner to prepare and file such petition pro se.

Section 7. Pleading; confidentiality of records. (a) A petition for a Harassment Prevention Order shall be in writing and verified or accompanied by affidavit and shall allege that the petitioner has been the victim of harassment and there exists a substantial likelihood of immediate danger of harassment.

(b) The records of cases arising out of an action brought under this chapter where the petitioner or respondent is a minor shall be withheld from public inspection except by order of the court; provided, that such records shall be open, at all reasonable times, to the inspection of the minor, said minor's parent, guardian, attorney, and to the petitioner and the petitioner's attorney, or any of them.

(c) The petitioner's cellular telephone number, residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a petitioner under this chapter, shall be confidential and withheld from public inspection at all times, except by order of the court and pursuant to the provisions of chapter 265 section 24C of the general laws. All confidential portions of the records shall be accessible at all reasonable times to the petitioner and petitioner's attorney, to others specifically authorized by the petitioner to obtain such information, and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233, and law enforcement officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction that is filed with a court of the commonwealth pursuant to section 14. Such confidential portions of the court records shall not be deemed to be public records under Clause Twenty-sixth of section 7 of chapter 4.

(d) Upon the filing of a petition under this chapter, the court may enter such temporary orders as it deems necessary to protect a petitioner from further contact by the respondent. Such relief shall not be contingent upon reporting the alleged harassment to a law enforcement agency nor shall it be contingent upon prosecuting such case criminally nor may the court consider such factors in rendering its decision.

(e) In any proceeding to obtain a Harassment Prevention Order, a petitioner must establish by a preponderance of the evidence that he/she is a victim of harassment and that there is a substantial likelihood of immediate danger of harassment.

(f) If the court finds reasonable grounds to believe that the petitioner is the victim of harassment and there is a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the petitioner from harassment and shall immediately thereafter notify the respondent that the temporary orders have been issued. The court shall give the respondent an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the petitioner no later than 10 court business days after such orders are entered. It is recommended that all such hearings be conducted at sidebar.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the respondent does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

Section 8. Hearing. When a petitioner seeks relief under sections 3, 4, 7, or 10, it is recommended that any such hearing be heard at sidebar in order to protect the petitioner's privacy. The rules of evidence do not apply. If the petitioner is a minor, or the application is filed on behalf of a minor, it is recommended that the hearing be closed to the public as in juvenile proceedings.

Section 9. Harassment Prevention Order; record search; service of order; enforcement; violations. An order under this

statute shall also be filed in the Statewide Domestic Violence Record Keeping System. When considering a petition filed under this chapter, a judge shall cause a search to be made of the records contained within the Statewide Domestic Violence Record Keeping System maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named respondent has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named respondent, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the respondent's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether a substantial likelihood of immediate danger of harassment to the petitioner exists. In all instances where a substantial likelihood of immediate danger of harassment is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders under this chapter that an order from this jurisdiction and/or another jurisdiction become effective in the Commonwealth and that the respondent refrain from harassing the petitioner or have no contact with the petitioner, the clerk-magistrate shall transmit 2 certified copies of each such order and 1 copy of the petition and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the respondent, together with a copy of the petition, order and summons and notice of any suspension or surrender ordered pursuant to section 12. The law enforcement agency shall promptly make its return of service to the court.

Law enforcement officers shall use every reasonable means to enforce such Harassment Prevention Orders. Law enforcement agencies shall establish procedures adequate to insure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each Harassment Prevention Order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment as provided in section 8 of chapter 258B, the court shall order persons convicted of violating a provision of this chapter an additional assessment of \$25 that shall be transmitted to the treasurer for deposit into the General Fund.

In each instance of a violation of a Harassment Prevention Order or a protection order issued by another jurisdiction, the court may order the respondent to pay the petitioner for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical costs, moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees.

Any such violation may be enforced in the superior, district, Boston municipal or juvenile (if the petitioner or respondent are juveniles) court departments. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The superior, district, Boston municipal or juvenile court departments may each enforce by civil contempt procedure a violation of its own court order.

The provisions of section eight of chapter one hundred and thirty six shall not apply to any order, complaint or summons issued pursuant to this section.

Section 10. Granting of relief when court is closed; certification. When the court is closed for business or the petitioner is unable to appear in court because of severe hardship due to the petitioner's physical condition, any justice of the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent are juveniles) court departments may grant relief to the petitioner as provided under section 8 if the petitioner has been a victim of harassment and demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the Chief Justice for Administration and Management and shall deliver a copy of such order on the next court day to the clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a petition pursuant to this section, the petitioner shall appear in court on the next available business day to file said petition. If the petitioner in such a case is unable to appear in court without severe hardship due to the petitioner's physical condition, then a representative may appear in court on the petitioner's behalf and file the requisite petition with an affidavit setting forth the circumstances preventing the petitioner from appearing personally. Notice to the petitioner and respondent and an opportunity for the respondent to be heard shall be given as provided in section 7.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

Section 11. Order for suspension and surrender of firearms license; surrender of firearms; petition for review; hearing. Upon issuance of a temporary or emergency order under sections 7 or 10, the court shall, if the petitioner demonstrates a substantial likelihood of immediate danger of harassment, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the respondent may hold and order the respondent to surrender all firearms, rifles, shotguns, machine guns and ammunition which the respondent then controls, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the respondent may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may

store, transfer or otherwise dispose of any such weapon in accordance with section 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the respondent to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of Harassment Prevention Order served on the respondent pursuant to section 7. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said respondent. Any violation of such orders shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 1/2 years in a house of correction, or by both such fine and imprisonment.

Any respondent aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than 10 court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been suspended upon the issuance of an order issued pursuant to sections 7 or 10, said petition may be heard contemporaneously with the hearing specified in section 7. Upon the filing of an affidavit by the respondent that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the respondent's employment, and upon a request for an expedited hearing, the court shall order said hearing within 2 business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

Section 12. Continuation or modification of order for surrender or suspension. Upon the continuation or modification of an order issued pursuant to section 8, or upon petition for review as described in section 11, the court shall also order or continue to order the immediate suspension and surrender of a respondent's license to carry firearms, including a Class A or Class B license, and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such respondent then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms, including a Class A or Class B license, and firearm identification card or firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of harassment to the petitioner. A suspension and surrender order issued pursuant to this section shall continue so long as the protection order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the respondent to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 1/2 years in a house of correction or by both such fine and imprisonment.

Section 13. Protection order issued by another jurisdiction; enforcement; filing; presumption of validity. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order in the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent are juveniles) court departments by filing with the court a certified copy of such order which shall be entered into the Statewide Domestic Violence Record Keeping System pursuant to section 10. Such person shall swear under oath in an affidavit, to the best of such person's knowledge that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law enforcement officer may presume the validity of, and enforce in accordance with section 9, a copy of a protection order issued by another jurisdiction which has been provided to the law enforcement officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law enforcement officers may rely on such statement by the person protected by such order and cannot be subjected to civil or criminal liability so long as they have acted in good faith reliance upon the representations.

Section 14. Powers of police. Whenever any law officer has reason to believe that an individual has been harassed or is in danger of being harassed, such officer shall use all reasonable means to prevent further harassment. The officer shall take, but not be limited to the following action:

(1) remain on the scene of where said harassment occurred or was in danger of occurring as long as the officer has reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of a law officer. This shall include, but not be limited to remaining in the dwelling for a reasonable period of time;

(2) assist the victim in obtaining medical treatment necessitated by the harassment, which may include driving the victim to the emergency room of the nearest hospital, or arranging for appropriate transportation to a health care facility, notwithstanding any law to the contrary. If possible, the officer shall take the victim of a sexual assault to a location where a sexual assault nurse examiner is present. The officer shall consider the victim's preference in this regard and what is reasonable under all the circumstances;

(3) assist the victim in locating and getting to a safe place including, but not limited to, a designated meeting place for a shelter or a family member or friend's residence;

(4) give such person immediate and adequate notice of his or her rights. Such notice shall consist of handing said person a copy of the statement that follows below and reading the same to said person. If said person's native language is not English, the statement shall be then provided in said person's native language whenever possible.

"You have the right to appear at the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent is a juvenile) court, if you reside within the appropriate jurisdiction, and file a petition requesting any of the following applicable orders: (a) an order directing your attacker to refrain from contacting you, an order directing your attacker to stay away from you, your dwelling and your workplace; and (b) an order directing your attacker to pay you for losses suffered as a result of the harassment

including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical costs, moving expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Initiation of a petition under this statute is not contingent upon going forward with a criminal proceeding nor is it contingent upon ongoing cooperation with law enforcement.

For an emergency on weekends, holidays, or weeknights the police will refer you to a justice of the Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent is a juvenile) court departments.

You have the right to go to the appropriate Superior, District, Boston Municipal, or Juvenile (if the petitioner or respondent is a juvenile) court and seek a criminal complaint for related offenses.

If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment. If you are the victim of sexual assault and if possible, the officer shall take you to a location where a sexual assault nurse examiner is present. The officer shall consider your preference in this regard and what is reasonable under all the circumstances.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter or a family member's or a friend's residence, or a similar place of safety.

You may request a copy of the police incident report at no cost from the police department."

The officer shall leave a copy of the foregoing statement with such person before

leaving the scene or premises.

(5) assist such person by activating the emergency judicial system when the court is closed for business;

(6) inform the victim that the assailant will be eligible for bail and may be promptly released; and

(7) arrest any person a law officer witnesses or has probable cause to believe has violated a temporary or permanent Harassment Prevention Order or judgment issued. When there are no Harassment Prevention Orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:

(a) has committed a felony; or

(b) has committed a misdemeanor involving harassment as defined in section one of this chapter

(c) has committed an assault and battery that involved harassment

The safety of the victim shall be paramount in any decision to arrest. Any officer arresting both parties must submit a detailed, written report in addition to an incident report, setting forth the grounds for dual arrest.

No law officer investigating an incident of harassment shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a harassment incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter.

Whenever any law officer investigates an incident of harassment, the officer shall immediately file a written incident report in accordance with the standards of the officer's law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime-reporting unit of the criminal history systems board.

The petitioner shall be provided a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail grants bail for any person arrested under this chapter, he shall make reasonable efforts to inform the petitioner of such release prior to or at the time of said release.

When any person charged with or arrested for a crime involving harassment under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the petitioner, a written no contact order prohibiting the person charged or arrested from having any contact with the petitioner, either directly or indirectly, and shall use all reasonable means to notify the petitioner immediately of release from custody. The petitioner shall be given at no cost a certified copy of the no contact order.

The amendment was **adopted**.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund, Brown and Timilty and Ms. Fargo moved that the bill be amended by inserting, after Section ___, the following new Section:-

"SECTION ___. Section 2 of Chapter 149 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end thereof the following:-

The attorney general shall make available to the residents of the Commonwealth a 24-hour toll-free hotline which may be used for reporting any suspected violations of section 19C of this chapter, or of 8 U.S.C. 1324a(h)(2), relative to the unlawful employment of unauthorized aliens. Calls to the hotline shall be treated confidentially, and callers shall have the option of reporting any violations anonymously. All complaints, whether received through the hotline, in writing, electronically, or in any other form, shall be recorded and documented by the attorney general and immediately referred to the attorney general of the United States, pursuant to the provisions of 8 U.S.C. 1324a(h)(2). The attorney general shall annually prepare a year-end report detailing all reported violations of section 19C of this chapter and of 8 U.S.C. 1324a(h)(2), the nature of said violations, the date on which each

complaint was received, documented and forwarded to the attorney general of the United States, and any enforcement action taken against an employer who knowingly employs illegal aliens in the Commonwealth. Said report shall be submitted to the House and Senate Committees on Ways and Means and to the Joint Committee on Labor and Workforce Development on or before February 1 of each year.

After debate, the amendment was adopted.

Messrs. Hedlund, Lees, Tisei, Tarr, Knapik, Brown, Timilty, Ms. Fargo moved that the bill be amended in section 2, in item 0330-0300, by inserting at the end thereof the following:- “provided further that the immigration status of every defendant should be confirmed at the arraignment stage of a court proceeding”.

After remarks, the amendment was **adopted**.

At four minutes past ten o'clock P.M. , on motion of Mr. Lees, the President declared a recess until the following day at eleven o'clock A.M.

Thursday, May 25, 2006.

[being the legislative session of Wednesday, May 24, 2006.]

Met at nine minutes past eleven o'clock A.M.

The President, members, guests, employees and students from the Bell School in Marblehead then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, several distinguished guests were recognized, as follows:

The Chair (Ms. Menard) introduced a class of third grade students from the Chase Street School in Somerset. The students were accompanied by their teachers, Ms. Nancy Feeney and Ms. Jane Larson. They were the guests of Ms. Menard, a former teacher at the Chase Street School.

The President handed the gavel to Senator McGee for the purpose of an introduction. Senator McGee then introduced students and teachers from the Bell School of Marblehead. The students, prior to their introduction, accompanied the Senate President, employees and other guests in the pledge of allegiance to the flag. They were the guests of Senator McGee.

The Chair (Mr. Nuciforo), introduced, seated in the Senate gallery, the 7th grade class from the Lee Middle School in Lee, Massachusetts. They were accompanied by their teachers and chaperones. They were the guests of Senator Nuciforo.

The Chair (Mr. Havern) handed the gavel to Senator Moore for the purpose of an introduction. Mr. Moore then introduced, seated in the Senate gallery, Mrs. Charington's Class from Our Lady of the Valley School in Whitinsville. The class was making its annual visit to Boston to celebrate the birth date of President John F. Kennedy. At the urging of Senator Moore, the class performed a song they had learned in honor of President Kennedy. The class was the guest of Senator Moore and Representative Callahan of Sutton.

The Chair (Mr. Havern) handed the gavel to Senator Timilty for the purpose of an introduction. Senator Timilty then introduced, seated in rear of the Chamber, Jaclyn Wilton-Martindale, a police officer from Pontiac, Michigan, and her husband, Sandy. Ms. Wilton-Martindale was in Boston for serious medical procedures. She and her husband were accompanied by Arnie Larson, head of the Massachusetts Chapter of the Fraternal Order of Police. Mr. Larson arranged for Ms. Wilton-Martindale to stay in Boston during the procedures.

The Chair (Mr. Havern) handed the gavel to Ms. Wilkerson for the purpose of an introduction. Ms. Wilkerson then introduced Rudolph and David Vinton from Liberia.

Communication.

The President in the Chair, the Clerk read the following communication:

Commonwealth of Massachusetts
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

May 24, 2006.

Mr. William F. Welch
Clerk of the Massachusetts Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Today from 7:00 p.m. to 8:00 p.m., I was unable to attend the session due to a long standing military obligation. Therefore, I was unable to be present in the Senate Chamber for the roll call votes on the following matters:

The first matter was on Budget amendment #28, Lees Appleseed Park, sponsored by Senator Robert Antonioni. Had I been present, I would have voted in the affirmative.

The second matter taken up was Budget amendment #31, House Tax Language. Had I been present, I would have voted in the affirmative.

I respectfully request that a copy of this communication be printed in today's Senate Journal. Thank you for your attention to this matter.

Sincerely,
SCOTT P. BROWN,
State Senator.

On motion of Mr. Tisei, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill increasing the speed limit for boating within the narrows in Glen Echo Lake in the town of Charlton (see Senate, No. 2238, changed) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),— was further considered, the main question being on ordering it to a third reading.

Messrs. Pacheco and Montigny, Ms. Chandler, Mr. Nuciforo, Ms. Jehlen, Mr. Tolman, Ms. Resor, Messrs. Augustus, Barrios, Havern and Timilty, Ms. Menard and Ms. Fargo moved that the bill be amended by inserting, after section 36, the following 6 sections:—

“SECTION 36A. Chapter 151 of the General Laws is hereby amended by striking out section 1, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:—

Section 1. (a) It is hereby declared to be against public policy for any employer to employ any person in an occupation in this commonwealth at an oppressive and unreasonable wage as defined in section 2, and any contract, agreement or understanding for or in relation to such employment shall be null and void. An hourly wage of less than the minimum wage specified in subsection (b), in any occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and unreasonable, wherever the term ‘minimum wage’ is used in this chapter, unless the commissioner has expressly approved or shall expressly approve the establishment and payment of a lesser wage under sections 7 and 9. In no case shall the minimum wage rate be less than \$0.10 higher than the effective federal minimum rate.

(b) The minimum wage shall be \$7.50 per hour.

SECTION 36B. Said section 1 of said chapter 151 is hereby further amended by striking out subsection (b), inserted by section 36A, and inserting in the place thereof the following:— (b) The minimum wage shall be \$8.25 per hour.

SECTION 36C. Said section 1 of said chapter 151 is hereby further amended by striking out subsection (b), inserted by section 36B, and inserting in the place thereof the following 3 subsections:—

(b) The minimum wage shall be \$8.25 per hour, adjusted for inflation each year as specified in subsection (d).

(c) On May 31 of each year, the commissioner shall calculate and announce the percentage change in the national consumer price index for all urban consumers as prepared by the United States Bureau of Labor Statistics, or its successor index, for the most recent 12-month period for which such data are available.

(d) Effective September 1 of the same calendar year, the minimum wage shall be the minimum wage in effect on May 31 increased by the percentage change in the consumer price index calculated in subsection (c). In no instance shall the increase be less than zero.

SECTION 36D. Said chapter 151 is hereby further amended by inserting after section 1B the following section:—

Section 1C. (a) There shall be a commission, to be known as the Massachusetts Commission on the Minimum Wage, to consider further increases in the minimum wage as may be necessary or appropriate to reflect existing economic conditions in the commonwealth. The commission shall meet every 3 years, with the first meeting to occur by March 15, 2010. The commission shall file a report containing its recommendations for further increases in the minimum wage with the joint committee on labor and workforce development by June 15 of each year in which it meets. Upon filing this report, the commission shall be disbanded, until such appointments are made for the next meeting of the commission. Appointments to fill the membership of the commission shall be made no earlier than January 15 of the year in which the commission is scheduled to meet. The commission shall consist of 13 members, as follows: the secretary of economic development; 1 member appointed by the president of the Massachusetts AFL-CIO; 1 member appointed by the governor who shall represent the interests of business; 2 members appointed by the attorney general, 1 of whom shall have demonstrable experience in labor law and 1 of whom shall have demonstrable experience in labor market economics; 2 members appointed by the speaker of the house of representatives; 2 members appointed by the president of the senate; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; the house chair of the joint committee on labor and workforce development; and the senate chair of the joint committee on labor and workforce development.

(b) Nothing in this section shall prevent the general court from increasing the minimum wage before or following a scheduled meeting of the commission or from increasing the minimum wage in the absence of a favorable report by the commission.

SECTION 36E. Section 2 of said chapter 151, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of ‘Department’ the following definition:—

‘Employer’, an individual, corporation, partnership, labor organization, the commonwealth, a political subdivision thereof, including a city, town, county, or other governmental entity authorized or created by state law, including a public corporation or authority, or any other legal business, public or private, or commercial entity, including agents of the employer.

SECTION 36F. The third paragraph of section 7 of said chapter 151, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:—

(1) 50 per cent of the minimum wage under subsection (b) of section 1”; and by inserting after section 103 the following section:—

“SECTION 103A. Sections 36A, 36E, and 36F shall take effect on September 1, 2006. Section 36B shall take effect on September 1, 2007. Section 36C shall take effect on January 1, 2008. Section 36D shall take effect on January 1, 2010.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes before one o’clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 276**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.

Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS — 0.	

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

Mr. Nuciforo moved that the bill be amended in section 2, in item 7007-1200, by inserting after the words “through its Massachusetts Technology Collaborative” the following words:—

“provided further, that the match requirement for operation of the pilot program authorized pursuant to item 7007-1200 of section 2 of chapter 149 of the acts of 2004 shall be such amount determined by the corporation to evidence a level of community support for the pilot which, together with grants-in-aid provided by the corporation and support provided from any other source, is sufficient to support the success of the pilot”.

The amendment was **adopted**.

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

Distinguished Guest.

The President in the Chair was joined on the rostrum by the Speaker of the House of Representatives Salvatore F. DiMasi. The President then introduced and welcomed “Hometown Hero” Doug Flutie. Doug Flutie was being honored for his many accomplishments in football from his historic touchdown pass against Miami in the Orange Bowl, his winning the Heisman Trophy, his numerous “Most Valuable Player” awards in the Canadian Football League, his outstanding performance as quarterback for in the National Football League where he played for the Chicago Bears, Buffalo Bills and the New England Patriots and for his many outstanding contributions to help autistic children.

The President then recognized Speaker DiMasi who briefly recognized Doug Flutie for his many accomplishments.

The President then recognized Peter Flaherty of the governor’s office who read a proclamation from the governor declaring May

25, 2006 as “Doug Flutie Day”.

The President then introduced Senators Brown and Spilka who read resolutions adopted by the Senate paying honor to Doug Flutie.

Doug Flutie then briefly addressed the Chamber.

The President then recognized Representative David Linsky of Natick who presented Doug Flutie with resolutions adopted by the House honoring him.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),— was further considered, the main question being on ordering it to a third reading.

Ms. Jehlen moved that the bill be amended by adding the following section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the withdrawal of water from Spot Pond Reservoir by the Town of Winchester pursuant to the Spot Pond Elevation Management Agreement between the Town of Winchester and the Massachusetts Water Resources Authority dated October 27, 2002 shall be deemed a water sharing agreement for the purposes of the Massachusetts Water Management Act, G.L. c. 21G, § 1, et seq., and the implementing regulations thereof, 310 CMR 36.00. So long as said agreement remains in effect and the Town of Winchester withdraws water from Spot Pond in compliance with said agreement, such withdrawal of water from Spot Pond shall not require registration or a permit under the Massachusetts Water Management Act”.

The amendment was **adopted**.

Messrs. Tolman and Pacheco moved that the bill be amended by striking out section 96.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION _____. Item 2440-2016 of said chapter 236 of the Acts of 2002 is hereby amended by striking out the following:— ‘that not less than \$3,000,000 shall be expended for a matching grant for the renovation of Cass skating rink in the city of Boston; provided further, that said match shall be \$2 of private funds for every \$1 of state funds’; inserting in place thereof the following:— ‘provided further, that not less than \$2,829,500 shall be expended for one time funding for renovation, repairs, including roofing, maintenance and safety improvements, to the Melnea Cass rink and pool in the Roxbury section of the city of Boston; provided further, that not less than \$2,200,000 shall be expended for one time funding to construct a permanent facility, including roofing, maintenance and safety improvements, to the Kelly Rink in the Roxbury/Jamaica Plain section of the city of Boston; provided further that not less than \$1,500,000 shall be expended for a matching grant for the construction of Kelly skating rink in the Roxbury/Jamaica Plain section of the city of Boston; provided further, that said match shall be \$1 of private funds for every \$1 of state funds’ ”; and by striking the figure “\$46,370,000” and inserting in place thereof the following figure:—

“\$49,899,500”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 59 by striking out the figure “\$758,372,514” and inserting thereof the figure:—

“\$761,902,014”.

The amendment was **adopted**.

Mr. Lees moved that the bill be amended in section 2, in item 2800-0500, by inserting at the end thereof the following:—

“; provided further, that Horseneck Beach shall be renamed as ‘Menard/ Horseneck Beach,’ which shall be the official beach of the Commonwealth”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 2810-0100, by inserting at the end thereof the following:—

“; provided further, that Mount Tom shall be officially redesignated as ‘Mount Mike’.”

The amendment was *rejected*.

Ms. Tucker and Ms. Chandler, Messrs. Tolman, Joyce, Montigny, Morrissey, Panagiotakos and Augustus moved that the bill be

amended by inserting, after section ___, the following new section:—

“SECTION ___. Not later than 10 days after the effective date of this act, the comptroller shall transfer \$5,000,000 from the General Fund to the Affordable Housing Trust Fund, established by chapter 121D of the General Laws, provided that such funds shall be administered in accordance with chapter 121D and provided further that not less than \$3 million of such funds shall be expended for down payment assistance and technical assistance for the purchase and preservation of multi-family housing developments which are or were subject to final payment, prepayment or termination of a state or federally assisted mortgage or which has received or currently receives assistance and such assistance is expiring under any of the following programs:— (1) section 8 of the United States Housing Act of 1937, as amended, 42 U.S.C. Section 1437f; as it applies to new construction, substantial rehabilitation, moderate rehabilitation, property disposition and loan management set-aside programs, or any other program providing project-based rental assistance; (2) section 42 of the Internal Revenue Code, as amended, 26 U.S.C. Section 42, the federal Low-Income Housing Tax Credit Program; (3) section 101 of the Housing and Urban Development Act of 1965, as amended, 12 U.S.C. Section 1701s as it applies to programs for rent supplement assistance thereunder; (4) Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. Section 1701q; (5) section 221(d)(3) of the National Housing Act of 1934, as amended, 12 U.S.C. Section 1715l(d)(3) or (5), the below market interest rate program; (6) section 221(d)(4) of the National Housing Act, as amended, 12 U.S.C. Section 1715l(d)(4), to the extent the project’s rents are regulated pursuant to a government agreement; (7) section 236 of the National Housing Act, as amended, 12 U.S.C. Section 1715z-l; (8) section 515 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1485; (9) section 521 of the Housing Act of 1949, as amended, 42 U.S.C. Section 1490a; (10) The federal Urban Development Action Grant, ‘UDAG’, as amended, 42 U.S.C. Section 5318, to the extent project’s rents are regulated pursuant to a government agreement; (11) The federal Housing Development Action Grant, ‘HODAG’, as amended, 42 U.S.C. Section 1437o, to the extent project’s rents are regulated pursuant to a government agreement; (12) Chapter 121A of the general laws, to the extent project’s affordability of dwelling units is regulated; or (13) section 13A of Chapter 708 of the Acts of 1966.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words, “Cranberry Harvest Map” the following:—

“provided further, that not less than \$225,000 shall be expended to the Town of Wilmington for the purchase and preservation of historic Butters Farm, subject to 1:1 matching funds from the town;”.

The amendment was *rejected*.

Ms. Chandler, Ms. Jehlen, Ms. Tucker, Messrs. Barrios, Antonioni, Timilty, Tolman, Creedon, Ms. Spilka, Ms. Resor, Ms. Fargo, Messrs. Augustus, Tarr, Joyce and Tisei moved that the bill be amended in section 2, by striking out item 7004-9024, and inserting in place thereof the following item:—

“7004-9024

For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that rental assistance shall only be paid under a program to be known as the Massachusetts rental voucher program; provided further, that the income of the households shall not exceed 200 per cent of the federal poverty level; provided further, that the department may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the nonrenewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of participants’ households in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that any household in which a participant or member of a participant’s household shall fail to provide a social security number for use in verifying the household’s income and eligibility shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the vouchers shall be in varying dollar amounts and shall be set by the department based on considerations, including, but not limited to, family size, composition, income level and geographic location; provided further, that notwithstanding any general or special law to the contrary, the monthly dollar amount of each voucher shall be the department-approved total monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that notwithstanding any general or special law to the contrary, the use of rent surveys shall not be required in determining the amounts of the mobile vouchers or the project-based units; provided further, that any household which is proven to have caused intentional damage to its rental unit in an amount exceeding 2 month’s rent during any 1-year lease period shall be terminated from the program; provided further, that notwithstanding any general or special law to the contrary, a mobile voucher whose use is or has been discontinued shall be re-assigned within 90 days; provided further, that the department shall pay agencies \$32.50 per voucher per month for the costs of administering the program; provided further, that subsidies shall not be reduced for the cost of accommodating the cost of the inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a project-based voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent, and each household holding a mobile voucher shall pay at least 30 per cent but not more than 40 per cent of its income as rent; provided further, that the department shall establish the amounts of the mobile vouchers and the project-based vouchers, so that the appropriation in this item is not exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which

will cause it to exceed the appropriation set forth in this item; provided further, that the households holding mobile vouchers shall have priority for occupancy of the project-based dwelling units in the event of a vacancy; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that these obligations may include, but need not be limited to, job training, counseling, household budgeting and education, as defined in regulations promulgated by the department and to the extent these programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in the program; provided further, that for continued eligibility each participant shall execute this 12-month contract on or before September 1, 2006 if the participant's annual eligibility recertification date occurs between June 30, 2006 and September 1, 2006 and otherwise on or before the annual eligibility recertification date; provided further, that any participant who is over the age of 60 years or who is handicapped may be exempted from any obligations unsuitable under particular circumstances; provided further, that the department shall submit an annual report not later than February 1, 2007 to the secretary of administration and finance and the house and senate committees on ways and means detailing expenditures, the number of outstanding rental vouchers by income level and the number and types of units leased that are funded from this item; provided further, that no funds shall be expended from this item in the AA object class for the compensation of state employees; provided further, that the department may assist housing authorities, at their written request, in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; Provided further, that not more than \$2,600,000 may be expended and provided further to encourage the renewal of project-based rental assistance contracts by allowing for rent adjustments and the correction of rent disparities; that the department of housing and community development shall strive to avoid a reduction in the value of the Massachusetts rental voucher from its value as of June 30, 2006 29,883,345".

The amendment was *rejected*.

Messrs. Tolman and Barrios and Ms. Resor moved that the bill be amended in section 2, in item 7004-0099, by adding at the end thereof the following:—

"Provided further that no less than \$100,000 shall be expended for two computer centers operated by the Cambridge Housing Authority".

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended in section 2, in item 2810-0100, by striking out the figure "\$150,000" and inserting in place thereof the following figure:—

"\$185,000".

The amendment was *rejected*.

Messrs. Morrissey, Augustus and McGee moved that the bill be amended in section 43 by striking out, in line 8, the following:—

"or a municipal gas or electric department, corporation or plant established pursuant to any general or special law".

The amendment was **adopted**.

Mr. Lees moved that the bill be amended in section 2, in item 7007-0900, by inserting at the end thereof the following:—

"; provided further, that the Blackstone Valley shall be redesignated as the "Moore/Blackstone Valley".

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after section ___, the following new section:—

"SECTION ___. The department of education shall conduct a study examining the effectiveness of accountability reviews for all public elementary and secondary schools in the commonwealth in order to establish new policies with regard to such reviews. The department shall work to develop a framework from which schools and teachers can improve upon any perceived deficiencies and to reduce the frequency, without compromising the integrity, of accountability reviews. The department shall also consider the following factors in establishing new policies for accountability reviews: individual, classroom, and school-wide progress in achieving set goals; standards to provide teachers if classroom deficiencies exist; solutions to general issues within a classroom or school, as well as student-specific problems; and any other factor that will help to correct a perceived deficiency in the classroom or school. The department shall consult with at least one superintendent from a school district in each county, and shall provide an opportunity for each school district to submit comments on proposed changes to accountability reviews. Said study shall be completed by June 1, 2007 and shall be submitted to the clerks of the senate and house of representatives, and the chairmen of the joint committee on education".

The amendment was **adopted**.

Ms. Menard and Mr. Panagiotakos moved to amend the bill by inserting, after section 104, the following new section:—
“SECTION 105. (a) Notwithstanding any general or special law to the contrary, the commonwealth shall not impose any new waivers at state and community colleges or at the university of Massachusetts without corresponding appropriations sufficient to cover the cost of the waivers. This shall also apply to the John and Abigail Adams scholarship program.
(b) The provisions of this section shall expire on June 30, 2007.”

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended in section 2, in item 7061-9404, by inserting after the words “chapter 386 of the acts of 2002;” the following words:—

“provided further, that not less than \$370,000 shall be allocated to the Framingham public schools to evaluate existing dual-immersion programs in Framingham and elsewhere in the commonwealth including an evaluation of best practices and all professional development related to said programs; provided further that any evaluation will examine the likelihood and efficiency of replication of such programs and practices in school districts with large percentage of English Language Learners; provided further that said funds may be expended for professional development related to said programs”; and by striking the figure “\$10,339,647” and inserting in place thereof the following figure:—

“\$10,709,647”.

The amendment was **adopted**.

Messrs. Tarr, Lees, Tisei, Knapik, Timilty, Hedlund and Brown, and Ms. Tucker moved that the bill be amended in section 2, in item 7061-0011, by striking the figure “\$4,500,000” and inserting in place thereof the following figure:—

“\$6,000,000”.

The amendment was *rejected*.

Ms. Fargo and Mr. Tarr moved that the bill be amended by inserting, after section 19 of the outside sections, the following new section:—

“SECTION 19A. Said section 5 of chapter 59 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in subclause (1) of clause eighteenth A, after the word ‘annum’ as appearing at the end of said subclause, the following words:— ‘or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates’.”

The amendment was *rejected*.

Ms. Resor, Ms. Chandler, Mr. Augustus and Ms. Fargo moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION 104A. Notwithstanding any internal agency deadline, the City of Marlborough shall be eligible to receive previously approved funding of \$600,000 for a clean water management plan, provided that the city meet and adhere to all additional requirements”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 2, in item 8400-0001, in line 15, striking the words “Grove Hall” and inserting in place thereof the following word:—

“Roxbury”.

The amendment was *rejected*.

Messrs. Tarr, Lees, Tisei, Hedlund, Brown and Montigny moved that the bill be amended at the end by inserting the following sections:—

“SECTION _____. Section 2A of chapter 28 of the acts of 1996 is hereby repealed.

SECTION _____. Section 2 of chapter 28 of the acts of 1996, is hereby amended in item 2000-6966 by inserting after the words ‘wooden docks in Kingston’ the following:— ‘provided further, that \$1,000,000 shall be expended for capital repairs and improvements to the Schooner Ernestina; provided further, that not less than \$500,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester; provided further, that not less than \$500,000 shall be expended for the dredging and maintenance of Old Harbor in the town of Rockport’; and by striking out the figure ‘\$65,000,000’ and inserting in place thereof the following figure:— ‘\$150,000,000’.

SECTION _____. Section 3 of chapter 28 of the acts of 1996 is hereby amended by striking out, in lines 4 to 5, inclusive of the first

paragraph, the words ‘one hundred eighty-three million eight hundred and fifty thousand dollars’ and inserting in place thereof the following figure:— ‘\$268,850,000’.

SECTION _____. Sections 5 and 6 of chapter 28 of the acts of 1996 are hereby repealed.”
The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2, in item 0540-2000, by striking out the figure “\$787,067” and inserting in place thereof the following figure:—

“\$940,083”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION _____. Section 1 of Chapter 7A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the ninth sentence.”
The amendment was **adopted**.

Mr. Barrios and Ms. Jehlen moved that the bill be amended in section 2 by inserting, after item 6030-7201, the following item:—
“6033-0430
For paving and improvement of Washington Street in Somerville from the Boston line up to and including the area below McGrath Highway 150,000”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 6010-0001, by inserting after the words “Gorham Street, Lowell;” the following:—

“provided further that \$300,000 shall be expended for the study and design of a safe walkable-bikable trail system along George Washington Boulevard in the town of Hull”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 6000-0100, by inserting at the end thereof the following:—

“provided further; that Senate President shall be required to use a Toyota Prius for all official business and shall be required to report back to the Legislature on the efficiency of a vehicle with a combined gas engine and an emissions-free electric motor to achieve fuel economy”.

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended by inserting, after section ____, the following new sections:—

“SECTION ____A. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in the first paragraph the words ‘or by the Massachusetts Bay Transportation Authority.’

SECTION ____B. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in the second paragraph the word ‘requested’ and inserting in place thereof the following: ‘required’.

SECTION ____C. Section 101 of chapter 159 of the Massachusetts General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in the second paragraph, after the word ‘police’, the following: ‘or employees or agents designated by massachusetts bay transportation authority’.”

The amendment was **adopted**.

Ms. Fargo moved that the bill be amended in section 2, in item 6010-0001, by inserting after the word “Woburn” the following text:—

“; provided further, that \$300,000 be expended for traffic signal improvements at the Trapelo Road and Forest Street intersection and at Lexington Street located at the Glen Meadow Apartment Complex in Waltham”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8800-0001, in line 6, by inserting after the words “December 9, 2005”, the following:—

“; and provided further, funds may be expended to purchase and install a regional emergency power generator to be placed in the

public shelter of Wayland Middle School in the Town of Wayland”.
The amendment was **adopted**.

Ms. Fargo and Ms. Resor moved that the bill be amended in section 2, in item 8000-0106, by inserting after the words “Forensic Sciences Advisory Board” the following wording:—

“; and provided further, that the agency shall expend not less than \$90,000 to the municipality hosting the state police crime laboratory in Sudbury”.
The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 8900-0001, by inserting after the words “Cedar Junction” the following wording:—

“; and provided further, that the department shall expend not less than \$297,277 to the municipality hosting the MCI-Concord and Northeastern Correctional Center facilities in Concord”.
The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 0810-0000, by striking the following language: “provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston and in the city of New Bedford;”. and replacing it with the following:—

“provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative program in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/ Geneva area of the Dorchester district of the city of Boston”.
The amendment was *rejected*.

Messrs. Tarr and Brown moved that the bill be amended in section 2 by inserting, after item 8000-0010, the following new item:—

“8000-xxxx

For emergency equipment grants to be administered by the executive office of public safety and awarded to cities and towns for the purchase of durable equipment, provided that such grants be awarded on a one-time basis and may be conditioned on a match of funding from grant recipients; provided further that not less than \$70,000 shall be provided to the town of Rowley for the purchase of an emergency generator; provided further that \$225,000 shall be provided to the town of Wayland for the purchase of an emergency generator; provided further that funds from this item shall be provided to the town of North Attleboro for the purchase of an emergency generator; provided further that the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amounts of grants awarded to grant recipients and descriptions of equipment purchased through grant awards 1,500,000”.

The amendment was *rejected*.

Messrs. Barrios and Tarr moved that the bill be amended in section 2 to insert, after 8000-0040, the following item:—

“8000-0050

For the firefighting equipment grant program for fire departments of every city, town, fire district and authority of the Commonwealth to be administered by the Executive Office of Public Safety, provided that grants shall be distributed to municipalities according to a formula giving equal weight to each municipalities population; provided further that a municipality shall not receive less than \$15,000; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand0help power lights, communication devices, telephones, personnel alert safety systems, so-called air pack, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further that grants awarded by said Executive Office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award: provided further that no grant shall be awarded to the Department of Fire Services; provided further that not later than February 1, 2007 the Executive Office of Public Safety shall submit a report to the House and Senate committees on Ways and Means and to the Secretary for Administration and Finance detailing the amount of grants awarded to said grant recipients and descriptions of said grants and each municipality will provide the Executive Office of Public Safety with a comprehensive list of the best-practices that have been instituted as a result of these grants 10,000,000”.

The amendment was *rejected*.

Mr. Barrios moved that the bill amended in section 2, in item 4510-0790, by striking out the figure “\$1,246,896”, and inserting in place thereof the figure “\$1,546,896”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 8100-0000, by inserting after the words “provided further, that not less than \$10,000 shall be expended for the state police to provide police detail at the big E fair, including, but not limited to, a mounted unit to participate in the big E fair parade” the following words:—

“and the senator from the Hampden district shall be required to lead the big E fair parade seated on top of an elephant”.
The amendment was *rejected*.

Messrs. Tolman, Barrios and Tarr moved that the bill be amended in section 2, in item 0810-0045, by inserting after “chapter 150E of the General Laws” the following:—

“that the department shall employ twelve additional industrial safety and health inspectors in fiscal year 2007 in excess of any such positions approved as of January 1, 2006”; and by striking out the figure “\$3,105,528” and inserting in place thereof the figure “\$4,105,528”.
The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 8900-0001, by adding:—

“and provided further, that not less than \$100,000 shall be expended on Black Men of Greater Springfield, Inc. in the City of Springfield”, and further striking the figure “\$451,497,512” from said line item and replacing it with “\$451,597,512”.
The amendment was **adopted**.

Messrs. Creedon, Morrissey and Barrios, Ms. Chandler, Messrs. McGee, Augustus, Pacheco, Brewer, Antonioni, Buoniconti, Baddour, Hart, Knapik, Timilty and Tolman moved that the bill be amended in section 2, in item 0339-1001, by striking out the figure “\$122,198,950” and inserting in place thereof the following figure:—

“\$130,600,000”.
The amendment was *rejected*.

Messrs. Creedon, Morrissey, Barrios, Ms. Chandler, Messrs. McGee, Augustus, Pacheco, Brewer, Buoniconti, Baddour, Hart, Knapik, Timilty and Tolman moved that the bill be amended in section 2, in item 0339-1003, by striking out the figure “\$5,706,757” and inserting in place thereof the figure “\$5,862,043”.
The amendment was *rejected*.

Mr. Creedon moved that the bill be amended in section 2, in item 0332-0100, by striking the figure “\$41,988,423” and inserting in place thereof the following figure:—

“\$42,056,703”.
The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended by inserting, after section ___, the following new sections:—
“SECTION ___. The first paragraph of section 10 of chapter 218 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the lines ‘district court of Greenfield’ and ‘district court of Franklin’.
SECTION ___. The second paragraph of said section 10 of said chapter 210, as so appearing, is hereby amended by inserting after the line ‘district court of central Berkshire’ the line ‘district court of Greenfield’.
The amendment was *rejected*.

Mr. Antonioni and Ms. Chandler moved that the bill be amended in section 2, in item 0339-1001, by inserting at the end thereof the following:—

“; and provided further, that not less than \$100,000 shall be expended for the purpose of funding the positions of court services coordinator (1) and assistant court services coordinator (1), at the Central Massachusetts Probation Training Authority located in the town of Clinton”; and by striking out the figure “\$122,198,950” and inserting in place thereof the following figure:—

“\$122,298,950”.
The amendment was *rejected*.

Mr. Baddour moved that the bill be amended by inserting, after section XX, the following new section:—
“SECTION 44A. Section 1 of chapter 218 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, under the caption ‘Essex’, the second paragraph.
SECTION 44B. Said section 1 of said chapter 218, as so appearing, is hereby further amended by striking out, under the caption ‘Essex’, the fourth paragraph and inserting in place thereof the following paragraph:—

The district court of eastern Essex, held at Gloucester; Essex, Gloucester, Hamilton, Ipswich, Rockport, Topsfield and Wenham". The amendment was **adopted**.

Mr. Morrissey moved that the bill be amended in section 2, in item 2810-0200, by inserting after the words "Schooner Ernestina commission" the following:—

"provided further that, not less than \$100,000 shall be expended for the engineering design and conversion of the manual tide gate controls to electric tide gate controls at the DCR owned Wollaston Beach on Quincy Shore Drive in the City of Quincy"; and by striking out the figure "24,349,586" and inserting in its place thereof the following figure:—

"24,449,586".

The amendment was **adopted**.

At seven minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty-four minutes before three o'clock P.M., the Senate reassembled, Mr. Havern in the Chair.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),— was further considered, the main question being on ordering it to a third reading.

Mr. Joyce moved that the bill be amended by adding the following:—

Section 16 of Chapter 6A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding at the end thereof the following text:—

"Disabled citizens, as all other citizens of the Commonwealth, are entitled to equal protection under Article CXIV of the Massachusetts Constitution, which prohibits discrimination on the basis of handicap, and the full protection of the laws of the Commonwealth, which prohibit the use of corporal punishment on school children and prisoners. No program funded, operated, licensed, or approved by any agency or subdivision of the Commonwealth shall administer to any person with a physical or mental disability any procedure which causes obvious signs of physical pain, including, but not limited to, hitting, pinching, and electric shock for the purposes of changing the behavior of the person.

No such program may employ any form of physical contact or punishment that is otherwise prohibited by law, or would be prohibited if used on a non-disabled person.

No such program may employ any procedure which denies a person with a physical or mental disability adequate sleep, food, shelter, bedding or bathroom facilities".

The amendment was **adopted**.

Ms. Jehlen, Mr. Barrios, Ms. Fargo, Ms. Creem and Messrs. Tolman and Havern moved that the bill be amended in section 2, in item 4400-1000, by inserting at the end thereof the following: "; and provided further, that a full-scale DTA office shall remain in Cambridge or Somerville in a location that is accessible by public transportation".

The amendment was *rejected*.

Ms. Tucker and Mr. Augustus moved that the bill be amended by inserting, after section 101, the following new sections:—

"SECTION 1. Section 1 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition 'Nuclear reactor' the following new definition:

'Shaken Baby Syndrome', a form of abusive head trauma, characterized by a constellation of symptoms caused by a non-accidental traumatic injury resulting from the violent shaking of and impact upon an infant or child's head.

SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting, after section 24J, the following new section:

Section 24K. (a) The Department of Public Health shall collaborate with the Department of Social Services, the Massachusetts Children's Trust Fund, other state agencies serving families and children, health care providers, law enforcement personnel, human service providers, and child advocacy organizations to develop and implement a comprehensive, state-wide Shaken Baby Syndrome Prevention Initiative to reduce death and disability resulting from Shaken Baby Syndrome. Said initiative shall be subject to appropriation and shall include but not be limited to:

(1) The institution of a program to educate patients concerning Shaken Baby Syndrome prevention, provided that parents or guardians of a newborn shall, by the time of discharge from a hospital or birth center, receive education and materials to be developed by the Department of Public Health describing the dangers of shaking infants and children and the risks associated with Shaken Baby Syndrome. Education and materials shall include, but not be limited to, information concerning the medical and physical effects of shaking infants and children, appropriate methods of handling infants and children, methods of preventing and reducing the risk of shaking infants and children, and the availability of community-based programs and other resources to prevent 'Shaken Baby Syndrome';

(2) The institution of education and training programs concerning the prevention and diagnosis of Shaken Baby Syndrome for parents, caregivers, health care providers, and other professionals who serve or have contact with children and families, provided that the Department of Public Health shall develop necessary educational materials;

(3) The development of a program to support and serve victims and families affected by Shaken Baby Syndrome;

(4) The creation of a surveillance and data collection program to measure the incidence of Shaken Baby Syndrome and traumatic brain injury in infants and children in the Commonwealth.

(b) No caregivers, health providers, or other professionals serving children and families who provide education or report information related to the department's surveillance process shall be liable in any civil or criminal action, if said actions were required by this section and made in good faith.

(c) The Department of Public Health may promulgate all rules and regulations necessary to implement the provisions of this section, provided that the department shall consult with a statewide advisory group of interested parties prior to implementation of the initiative and any regulations promulgated in accordance with this section, provided further that the department shall, in consultation with the Department of Social Services and the Massachusetts Children's Trust Fund, conduct an annual evaluation of the Shaken Baby Syndrome Prevention Initiative and shall report annually to the Governor concerning the activities undertaken as part of the Initiative and the results of the annual evaluation, provided further that a copy of the report shall be filed with the clerks of the House of Representatives and the Senate no later than February of each year".

The amendment was **adopted**.

Ms. Tucker and Mr. Augustus moved that the bill be amended in section 2, in item 4510-0710, by inserting after the words "to reduce deficiencies;" the following:—

"provided further, that \$350,000 shall be expended for the operation of a comprehensive, statewide shaken baby syndrome prevention program including community-based and statewide activities; provided, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation", and striking out the figure "\$7,994,057" and inserting in place therefore the following figure:—

"\$8,344,057".

The amendment was **adopted**.

Ms. Tucker, Mr. Moore, Ms. Chandler, Messrs. Augustus and Morrissey moved that the bill be amended in section 2, in items 9110-1630, 9110-1636 and 9110-1900, by adding at the end thereof the words "including program staff at the executive office of elder affairs to manage said program".

The amendment was *rejected*.

Ms. Tucker and Ms. Creem, Messrs. McGee, Timilty, Tolman, Barrios and Montigny, Ms. Resor, Messrs. Brewer and Panagiotakos, Ms. Spilka, Mr. O'Leary and Ms. Jehlen moved that the bill be amended in section 2, in item 4000-0320, by inserting at the end thereof, the following: "; provided further, notwithstanding any general or special law to the contrary, not less than \$5,000,000 shall be expended from this item for the purpose of providing an increase to \$72.80 per month in the personal needs allowance for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income and increasing said amount each year at the same rate as benefits payable to recipients of Supplemental Security Income".

The amendment was *rejected*.

Ms. Tucker and Ms. Creem, Messrs. Barrios, Morrissey, Tarr and Tisei, and Ms. Fargo moved that the bill be amended in section 2, in item 9110-1636, by striking out the figure \$13,868,724" and inserting in place thereof the following figure: "\$16,818,056".

The amendment was *rejected*.

Ms. Tucker and Mr. Tarr, Mr. Moore, Ms. Chandler, Mr. Augustus and Mr. Morrissey moved that the bill be amended in section 2, in item 9110-0100, by adding the words "provided that \$1,347,500 may be spent to operate the Senior Information Management System", and striking at the end thereof the amount "\$2,208,481" and inserting in place thereof "\$3,555,981".

The amendment was *rejected*.

Mr. Moore and Mr. Tarr and Ms. Chandler moved that the bill be amended in section 2, in item 4000-0300, by adding at the end thereof the following:—

"provided further, that the executive office shall develop a process whereby all participating providers who have signed the Virtual Gateway Services Agreement shall have access to the contents of the consolidated summary of any individual's application submitted through the virtual gateway; provided further, that said information access shall comply with all HIPPA requirements; provided further, that the secretary shall report to the house and senate committee on ways and means no later than October 1, 2006 any proposed modifications to the virtual gateway system and a timeline of steps to be taken to implement said modifications."

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 5930-1000, in line 2, by inserting after "Glavin Regional Center" the following words:—

“provided further that not less than \$285,000 shall be expended to the community that host the Wrentham Developmental Center”; and by striking out the figure “\$172,013,458” and inserting in place thereof the figure “\$172,298,458”.

The amendment was *rejected*.

Messrs. Lees, Panagiotakos, Tolman and Creedon and Ms. Wilkerson moved that the bill be amended in section 2, in item 8000-0110, by inserting at the end thereof the following:—

“provided further, that not less than \$346,417 shall be expended for a CORI Training and Audit Unit”; by striking the figure “\$2,895,991” and inserting in place thereof the following figure:—

“\$3,522,547”; and in section 2, in item 8000-1122, by striking out the figure “\$1,861,513” and inserting in place thereof the following figure:—

“\$2,132,012”.

The amendment was **adopted**.

Ms. Fargo, Ms. Menard, Ms. Spilka and Messrs. Barrios, Brown, Knapik, McGee, Pacheco and Timilty and Ms. Tucker moved that the bill be amended in section 2, in item 4530-9000, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:—

“\$3,000,000”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2 by inserting, after item 4516-1022, the following item:—

“4516-2500 For emergency preparedness for a flu pandemic, in the identification of deficiencies in resources and coordinated capabilities of the department and local health departments; provided, not less than \$140,000 shall be expended by the department to study the public health emergency preparedness in the commonwealth for such pandemic; provided further, the study will be performed jointly by the Harvard School of Public Health Center for Emergency Preparedness and the Cambridge Public Health Advanced Practice Center for Emergency Preparedness; provided further, the study shall identify deficiencies between the department’s guidelines for emergency dispensing site management and operations and the current capabilities of local health departments to implement those guidelines; and provided further, that the study shall include a report with recommendations to improve emergency dispensing site management and operations preparedness in the commonwealth for such pandemic; and provided further, such report shall identify any necessary unfilled public health resource needs for such management and operations and an estimate of the projected costs for implementation of those resource needs; and provided further, the department shall submit a copy of the report to the house and senate chairmen of the joint committees on Public Health and Health

Care Financing by December 15, 2006 140,000”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4400-1000, by inserting after “the department’s caseworkers”; the following, — “provided further, that \$100,000 shall be expended for the Horizon Housing Program located in Mattapan”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4510-0100, by inserting after the words “abstinence-only programming” the following: “provided further that \$158,000 shall be expended for the Haitian Multi-Service Center”.

The amendment was *rejected*.

Messrs. Hart and Barrios moved that the bill be amended in section 2, in item 4512-0200, by striking the words “that not less than \$100,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston” and replacing it with “that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4513-1000, by striking out the words “provided further, that not less than \$200,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston” and insert thereof the following words:—

“provided further, that not less than \$300,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that not less than \$100,000 of said funds shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston;”.

The amendment was *rejected*.

Ms. Spilka, Ms. Jehlen and Mr. Tolman moved that the bill be amended in section 2, in item 5046-0000, by striking out the words “provided further that \$200,000 shall be expended for jail diversion programs; provided further that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham” and inserting in place thereof the following words:—

“provided further that not less than \$300,000 shall be expended to help create pre-arrest jail diversion grant program at the Department of Mental Health; provided further that \$100,000 shall be expended for the jail diversion program in Framingham;”.
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-0015, by striking out the figure “\$75,563,750” and inserting in place thereof the following figure:—

“\$76,498,732”.
The amendment was *rejected*.

Messrs. Baddour, Tarr, Moore and Barrios, Ms. Jehlen, Messrs. Panagiotakos and Montigny, Ms. Tucker, Mr. Joyce, Ms. Creem, Mr. O’Leary, Ms. Chandler and Messrs. Creedon and Panagiotakos moved that the bill be amended in section 2, in item 4000-0600, by inserting after the words “providing caregiving services to an elder;” the following:—

“provided further, that the Executive Office of Elder Affairs shall make no change in the reimbursement system or operations of Adult Day Health programs as they relate to transportation of program participants except that the executive office may grant periodic rate increases, as appropriate, for transportation services;”.
The amendment was **adopted**.

Messrs. Baddour, Tarr, Moore and Berry, Ms. Tucker and Mr. Pacheco moved that the bill be amended by striking out section 35.
The amendment was **adopted**.

Ms. Fargo, Ms. Resor and Mr. Panagiotakos moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies;” the following text:—

“provided further, that a \$300,000 essential community provider trust fund grant shall be awarded to a nonprofit, acute care community hospital located in Middlesex County subject to the conditions that such hospital has not more 160 licensed medical surgical beds, provides inpatient psychiatric care, and operates a significant hospital-based paramedic program and provided further, provides services to 25 area communities including all communities in the northern half of said county”.
The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 2, in item 4580-1000, by striking out the figure “\$36,771,508” and inserting in place thereof the following figure:—

“\$37,671,508”.
The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 4512-0500, by inserting after the words “the number of children waiting to be served by the program” the following:—

“provided further that not less than \$90,000 shall be expended to Harbor Health Services, Inc. for support and implementation of a model dental program that provides comprehensive dental care for low-income uninsured adults throughout the Cape”, and in said item by striking out the figure “\$1,678,150” and inserting in place thereof the following figure:—

“\$1,768,150”.
The amendment was **adopted**.

Ms. Wilkerson, Ms. Fargo and Mr. Barrios moved that the bill be amended in section 2, in item 9110-9002, by inserting after the word “secretary” the following:—

“provided that not less than \$50,000 shall be provided to the LGBT Aging Project”; and by striking out the figure “\$7,550,000” and inserting in place thereof the following figure: “\$7,600,000”.
The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4000-0300, after the words “June 30, 2007” the following:—

“provided further that an acute care hospital in which the ratio of solid organ transplants to total discharges is greater than .42 percent as of July 1, 2004 and which offers at least three organ transplantation programs shall be exempt from the inpatient and outpatient efficiency standards being applied to its rate methodology”.

The amendment was *rejected*.

Ms. Jehlen, Ms. Spilka, Messrs. Tarr, Nuciforo, Tisei, Joyce and Barrios moved that the bill be amended in section 2, in item 9110-1633, by striking out the figure “\$39,311,751” and inserting in place thereof the figure “\$40,370,835”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2, in item 5920-3010, by inserting after the words “department of mental retardation” the following words:—

“provided further, that the department shall report to the house and senate committees on ways and means and the joint committee on education no later than March 1, 2007 on the number of contracted support services provided for families with autistic children under this item and the costs associated with those services;”.; and by striking the figure “\$2,200,000” and inserting in place thereof the following figure:—

“\$2,000,000”.

The amendment was **adopted**.

Ms. Tucker and Ms. Jehlen moved that the bill be amended in section 2, in item 4405-2000, by striking the figure “\$1,000,000” and inserting in place thereof the following “\$3,000,000”; and by striking the figure “\$210,887,077” and inserting in place thereof the figure “\$212,887,077”.

The amendment was *rejected*.

Ms. Jehlen, Ms. Tucker, Ms. Creem, Messrs. Nuciforo, Hedlund, Moore and Ms. Chandler, Ms. Fargo, Messrs. Joyce, Tarr, Knapik, Timilty, McGee and Ms. Chandler moved that the bill be amended in section 2, in item 9110-9002, by striking out the figure “\$7,550,000” and inserting in place thereof the figure “\$8,450,000”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in section 2, in item 5911-1000, by striking out the figure “13,324,093” and inserting in place thereof the following:—

“14,824,093”; in section 2, in item 5920-1000, by striking out the figure “55,914,599” and inserting in place thereof the following:—

“57,096,999”; and in section 2, in item 5930-1000, by striking out the figure “172,013,458” and inserting in place thereof the following:—

“172,714,258”.

The amendment was *rejected*.

Messrs. Morrissey, Montigny and Augustus, Ms. Fargo, Messrs. Havern, Creedon, Joyce, Tolman, Brown, Hedlund and Ms. Chandler moved that the bill be amended in section 2, in item 4590-0300, by striking out the following: “For smoking prevention and cessation programs; provided that no funds shall be expended in the AA subsidiary for any personnel-related costs” and inserting in place thereof the following: “For youth smoking prevention and tobacco control programs, including enforcement of illegal sales to children laws by local boards of health and coordinated treatment resources including the Tobacco Free Helpline and QuitWorks; provided, that no funds shall be expended in the AA subsidiary, so-called, for any personnel-related costs; and further provided that, there is hereby established a tobacco control advisory council which shall review tobacco control programs in the Commonwealth and make recommendations for future tobacco control needs. Said council shall consist of 20 members: one of whom shall be the secretary of health and human services, or his designee, who shall be a nonvoting member; one of whom shall be the commissioner of public health, or his designee, who shall be a nonvoting member; one of whom shall be the director of the office of Medicaid, or his designee, who shall be a nonvoting member; and 13 of whom shall be appointed by the governor: one member representing the Massachusetts Public Health Association; one member representing Tobacco Free Mass; one member representing the American Cancer Society, New England Division; one member representing the American Heart Association; one member representing the Asthma and Allergy Foundation of America, New England chapter; one member representing the American Lung Association; one member representing the Massachusetts Medical Society; one member representing the Massachusetts Municipal Association; one member representing the Massachusetts Association of Health Boards; one member representing the Massachusetts Association of Health Plans; one member representing the Massachusetts League of Community Health Centers; one member representing Boston Public Health Commission; one member representing the Springfield Health Department; and one member representing the Worcester Health Department; and two members appointed by the speaker of the house, one of whom shall be a representative of a public or private institution with expertise in tobacco

cessation and control and one of whom shall be a representative from a community disproportionately affected by tobacco health disparities; and two members to be appointed by the senate president, one of whom shall be a representative of a public or private institution with expertise in tobacco cessation and control and one of whom shall be a representative from a community disproportionately affected by tobacco health disparities. In the event that an organization, association or other entity or successor organization, association or other entity named herein ceases to exist, the governor shall appoint a comparable replacement appointee. All appointments shall be for terms of three years. Once established, the advisory council shall elect a chairperson and establish by-laws which will govern all aspects of its operation.

Said commission shall monitor the performance and effectiveness of tobacco control programs and services in the Commonwealth and shall make recommendations for the expansion or contraction of existing services and/or the provision of new services. Said recommendations shall be based, to the extent feasible and appropriate, upon an evaluation of scientific data and research, current tobacco use and trends data, outcomes from current programs and services, and the Best Practices Guidelines of the Centers for Disease Control for comprehensive tobacco control programs. Said commission shall meet not less than quarterly and shall file an annual report at the end of each fiscal year with the Office of the Governor, the Clerk of the House of Representatives and the Clerk of the Senate. Said report shall include, but not be limited to, an analysis of revenues received that fiscal year from the Tobacco Settlement Fund and tobacco taxes, the percent of such funds allocated to tobacco control programs, trends in youth and adult smoking rates and tobacco-related disease, and recommendations for implementing and improving programs and services"; and by striking out the figure "\$4,250,000" and inserting in place thereof the figure "\$15,000,000".

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding the following new section:—

"SECTION _____. Notwithstanding the provisions of any general or special law to the contrary, a member, who is receiving a lesser retirement allowance in accordance with the terms of Option (c) of subdivision (2) of section 12 of chapter 32 of the General Laws, from a retirement system that accepts the provisions of this act, shall have his retirement allowance determined according to the table of mortality selected by the commission pursuant to section 336 of chapter 47 of the acts of 2004. Any retirement system may accept the provisions of this act by a majority vote of the board of each such system, subject to the approval of the legislative body. For the purposes of this act, 'legislative body' shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. For purposes of this act, the state teachers' and state employees' retirement systems shall be deemed to have accepted the provisions of this act.

The provisions of this section shall be prospective from the effective date of this act and shall not entitle any member or spouse of a deceased member to any retroactive benefits."

The amendment was *rejected*.

Mr. Berry, Ms. Spilka, Messrs. Tisei, Antonioni and Timilty, Ms. Creem and Mr. Montigny moved that the bill be amended in section 2, in item 4000-0500, by adding at the end thereof the following wording:—

"Notwithstanding the provisions of any general or special law to the contrary, the secretary of the executive office of health and human services shall not reassign to a managed care plan under contract with the Office of MassHealth the behavioral health benefit of any eligible person when such benefit is managed by MassHealth's specialty behavioral health managed care contactor, after the benefit is elected by or initially assigned to such person, unless such person provides written or verbal consent to the reassignment".

The amendment was **adopted**.

Messrs. Barrios, Augustus and Buoniconti, Ms. Chandler, Ms. Creem, Ms. Fargo, Mr. Havern, Ms. Jehlen, Messrs. Joyce, Lees, McGee and Montigny, Ms. Resor, Ms. Spilka, Messrs. Timilty and Tolman and Ms. Wilkerson moved that the bill be amended in section 2 by inserting, after item 4513-1121, the following new item:—

"4513-1130 For the domestic violence and sexual assault prevention and treatment program; provided further that not less than \$187,500 shall be expended for the public health model of community engagement and intervention services and crisis housing for sexual violence and intimate partner violence in the GLBT community 187,500".

The amendment was **adopted**.

Mr. Morrissey and Ms. Creem moved that the bill be amended by inserting at the end thereof the following new section:—

"SECTION _____. Section 23B of Chapter 217 of the General Laws is hereby amended by inserting, in line 16, by inserting after the words 'Middlesex, 3 deputy assistants' the following:— 'Norfolk, 1 administrative deputy assistant. Plymouth, 1 administrative deputy assistant'."

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2, in item 8910-0000, by adding at the end thereof the following:

"provided further that not less than \$60,000 shall be provided to the Barnstable County Sheriff's Office for their offender

transition program;” and by striking the figure “\$145,268,699” and inserting in place thereof the following figure:—

“\$145,328,699”.

The amendment was **adopted**.

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

Mr. Joyce moved that the bill be amended in section 2, in item 0339-1003, by inserting after the word “personnel” the following:—

“; provided further, that not less than \$75,000 shall be expended for the position of Manager of Community Service to Coordinate Community Service Projects with State Government Agencies”.

The amendment was **adopted**.

Messrs. Lees, Tarr, Brown and Timilty moved that the bill be amended in section 2, in item 7007-0300, by striking out the figure “\$1,341,885” and inserting in place thereof the following figure:—

“\$1,992,381”.

The amendment was **adopted**.

Messrs. Lees, Tarr, Timilty and Brown moved that the bill be amended in section 2, in item 7007-0800, by striking out the figure “\$1,113,415” and inserting in place thereof the following figure:—

“\$1,204,286”.

The amendment was **adopted**.

Ms. Walsh moved that the bill be amended in section 2 by striking out item 7061-0029 and inserting in place thereof the following item:—

“7061-0029 For the office of educational quality and accountability established under section 55A of chapter 15 of the General Laws; provided, that not less than \$100,000 shall be expended by the office to examine schools in the districts of Boston, Lawrence, Worcester, Springfield, Lowell, Fall River, New Bedford, Brockton, and Lynn for the purpose of identifying the specific practices, policies, and programs that would make urban school districts successful 2,730,618”.

The amendment was **adopted**.

Messrs. Buoniconti and Knapik moved that the bill be amended in section 2, in item 7003-0701, by inserting the following language:—

“; and provided further that not less than \$100,000 shall be expended on the Lower Pioneer Valley Educational Collaborative for the purpose of expanding their Electrical, Plumbing, Heating, Ventilation and Air Conditioning Apprenticeship Programs”.

The amendment was **adopted**.

Mr. Augustus, Ms. Chandler, Messrs. Brewer, Antonioni and Moore moved that the bill be amended in section 2, in item 1410-0250, by striking the figure “\$475,105” and inserting in place thereof the figure “\$625,105”; and by striking the figure “\$2,382,430” and inserting in place thereof the figure “\$2,532,430”.

The amendment was **adopted**.

Ms. Tucker moved that the bill be amended in section 2, in item 4000-0112, by striking out the wording “; provided further, that not less than \$50,000 shall be expended for health and wellness programming at the YWCA of Greater Lawrence” and inserting in place thereof the following wording:—

“; provided further, that not less than \$100,000 shall be expended for health and wellness programming at the YWCA of Greater Lawrence”.

The amendment was **adopted**.

Mr. Brewer moved that the bill be amended in section 2, in item 4590-0250, by striking the words “Berkshire Area Health Education Center, Inc”. and inserting in place thereof the following words:—

“North Quabbin Community Coalition”.

The amendment was **adopted**.

Messrs. Moore and Augustus and Ms. Chandler moved that the bill be amended in section 100 by striking the figure “\$251,000,000” and adding in place thereof “\$346,000,000”.

The amendment was **adopted**.

Ms. Menard Ms. Chandler, Ms. Tucker, Ms. Fargo and Messrs. Knapik, Montigny, Tarr, Tisei and Moore moved that the bill be amended in section 2 by inserting, after item 4000-0600, the following item:—

“4000-0625 For the recruitment and retention of home health workers in accordance with 114.3 CMR 50.00, including the cost of workforce training, direct wages and benefits of said workers; provided, that the funds authorized herein shall be in addition to any amounts appropriated in this line item for the purpose of providing Title XIX services to patients; and provided further, that the funds authorized herein shall be eligible for federal financial participation 4,000,000”.

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended in section 2, in item 4000-0112, by inserting after the words “Springfield Day Nursery”, the following:—

“and provided further, that not less than \$3,100 shall be expended for the First ‘R’ Reading Program, so-called, in the City of Gloucester”.

The amendment was **adopted**.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended in section 2, in item 1599-6901, by inserting after the words “speaker of the house” the following words:—

“; 1 member appointed by the house minority leader”; and by inserting after the words “senate president” the following words:—

“, 1 member appointed by the senate minority leader of his designee”.

The amendment was **adopted**.

Messrs. Lees and Buoniconti moved that the bill be amended in section 2, in item 4530-9000, by inserting at the end thereof the following:—

“; provided further, that not less than \$100,000 shall be expended for teen pregnancy prevention services in the city of Springfield”.

The amendment was **adopted**.

Messrs. Moore, Timilty and McGee moved that the bill be amended in section 2, in item 4000-0700, by inserting at the end thereof the following:—

“; and provided further, that not less than \$10,000,000 shall be expended to pay for an increase in Medicaid rates for Community Health Centers, as defined in section 1 of chapter 118G of the General Laws”; and by striking the figure “\$1,517,399,331” and inserting in place thereof the following figure:—

“\$1,527,399,331”.

The amendment was **adopted**.

Messrs. Moore and Tarr moved that the bill be amended by inserting at the end the following section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$38,000,000 from the General Fund to the Essential Community Provider Trust Fund established in section 2PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers in fiscal year 2007. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of hospitals and community health centers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers in awarding the grants, provided that the office shall publicize the existence of the grant program to eligible providers and shall award grants no later than September 1, 2006. The criteria for selection shall include, but not be limited to, the following criteria:—

Distressed providers as determined by financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services;

the percentage of patients with mental or substance abuse disorders served by a provider;

the numbers of patients served by a provider who are chronically ill, elderly, or disabled;

the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital’s gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental

payors, including reimbursements from the Health Safety Net Fund;
the percentage of total annual operating revenue that funding received in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; and
the cultural and linguistic challenges presented by the populations served by the provider.

The provider can document a critical need for investment in information technology such as Computerized Physician Order Entry systems but does not have access to capital to finance such investments.

2) the secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. Such emergency funds shall be distributed by the secretary within two weeks of petition by any such provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary.”

The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2, in item 5046-0000, by striking the words and figure, “provided further, that not less than \$2,750,000 shall be expended for the expansion of housing for the homeless mentally ill in order to provide additional single occupancy units;” and inserting in place thereof the words and figure:—

“provided further, that not less than \$2,750,000 shall be expended for the expansion of services in support of housing for the homeless mentally ill”.

The amendment was **adopted**.

Ms. Walsh and Mr. Tolman moved that the bill be amended in section 2 by inserting, after item 4513-1115, the following item:—
“4513-xxxx For a pilot program to be administered by the department of public health in the city of Boston designed to foster healthy self-esteem and encourage positive social interaction among girls aged 12-19 50,000”.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4000-0112, by inserting after the words “Springfield Day Nursery:” the following:—

“provided further that not less than \$100,000 shall be expended for DotWell youth serviced and out of school time activities”.

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4120-4000, by inserting after the words “University of Massachusetts at Dartmouth the following:—

“provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center.”

The amendment was **adopted**.

Mr. Hart moved that the bill be amended in section 2, in item 4590-0250, by striking, in line 15, “\$99,000” and replacing it with “\$100,000”.

The amendment was **adopted**.

Messrs. Pacheco and Knapik moved that the bill be amended in outside section 82 by striking subsection (f) and adding the following new subsections:—

“(f) \$250,000 to fund expenses at the division related to the implementation and administration of section 25 of chapter 118G of the General Laws;

(g) \$2,000,000 shall be allotted for the provision of one time grants to be awarded to public operated MassHealth urban nursing homes located in Taunton and Holyoke; and”.

The amendment was **adopted**.

Mr. Baddour moved that the bill be amended in section 2, in item 4000-0112, by inserting after the words “Newton Community Service Centers;” the following:—

“provided further, that not less than \$25,000 be expended for programs and improvements at the Haverhill YWCA”.

The amendment was **adopted**.

Messrs. Baddour and Tarr moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “Virtual Gateway;” the following:—

“provided further that said executive office shall not reduce said outpatient rates for any specialty hospital, which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted

during hospital fiscal year 2005.”.
The amendment was **adopted**.

Mr. Nuciforo moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION 105. The Commissioner of Public Health acting in conjunction with the Commissioners of Insurance and Commissioners of Medicaid shall, at the receipt of a petition of any 10 citizens of Hampden, Franklin or Berkshire Counties, convene public hearings to determine the health risk factors and access to care factors that are the result of decreased access to obstetric services and neurosurgical services due to current reimbursement rates by public and private payors and other cost issues associated with escalating malpractice premiums including but not limited to inadequate Medicaid reimbursement rates and fee schedules for said medical specialties. The hearing shall also examine the effect of escalating malpractice rates on obstetric group practices and obstetricians maintaining part-time practice schedules. Upon completion of the hearing and analysis of the facts, said Commissioners shall have the authority to adjust rates for Medicaid reimbursements for obstetricians and neurosurgeons practicing in Western Massachusetts and make any other recommendations for changes that could lead to increased access to obstetric and neurosurgical care for the citizens of Western Massachusetts. Said program shall sunset 5 years from the effective date of this act.”

The amendment was **adopted**.

Mr. Baddour moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “hospital administrative costs;” the following:—

“provided further, that no less than \$2,662,000 shall be expended for a one time payment to Haverhill”.

The amendment was **adopted**.

Mr. Buoniconti moved that the bill be amended by adding the following outside section:—

“SECTION _____. The Executive Office of Health and Human Services and MassHealth shall conduct a study to determine if all pharmaceutical manufacturers, including generic drug manufacturers who do business with the Commonwealth, are fulfilling their rebate obligations to the Commonwealth. The results of the study shall be submitted to the Committees on Ways and Means no later than January 1, 2007”.

The amendment was **adopted**.

Messrs. Brewer, Timilty and Tarr moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION _____. Section 4 of Chapter 111 of the Massachusetts General Laws, is hereby amended by adding the following new section:

Section 4M. The department of public health is hereby authorized and directed to make available to all veterans, physicians, other health care providers, and other persons at high risk for hepatitis C, educational materials, in written and electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. Such materials shall include the recommendations of the Centers for Disease Control, and any other person or entity having knowledge on hepatitis C, including the American Liver Foundation, and shall be written in terms which are understandable by members of the general public.”

The amendment was **adopted**.

Messrs. McGee and Barrios moved that the bill be amended in section 2, in item 4510-0110, in line 2, by inserting after “personnel-related costs;” the following:—

“provided further, that not less than \$100,000 shall be expended for the elder health center in Saugus”.

The amendment was **adopted**.

Ms. Fargo and Ms. Wilkerson moved that the bill be amended in section 2 by inserting, in item 4512-200, the following wording:—

“provided further, that not less than \$125,000 shall be expended for Self-Esteem Boston’s substance abuse direct service prevention programs and provider training programs”.

The amendment was **adopted**.

Messrs. Montigny and Tolman and Ms. Tucker moved that the bill be amended by inserting, after section 34, the following new section:—

“SECTION 34A. Chapter 118E of the General Laws is hereby amended by inserting after section 12 the following sections:—

Section 12A. (a) Any prior authorization process required by the division to obtain coverage for a prescription drug shall comply with this section and with 42 U.S.C. Section 1396r-8(d).

(b) Coverage for a prescription drug that is not covered by the division without prior authorization shall be authorized if a patient’s health care provider certifies, in a manner determined by the division, that:

(i) the drug is medically necessary; and

(ii) in the case of a prescription drug that is not the preferred choice in a therapeutic category on the preferred drug list,

- (A) the preferred choice has not been effective or, with reasonable certainty, is not expected to be effective in treating the patient's condition; or
- (B) the preferred choice causes or is reasonably expected to cause adverse or harmful reactions in the patient.
- (c) The prescriber's certification concerning whether a particular drug has been, or is expected to be, ineffective in treating the patient or is expected to cause an adverse or harmful reaction shall be final.
- (d)(1) The division's prior authorization process shall be designed to minimize administrative burdens on prescribers, pharmacists and consumers.
- (2) The prior authorization process shall ensure real-time receipt of requests by telephone, voice mail, facsimile, electronic transmission or mail on a 24-hour, 7 days per week basis.
- (3) The prior authorization process shall provide an in-person response to emergency requests by a prescriber, with telephone answering queues that shall not exceed 10 minutes.
- (4) Any request for authorization or approval of a drug that the prescriber indicates is for an emergency or urgent condition; and includes the clinical reasons for the request shall be responded to within 4 hours of the time the program or participating health benefit plan receives the request.
- (5) In emergency circumstances, or if the response to a request for prior authorization is not provided within the time period established in subdivision (4) of this subsection, a 72-hour supply of the drug prescribed shall be considered to be authorized by the program or the participating health benefit plan, provided: the drug is a prescription drug approved by the United States Food and Drug Administration; and, for drugs dispensed to a Medicaid beneficiary, that the drug is subject to a rebate agreement with the Centers for Medicare and Medicaid Services.
- (6) The division shall provide to participating providers a prior authorization request form designed to permit the prescriber to make prior authorization requests in advance of the need to fill the prescription and designed to be completed without unnecessary delay. The form shall be capable of being stamped with information relating to the participating provider and, if feasible, at least 1 form capable of being copied shall contain known patient information.
- (e) The division's prior authorization process shall require that the prescriber, not the pharmacy, request a prior authorization exception to the requirements of this section. The division may exempt a prescriber from the need to secure prior authorization for a specific drug category if the division determines that the prescriber has written a minimum number of scripts in that category and that the prescriber prescribes prescription drugs on the preferred drug list at or above the minimum threshold for that category.
- (f) A denial of authorization for coverage shall be subject to an administrative fair hearing and to all rights under section 14 of chapter 30A.
- (g) The division shall, using bulletins, manuals, notices or other appropriate means, educate prescribers and pharmacists who treat MassHealth patients about the requirements of the prior authorization process, including the obligations of providers and pharmacists and the rights of consumers.
- Section 12B. (a) The commissioner, separately or in concert with the authorized representatives of any health benefit plan participating in the prescription drug fair pricing program established by chapter 118H, shall use the division's preferred drug list of prescription drugs covered without a prior authorization requirement to negotiate with pharmaceutical companies for the payment to the commissioner of supplemental rebates or price discounts for Medicaid. The commissioner may also use the preferred drug list to negotiate for the payment of rebates or price discounts in connection with drugs covered under any other health benefit plan within or outside the commonwealth participating in the prescription drug fair pricing program established by chapter 118H. These negotiations and any subsequent agreement shall comply with 42 U.S.C. Section 1396r-8. The program established by chapter 118H, or such portions of the program as the commissioner shall designate, shall constitute a state pharmaceutical assistance program under 42 U.S.C. Section 1396r-8(c)(1)(C). This section does not authorize agreements with pharmaceutical manufacturers whereby financial support for medical services covered by the Medicaid program is accepted as consideration for placement of 1 or more prescription drugs on the preferred drug list or for excluding a drug from any prior authorization requirement.
- (b) The commissioner shall provide quarterly reports on the progress of negotiating supplemental rebates pursuant to this section to the joint committee on health care and the house and senate committees on ways and means. By September 1, 2006, the commissioner shall include with the next-occurring quarterly report a cost-benefit analysis of alternative negotiation strategies, including strategies used by the state Medicaid agencies in the states of Florida and Michigan to secure supplemental rebates, and any other alternative negotiation strategy that might secure lower net prescription drug costs.
- (c) The commissioner shall prohibit the public disclosure of information revealing company-identifiable trade secrets obtained by the department or any officer, employee or contractor of the department in the course of negotiations conducted pursuant to this section. Such confidential information shall be exempt from public disclosure.
- Section 12C. (a) The division shall seek a prescription drug discount program waiver from the Centers for Medicare and Medicaid Services pursuant to section 1115(a) of the Social Security Act. The prescription drug discount program shall provide eligible individuals with a financial subsidy for prescription drugs equal to the average rebate paid to the Medicaid program by pharmaceutical manufacturers. Eligible individuals shall include: Medicare-eligible individuals whose financial eligibility exceeds 188 per cent of the federal poverty level and who do not have an insurance policy that covers drugs; and other individuals whose financial eligibility does not exceed 300 per cent of the federal poverty level and who do not have an insurance program that includes a prescription drug benefit.
- (b) The division may establish, as part of the discount program, an annual enrollment fee. Subject to appropriation, the division shall make a payment of at least 2 per cent of the cost of each prescription or refill dispensed to individuals enrolled in the

program.

(c) The division may contract with a nonprofit corporation or other entity to administer the program. Such corporation or entity shall agree to assist individuals enrolled in the program to access other free or discount prescription drug programs offered by private entities, including pharmaceutical manufacturers.

(d) The division shall report to the house and senate committees on ways and means and the joint committee on health care, not later than 60 days after the effective date of this section, on the division's progress in implementing this section and shall report every 90 days thereafter on its progress in obtaining the waiver to those committees"; by inserting after section 36, the following new section:—

“SECTION 36A. The General Laws are hereby amended by inserting the following new chapter:—

CHAPTER 118H.

The Massachusetts Prescription Drug Fair Pricing Program.

Section 1. (a) There shall be a program to reduce the cost to the commonwealth of providing prescription drugs to its citizens while maintaining high quality in prescription drug therapies. The program shall include, but shall not be limited to, the following components:

- (1) developing and using a statewide, uniform preferred list of covered prescription drugs that identifies preferred choices within therapeutic classes for particular diseases and conditions, including generic and therapeutic equivalents;
- (2) creating a single purchasing unit for the purchase of prescription drugs by the commonwealth;
- (3) using strategies to negotiate with pharmaceutical manufacturers to lower the cost of prescription drugs for program participants, including a supplemental rebate program;
- (4) developing educational programs, including a counterdetailing program, designed to provide information and education on the therapeutic and cost-effective use of prescription drugs to consumers, physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs;
- (5) using available cost containment tools, including clinical management tools, utilization review procedures, a prior authorization review process, duplicate prescription monitoring and refill and supply controls, that meet program objectives by reducing the cost to the commonwealth of obtaining and providing prescription drugs;
- (6) observing consumer protection rules to maintain high quality in prescription drug therapies and to protect access to needed prescriptions; and

(7) operating a discount program to provide the benefit of negotiated price discounts to uninsured citizens.

(b) The following state agencies shall participate in the program authorized in this chapter, to the extent permitted by federal law:

- (1) the division of medical assistance;
- (2) the executive office of elder affairs;
- (3) the group insurance commission;
- (4) the department of public health;
- (5) the department of mental health;
- (6) the department of mental retardation;
- (7) the department of corrections; and
- (8) the division of employment and training.

(c) Any public or private health benefit plan that purchases prescription drugs may elect to participate in all or a portion of the program.

Section 2. (a) State agencies and other participants in the program shall act as a single purchasing unit for negotiating a contract to purchase prescription drugs on behalf of the commonwealth.

(b) The prescription drug procurement unit, created by section 62 of chapter 177 of the acts of 2001, shall implement all or part of the program to the extent permitted by federal law. The secretary of the executive office of elder affairs, the commissioner of the group insurance commission and the commissioners of the departments of public health, mental health and mental retardation may renegotiate or amend existing contracts for the purchase of prescription drugs, including a contract made in conformance with said section 62, if such renegotiation or amendment is necessary to implement all or part of the program and will be of economic benefit to the health benefit plans subject to such contracts and to the beneficiaries of such plans. A renegotiated or substituted contract shall be designed to improve the overall quality of integrated health care services provided to the beneficiaries of these plans.

Section 3. (a) State agencies and other participants in the program may contract with a third-party pharmacy benefit manager to assist in implementation of the program. Such pharmacy benefit manager shall be a non-profit corporation with expertise in the management of pharmacy benefits.

(b) No contract shall be signed with a pharmacy benefit manager unless the pharmacy benefit manager has agreed to disclose to the commonwealth, in a manner that preserves the confidentiality of any proprietary information:

- (1) operating statements of the pharmacy benefit manager;
- (2) total revenue attributable to pharmaceutical manufacturer rebates and total revenue not attributable to pharmaceutical manufacturer rebates;
- (3) sources of rebate revenue and non-rebate revenue and the amounts of revenue from these sources;
- (4) rebate management fees collected;
- (5) the terms and conditions of contracts with subcontractors, including contracts with the pharmacy benefit manager's pharmacy network; and
- (6) the terms and conditions of sales or exchanges of prescription drug data concerning beneficiaries or the prescribing practices

of the providers.

(c) No contract shall be signed with a pharmacy benefit manager that has entered into an agreement or engaged in 1 or more of the following practices, unless a majority of state agency participants in the program determines, after consideration of all relevant circumstances, that such agreement or practice furthers the financial interests of the commonwealth and does not adversely affect the financial or medical interests of beneficiaries:

- (1) any agreement with a pharmaceutical manufacturer to favor the manufacturer's products over a competitor's products or to switch the drug prescribed by the patient's health care provider with a drug agreed to by the pharmacy benefit manager and the manufacturer;
- (2) any agreement with a pharmaceutical manufacturer to share manufacturer rebates and discounts with the pharmacy benefit manager or to pay soft money or other economic benefits to the pharmacy benefit manager;
- (3) any agreement to share revenue with a mail order or internet pharmacy company;
- (4) any agreement or practice to bill the commonwealth's health benefit plans for prescription drugs at a cost higher than the pharmacy benefit manager pays the pharmacy; or
- (5) any agreement to sell prescription drug data concerning beneficiaries or data concerning the prescribing practices of health care providers.

Section 4. (a) The program shall include the following components:

(1) A preferred list of covered prescription drugs that identifies preferred choices within therapeutic classes for particular diseases and conditions, including generic alternatives.

(i) The preferred drug list shall be implemented as a uniform, statewide, preferred drug list for use by state agencies participating in the program and health benefit plans in the commonwealth shall be encouraged to participate in the program.

(ii) The program may use the MassHealth drug list developed by the division of medical assistance as its preferred drug list. In order to assist the state agencies participating in the program with the development, modification and timely revision of the preferred drug list, such agencies shall appoint a drug list review board. The board may be comprised in whole or in part of representatives of state agencies, including the drug use board established by the division of medical assistance pursuant to federal law, or may be established by contract with a public or private non-profit organization. The board shall:

(A) make recommendations for the adoption and maintenance of the preferred drug list based upon considerations of clinical efficacy, safety and cost-effectiveness;

(B) meet at least quarterly;

(C) to the extent feasible, review all drug classes included in the preferred drug list at least every 12 months and recommend additions to, or deletions from, the preferred drug list;

(D) establish: board procedures for the timely review of prescription drugs newly-approved by the federal Food and Drug Administration, including procedures for the review of newly-approved prescription drugs in emergency circumstances; early refill review standards; a prior authorization review process; duplicate prescription monitoring; and quality and supply controls;

(E) encourage health benefit plans to implement the preferred drug list as a uniform, statewide preferred drug list by inviting the representatives of each health benefit plan providing prescription drug coverage to residents of the commonwealth to participate as observers or non-voting members in the commissioner's drug utilization review board and by inviting these plans to use the preferred drug list in connection with the plans' prescription drug coverage.

(iii) Members of the board shall receive per diem compensation and reimbursement of board-related expenses. The board shall consult with a preferred drug list advisory group, which shall include: 1 designee of the commissioner of mental health; 1 designee of the commissioner of public health; 1 designee of the secretary of the executive office of elder affairs; 1 physician with experience treating MassHealth patients; 1 practicing pediatrician with experience treating MassHealth patients; 1 practicing pharmacist with experience serving MassHealth patients; 1 pharmacologist with expertise in psychiatric drugs; 1 representative of a senior citizens advocacy group; 1 representative of a disability advocacy group; and 1 representative of a statewide advocacy group representing the interests of MassHealth members.

(2) A series of educational programs including a counterdetailing program, designed to provide information and education on the therapeutic and cost-effective use of prescription drugs to consumers, physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs.

(3) Consideration of alternative pricing mechanisms, including consideration of using maximum allowable cost pricing for generic and other prescription drugs.

(4) Consideration of alternative coverage terms, including consideration of providing coverage of over-the-counter drugs where cost-effective in comparison to prescription drugs and authorizing coverage of dosages capable of permitting the consumer to split each pill if cost-effective and medically appropriate for the consumer.

(5) Development of a simple, uniform prescription form designed to implement the preferred drug list and to enable prescribers and consumers to request an exception to the preferred drug list choice with a minimum of cost and time to prescribers, pharmacists and consumers.

Section 5. (a) The program shall authorize pharmacy benefit coverage when a patient's health care provider prescribes a prescription drug not on the preferred drug list if a patient's health care provider certifies that:

(i) the drug is medically necessary; and

(ii) in the case of a prescription drug that is not the preferred choice in a therapeutic category on the preferred drug list,

(A) the preferred choice has not been effective or, with reasonable certainty, is not expected to be effective in treating the patient's condition; or

(B) the preferred choice causes or is reasonably expected to cause adverse or harmful reactions in the patient.

- (b) The prescriber's certification concerning whether a particular drug has been, or is expected to be, ineffective in treating the patient or is expected to cause an adverse or harmful reaction shall be final.
- (c) The program shall authorize coverage, notwithstanding any prior authorization requirement, if the patient agrees to pay any additional cost in excess of the benefits provided by the patient's health benefit plan. This paragraph shall not apply in circumstances in which a patient's application is inconsistent with federal Medicaid laws and regulations. This paragraph shall not affect implementation by a participating health benefit plan of tiered co-payments or other similar cost sharing systems.
- (d) The program or any participating health benefit plan shall provide information on: how prescribers, pharmacists, beneficiaries and other interested parties can obtain a copy of the preferred drug list; whether changes have been made to the preferred drug list since it was last issued; and the process by which exceptions to the preferred list may be made.
- (e)(1) The program's prior authorization process shall be designed to minimize the administrative burdens on prescribers, pharmacists and consumers.
- (2) The prior authorization process shall ensure real-time receipt of requests by telephone, voice mail, facsimile, electronic transmission or mail on a 24-hour, 7 days per week basis.
- (3) The prior authorization process shall provide an in-person response to emergency requests by a prescriber, with telephone answering queues that shall not exceed 10 minutes.
- (4) Any request for authorization or approval of a drug that the prescriber indicates is for an emergency or urgent condition; and includes the clinical reasons for the request shall be responded to within 4 hours of the time the program or participating health benefit plan receives the request.
- (5) In emergency circumstances, or if the response to a request for prior authorization is not provided within the time period established in subdivision (4) of this subsection, a 72-hour supply of the drug prescribed shall be considered to be authorized by the program or the participating health benefit plan, provided: the drug is a prescription drug approved by the United States Food and Drug Administration; and, for drugs dispensed to a Medicaid beneficiary, the drug is subject to a rebate agreement with the Centers for Medicare and Medicaid Services.
- (6) The program or participating plan shall provide to participating providers a prior authorization request form designed to permit the prescriber to make prior authorization requests in advance of the need to fill the prescription and designed to be completed without unnecessary delay. The form shall be capable of being stamped with information relating to the participating provider and, if feasible, at least 1 form capable of being copied shall contain known patient information.
- (f) The program's prior authorization process shall require that the prescriber, not the pharmacy, request a prior authorization exception to the requirements of this section. The program may exempt a prescriber from the need to secure prior authorization for a specific drug category if the program determines that the prescriber has written a minimum number of scripts in that category and the prescriber prescribes prescription drugs on the preferred drug list at or above the minimum threshold for that category.
- (g) A denial of authorization for coverage shall be subject to an administrative fair hearing and to all rights under section 14 of chapter 30A.

Section 6. (a) The commissioner of health and human services or another commissioner of a participating state agency designated by program participants shall implement a pharmacy discount plan, to be known as the healthy Massachusetts discount card plan, for residents without adequate coverage for prescription drugs. As used in this section, a resident without adequate coverage means a resident of the commonwealth with no insurance coverage for prescription drugs or with coverage for which the annual maximum coverage limit under his health benefit plan has been reached. Such plan shall establish a system through which residents without adequate coverage are able to take advantage of discounted prices for prescription drugs negotiated pursuant to this chapter. Such commissioner shall implement the pharmacy discount program authorized by this section without any financial contribution by the state and may establish an enrollment fee in such amount as is necessary to support the administrative costs of the plan. The plan shall be designed to work cooperatively with other state prescription drug assistance programs, including any program created pursuant to a discount program waiver granted by the Centers for Medicare and Medicaid Services to the division of medical assistance. A commissioner may contract with a nonprofit corporation or other entity to administer the program. This corporation or entity shall agree to assist individuals eligible for the program to access other free or discount prescription drug programs offered by private entities, including pharmaceutical manufacturers.

Section 7. (a) The commissioner of health and human services or another commissioner of a participating state agency designated by program participants shall report quarterly to the joint committee on health care and the house and senate committees on ways and means on the progress of the program in implementing a single state purchasing unit for prescription drugs pursuant to section 2. The report shall provide a status report on the formation or operation of the contract negotiated pursuant to section 2, shall identify any barriers to full implementation of section 2 and shall recommend any changes to the program or other legislative changes advisable to eliminate such barriers. The report shall also report on the program's progress in securing the participation of other health benefit plans with the commonwealth by means of joint purchasing agreements to enhance the commonwealth's purchasing power.

(b) Each year, for the duration of the pharmacy benefit manager contract pursuant to section 3, the commissioner of health and human services or another commissioner of a participating state agency designated by program participants shall provide a status report on the contract and the operations of the pharmacy benefit manager to the joint committee on health care and the house and senate committees on ways and means. The report shall include:

- (1) a description of the activities of the pharmacy benefit manager;
- (2) an analysis of the success of the pharmacy benefit manager in achieving each of the department's public policy goals, together with the pharmacy benefit manager's report of its activities and achievements;

- (3) an assessment based upon information learned in contracting with the pharmacy benefits manager of administrative costs relating to prescription drug benefits in the Medicaid program and the prescription advantage program established pursuant to section 39 of chapter 19A, including any recommendations for increasing the administrative efficiency of such programs;
 - (4) any recommendations for enhancing the benefits of or minimizing inefficiencies of the pharmacy benefit manager contract or advancing the commonwealth's public policy goals relating to pharmaceutical costs, quality and access;
 - (5) a fiscal report on the costs and savings to the commonwealth of the pharmacy benefit manager contract, including the information disclosed pursuant to paragraph (b) of section 3, in a manner that preserves the confidentiality of any proprietary information; and
 - (6) if the pharmacy benefit manager engages in any of the activities described in paragraph (c) of section 3, an explanation of the reasons for finding that such agreement or practice furthers the financial interests of the commonwealth and does not adversely affect the financial or medical interests of beneficiaries.
- (c) The commissioner of health and human services or another commissioner of a participating state agency designated by program participants shall report quarterly to the joint committee on health care and the house and senate committees on ways and means concerning the cost containment aspects of the program undertaken pursuant to section 4. Such report shall include:
- (1) a copy of the preferred drug list, an explanation of the list, a summary of the operation of the prior authorization process or any other cost savings measures instituted as a part of the list and an estimate of expected cost savings as a result of the preferred drug list;
 - (2) a description of the efforts undertaken to educate consumers and health care providers about the preferred drug list and the program's utilization review procedures;
 - (3) a description of the efforts undertaken to establish programs to educate health care providers about the costs of prescribing patterns, including counterdetailing programs;
 - (4) a report of other cost containment strategies undertaken, including, but not limited to, alternative pricing mechanisms and alternative coverage terms, the expected savings from such strategies and the effect of such strategies on access to prescription drugs for consumers; and
 - (5) a status report on the development of a uniform prescription form and any barriers to such development.
- (d) The joint committee on health care shall closely monitor implementation of the program, including the preferred drug list and utilization review procedures, to ensure that the consumer protection standards are not diminished as a result of implementing the preferred drug list and the utilization review procedures, including any unnecessary delay in access to appropriate medications. Such joint committee shall, by means of an oversight hearing or otherwise, ensure that all affected interests, including consumers, health care providers, pharmacists and others with pharmaceutical expertise have an opportunity to comment on the operation of the program, the preferred drug list and other procedural aspects of the program".; By inserting after section 44, the following new section:—

"SECTION 44A. The General Laws are hereby amended by adding after chapter 268B the following chapter:—
CHAPTER 268C.

Physician and Pharmaceutical Manufacturer Conduct.

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

'Gift', a payment, entertainment, subscription, advance, services or anything of value, unless consideration of equal or greater value is received. This term shall not include a commercially reasonable loan made in the ordinary course of business, anything of value received by inheritance, a gift received from a member of the reporting person's immediate family or from a relative within the third degree of consanguinity of the reporting person or of the reporting person's spouse or from the spouse of any such relative or prescription drugs provided to a physician solely and exclusively for use by the physician's patients.

'Immediate family', a spouse and any dependent children residing in the reporting person's household.

'Medical device', an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component, part or accessory, which is:

- (1) recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,
- (2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease in man or other animals, or
- (3) intended to affect the structure or any function of the body of man or other animals and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

'Person', a business, individual, corporation, union, association, firm, partnership, committee or other organization or group of persons.

'Pharmaceutical marketer', a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in pharmaceutical detailing, promotional activities or other marketing of prescription drugs in the commonwealth to any physician, hospital, nursing home, pharmacist, health benefit plan administrator or any other person authorized to prescribe, dispense or purchase prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of chapter 112, a representative of such a distributor who promotes or otherwise markets the services of the wholesale drug distributor in connection with a prescription drug or a retail pharmacist registered under section 37 of chapter 112 if such person is not engaging in such practices under contract with a manufacturing company.

'Pharmaceutical manufacturing company', an entity which is engaged in the production, preparation, propagation, compounding, conversion or processing of prescription drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or an entity engaged in

the packaging, 1 repackaging, labeling, relabeling or distribution of prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of chapter 112 or a retail pharmacist registered under section 37 of chapter 112.

‘Pharmaceutical manufacturer agent’, a pharmaceutical marketer or any other person who for compensation or reward does any act to promote, oppose or influence the prescribing of a particular prescription drug or medical device or category of prescription drugs or medical devices. The term shall not include a licensed pharmacist, licensed physician or any other licensed health care professional with authority to prescribe prescription drugs who is acting within the ordinary scope of the practice for which he is licensed.

‘Physician’, a person licensed to practice medicine by the board of medicine pursuant to section 2 of chapter 112.

‘Prescription drugs’, any and all drugs upon which the manufacturer or distributor has placed, or must, in compliance with federal law and regulations, place, the following, or a comparable, warning: “Caution federal law prohibits dispensing without prescription”.

Section 2. No pharmaceutical manufacturer agent shall knowingly and willfully offer or give to a physician or a member of a physician’s immediate family, and no physician shall knowingly and willfully solicit or accept from any pharmaceutical manufacturer, gifts of any value at any time.

Section 3. A person who violates this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 2 years, or both”.; By inserting after section ___, the following new section:—

“SECTION ___. The commissioner of the division of medical assistance, the secretary of the executive office of elder affairs, the commissioner of the group insurance commission and the commissioners of state agencies participating in the Massachusetts prescription drug fair pricing program established by chapter 118H of the General Laws shall take all steps necessary to enable the commonwealth to participate in joint prescription drug purchasing agreements with other states and other health benefit plans. Such steps shall include:

- (1) Active collaboration with the National Legislative Association on Prescription Drug Prices in the Association’s efforts;
- (2) Active collaboration with the Pharmacy RFP Issuing States Initiative, organized by the West Virginia Public Employees Insurance Agency; and
- (3) Execution of joint purchasing agreements or other contracts with any health benefit plan or organization within or outside the commonwealth which such commissioners determine will lower the cost of prescription drugs for the commonwealth and its citizens while maintaining high quality in prescription drug therapies”.; and By inserting after section ___, the following new section:—

“SECTION ___. (a) The General Court finds that the National Legislative Association on Prescription Drug Prices is a nonprofit organization of legislators formed for the purpose of making prescription drugs more affordable and accessible to citizens of the member states, including the commonwealth. The General Court further finds that the activities of the Association provide a public benefit to the people of the commonwealth.

(b) Three members of the senate, including 1 member of the minority party, shall be appointed directors of the Association by the senate president, and 3 members of the house of representatives, including 1 member of the minority party, shall be appointed directors of the Association by the speaker of the house. Directors so appointed shall serve until new members are appointed.

(c) The directors of the Association shall report to the house and senate committees on ways and means and the joint committees on health care and insurance on or before January 1 of each year with a summary of the activities of the Association, and any findings and recommendations for making prescription drugs more affordable and accessible to citizens of the commonwealth”.

The amendment was **adopted**.

Messrs. McGee, Tarr, Antonioni and Augustus, Ms. Tucker, Ms. Spilka and Ms. Menard moved that the bill be amended in section 2, in item 4400-1001, by striking out “For programs to increase the commonwealth’s participation rate” and inserting in place thereof the following:—

“For programs to increase the commonwealth’s participation rate in food stamps and other federal nutrition programs; provided, that not less than \$1,500,000 shall be expended for a contract with Project Bread-The Walk for Hunger, Inc.”.

The amendment was **adopted**.

Ms. Walsh, Ms. Creem, Messrs. Montigny and McGee, Ms. Chandler, Messrs. Tarr and Barrios, Ms. Wilkerson, Messrs. Nuciforo, Buoniconti, Tolman, Joyce, Morrissey and Augustus moved that the bill be amended in section 2 by inserting, after item 4000-1420, the following item:—

“4003-0122 For a Citizenship for New Americans Program to assist legal permanent residents in our Commonwealth in becoming citizens of the United States; provided that the office for refugees and immigrants be charged with administering such program; provided further that said program be provided through community-based organizations to the maximum extent possible as determined by the office for refugees and immigrants; provided further that the program funded by this item provide assistance to persons who are within three years of eligibility to become citizens of the United States; provided further that services be designed to include: ESOL/civics classes, citizenship application assistance, interview preparation and support services such as interpretation and referral services 500,000”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4000-0112, by inserting after the words “day nursery;” the

following:—

“provided further, that not less than \$100,000 shall be expended for the YWCA Boston for a wellness program for women and girls affected by the disparities in health care in the city of Boston”; and by striking out the figure “\$3,970,000” and inserting in place thereof the following figure: “\$4,070,000”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4512-0200, by inserting after the words “indigent clients;” the following:—

“provided further that that the commissioner of public health shall ensure that monies spent pursuant to this line item is consistent with and proportionate to the level of need among the demographic populations of the commonwealth”.

The amendment was **adopted**.

Ms. Wilkerson and Mr. Barrios moved that the bill be amended in section 2, in item 4512-0200, by inserting after the words “alcohol abuse” the following:—

“provided further, that not less than \$99,925 shall be expended for Latinas Y Ninos to provide a full-time child advocate parent educator specialist to attend to the needs of Latino women in recovery with a focus on pregnant women, new parents, and mothers recently reunified with their children”; and by striking out the figure “\$60,880,159” and inserting in place thereof the following figure “\$60,980,084”.

The amendment was **adopted**.

Mr. Augustus and Ms. Spilka moved that the bill be amended by inserting, after section ___, the following new section:—
“SECTION ___. Section 9 of chapter 28A of the General Laws is hereby amended by striking out, in the definition of ‘Placement Agency’, the words ‘incorporated under chapter one hundred and eighty’.”

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2, in item 5046-0000, by striking out the wording and inserting in place thereof the following wording:—

“For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015 to this item, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer for residential and day services for clients formerly receiving care at department facilities; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 15, 2006 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that funds spent from this item for the purposes of research in fiscal year 2007 shall not be less than the amount spent in fiscal year 2006 for these purposes; provided further, that not less than \$2,750,000 shall be expended for the expansion of housing for the homeless mentally ill in order to provide additional single occupancy units and other units; provided further, that not less than \$75,000 shall be expended on the expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that not less than \$6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; and provided further, that the department shall report to the house and senate committees on ways and means no later than February 16, 2007 on the use of any funds expended for this purpose \$304,032,778”.

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 2, in item 4406-3000, by inserting at the end thereof the following:—

“provided further, that not less than \$413,035 shall be expended to provide a 3 per cent rate increase for those shelters who received a per bed/per night rate of less than \$30.00 in fiscal year 2006”.

The amendment was **adopted**.

Messrs. Tarr, Lees, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting at the end the following new section:—

“SECTION ___. The Secretary of Administration and Finance and the Secretary of Health and Human services are hereby authorized and directed to evaluate the feasibility of contracting for recycling durable medical equipment purchased and issued by the Commonwealth through any and all of its medical assistance programs.

Said evaluation shall include but not be limited to a request for qualifications and/or proposals for entities capable of developing, implementing and operating a system of recycling whereby an inventory of such equipment is developed and managed so as to maximize the quality of service delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud

and/or abuse.

The Secretary of Administration and Finance shall report the findings of said evaluation, together with cost estimates for the operation of a recycling program, estimates of the savings it would generate, and legislative recommendations, no later than December 31, 2006”.

The amendment was **adopted**.

Mr. Hedlund moved that the bill be amended in section 2, in item 5920-3000, by inserting after the words “acts of 2004;” the following:—

“provided further that not more than \$50,000 be expended for the Friendship Home project in the town of Norwell”.

The amendment was **adopted**.

Mr. O’Leary moved that the bill be amended in section 2, in item 4513-1000, by inserting after the words “health services through combined primary care,” the following:—

“provided further that of said \$450,000 not less than \$100,000 shall be made available to Outer Cape Health Services to provide rural based maternal-child health services through combined primary care”.

The amendment was **adopted**.

Ms. Creem, Ms. Spilka and Mr. Tolman moved that the bill be amended in section 2, in item 9110-1660, by striking the words “provided further, that \$375,000 shall be expended for the Aging Well At Home Program in the city of Malden and the town of Framingham” and inserting in place thereof the following language:—

“provided further, that \$375,000 shall be expended for the Aging Well At Home Program operated by Jewish Family & Children’s Service of Greater Boston (JF&CS) in the town of Brookline and the city of Malden, and by Jewish Family Service of Metrowest (JFS/ MW) in the town of Framingham”.

The amendment was **adopted**.

Ms. Creem and Messrs. Moore, Joyce, Tarr and Timilty moved that the bill be amended in section 2, in item 4510-0710, by adding the following:—

“provided further, that \$20,000 shall be expended for Bedside Advocates, Inc. for the development of a pilot project focused on transitional care for geriatric patients transitioning to their homes from acute care hospitals”; and by striking the figure “7,994,057” and inserting in place thereof the figure “8,014,057”.

The amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2, in item 9110-1660, by striking out the words “the Committee to End Elder Homelessness, Inc”. and inserting in place thereof the word “HEARTH”.

The amendment was **adopted**.

Ms. Creem moved that the bill be amended in section 2, in item 4512-0200, by adding the following:—

“provided further, that not less than \$75,000 shall be provided to Second Step, Inc. in the city of Newton for the provision of substance abuse prevention and education programs to survivors of domestic violence and their children”; and said item is further amended by striking out the figure “60,880,159” and inserting in place thereof the following figure “60,955,159”.

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended in section 2, in item 4800-0038, by striking the words “that the department shall report quarterly to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means on the progress of the department’s re-procured system of care;” and inserting in place thereof the following: “that the department shall submit to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means an implementation plan for its re-procured system of care not later than August 15, 2006 and shall report quarterly to said committees on the status of the implementation progress;”; and in section 2, in item 4800-0041, by inserting after the words “shall provide quarterly reports” the following: “to the chairs of the joint committee on children and families and the chairs of the house and senate committees on ways and means”.

The amendment was **adopted**.

Mr. Barrios moved that the bill be amended in section 2, in item 4800-0016, after the phrase “administering the program”, by inserting the following:—

“provided, that notwithstanding any general or special law to the contrary, the commissioner of social services may enter into a contract with Roca, Inc., a not for profit community based agency, to manage the transitional employment program and to

provide services to participants from the ageing out population, parolees, probationers, youth service releasees, or other community residents considered to have employment needs.”

The amendment was **adopted**.

Ms. Spilka, Mr. Tolman and Ms. Creem moved that the bill be amended in section 2, in item 4400-1000, by inserting at the end the following words:—

“provided further, that the department shall identify and track its expenditures and those of other state agencies that may be claimed as TANF or maintenance of effort expenditures so that benefits to those recipients who would reduce the commonwealth’s work participation rate may be paid solely with state funds that are not used to meet the commonwealth’s TANF maintenance of effort obligations; provided further, that all state agencies shall cooperate in the identification, tracking and reporting of such expenditures; provided further that funds from this item may be expended to cover reasonable costs of and incentives for city and town governments and private entities to identify, track and report to the department, spending that may be claimed by the commonwealth either as TANF or maintenance of effort expenditures; provided further, that on or before February 1, 2007, the department shall provide to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families, a draft of the report to the federal government for the first quarter of federal fiscal year 2007 on TANF and maintenance of effort spending”; and in section 2, in item 4401-1000, by adding at the end thereof the following words:—

“provided further that, that funds from this item shall be expended to increase the commonwealth’s work participation rates among parents who are subject to the work requirement under the program of Transitional Aid to Families with Dependent Children by providing additional employment services, including but not limited to enhanced assessments of barriers to employment and strategies to address those barriers, additional transportation services including transportation assistance for all parents who are subject to the work requirement, additional education and training activities and other activities that will assist the commonwealth in meeting work participation rates; provided further, that the department shall file a report with the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families on or before January 1, 2007 setting forth the work participation rate among families who are subject to the work requirement, efforts that have been made to increase that work participation rate and any barriers to improving the work participation rate among those who are work-required; provided further, that the department may use funds from this item to improve services to persons with disabilities;” and by adding at the end thereof the following new section:—

“SECTION __. Notwithstanding any general or special law to the contrary, the families eligible for assistance pursuant to chapter 5 of the acts of 1995 and chapter 118 of the general laws shall receive assistance at levels established by the department of transitional assistance such that families of comparable size and financial circumstances shall be awarded the same level of assistance. All recipients and applicants for such assistance shall have disregarded, after work-related expenses but before any dependent care deductions, \$30 plus one-half of the remainder of any gross earned income for the entire period of eligibility for assistance. Recipients that are not exempt from the work program pursuant to section 110(e) of chapter 5 of the acts of 1995 shall be required to engage in work activities, which shall include activities authorized by section 110(j) of said chapter 5 as most recently amended and any other activities countable under federal law, for to the number of hours per week required by federal law. Before referring a recipient or applicant to any work activities, the department shall develop for said recipient or applicant an employment development plan designed to enable the recipient to attain economic self-sufficiency. The commissioner of the department may provide that recipients subject to the work requirement who, without good cause and after having been required to perform community service pursuant to section 110(k) of chapter 5 of the acts of 1995, do not satisfy said work requirement or the terms of their employment development plan shall not receive assistance until they meet the requirement for 2 weeks. The sanction for not satisfying the work requirement or the terms of their employment development plan shall not include termination of assistance to the children or other family members of the recipient”.

The amendment was **adopted**.

As previously stated, the above amendments were considered as one, and were adopted.

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

Mr. Joyce moved that the bill be amended in section 2, in item 2800-0100, by inserting after the word “reservation”: “; provided further, that not less than \$1,000,000 shall be expended for necessary improvements and renovations at Houghton’s pond athletic fields in the town of Milton”.

The amendment was *rejected*.

Ms. Resor moved that the bill be amended in section 2, in item 4510-0790, by inserting at the end thereof the following:—

“; provided that the Town of Southborough shall be designated as a member of the Emergency Medical Service (EMS) Region II”.

The amendment was *rejected*.

Mr. Havern moved that the bill be amended in section 2, in item 4512-0200, by inserting after the word “clients;” the following:

“provided further that \$400,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at the Woburn District Court;” and in said item by striking out the figure “\$60,880,159” and inserting in place thereof the figure “\$61,280,159”.

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended by inserting, after section ___, the following new section:—

“SECTION ___. Section 30 of chapter 58 of the acts of 2006 is hereby amended by inserting after the words ‘the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program’ the following words:— ‘The office shall provide a \$5,000,000 one-time grant from the fund to a disproportionate share hospital provider located in the county formerly known as Essex county that has a family practice residency program in partnership with a federally qualified community health center, which program enhances the coordination of cost-effective care delivery in ambulatory settings and at the hospital to underserved populations.’”

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended by inserting, after section ___, the following new section:—

“SECTION ___. Subsection (b) of section 124 of chapter 58 of the acts of 2006 is hereby amended by inserting after the words ‘considering the total funds available for the purpose’ the following words:— ‘The division shall review the current calendar year’s free care data for each of the 16 individual hospitals described below, and if the data for that period shows that a hospital’s allowable free care costs are at least 10% greater than the allowable costs for that same period in the prior calendar year, then the most recent 12 months of data shall be used for the purpose of determining the uncompensated care pool reimbursement amount for those hospitals.’”

The amendment was *rejected*.

Ms. Tucker, Messrs. Barrios, Buoniconti and Augustus, Ms. Fargo, Ms. Jehlen, Ms. Spilka and Mr. Knapik moved that the bill be amended in section 2, in item 4800-1400, by inserting after the words “Ipswich district court;” the following:—

“provided further, that not less than \$17,882,189 shall be expended to stabilize the current contracts for comprehensive domestic shelter and community based services and SAFELINK;” and in said item by striking out the figure “\$21,088,691” and inserting in place thereof the following figure:—

“22,588,691”.

The amendment was *rejected*.

Ms. Tucker and Messrs. Tarr and Panagiotakos moved that the bill be amended in section 2 by inserting, after item 4403-2120, the following item:—

“4404-xxxx For the creation and development of community demonstration pilot projects to be called the Housing First Stabilization Project (HFSP), the number of which to be determined by the Department of Transitional Assistance (DTA), for the purpose of preventing family homelessness and encouraging stabilization strategies for families at risk of becoming homeless; provided further, that such pilot programs will be selected by DTA after proper public notification to all communities within the commonwealth of the availability of such funds, and that eligibility and selection criteria shall be developed by DTA working with the Committees on Ways and Means; provided further, that such funds will be directed to qualified community-based organizations who demonstrate the knowledge and ability to utilize these resources in combination with existing community assets for the purpose of demonstrating that successful targeting of homeless families, or families at imminent risk of homelessness, and the provision of prevention and stabilization strategies will ultimately result in reduced demand within that community for emergency shelter beds as well as provision of safe and affordable housing for those who would otherwise have entered the shelter system; provided further, that DTA shall promulgate regulations establishing standards by which the entities administering such pilot programs shall determine if families are eligible to receive assistance from said pilot programs and allowing families to appeal a denial of assistance to DTA’s division of hearings pursuant to section 16 of chapter 18 of the general laws; provided further, that the results of said pilot programs will be tracked and monitored by DTA and reported to Ways & Means and DTA on a timely basis, such results shall furthermore ascertain within each fiscal year if there are savings achieved within that demonstration project due to the reduced reliance on emergency shelter; and provided further an evaluation will be conducted on the outcomes of each HFSP project that shall be provided to the house and senate committees on ways and means as of October 1, 2006 and April 1, 2007 and would include information on the number of families served by each HFSP region, the affordability and stability of housing for program recipients, including services provided, type of housing arrangement, subsidy status, monthly rent, and gross monthly income, and any other information that the department determines to be necessary in evaluating the HFSP project and its impact in enabling recipients’ to secure and maintain stable housing 5,000,000”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 1599-1500, by inserting at the end thereof the following:—

“provided that the secretary shall make available not less than \$1,500,000 in a grant from the fund to a non-profit,

disproportionate share community acute care hospital with less than 115 beds that operates an inpatient psychiatric unit licensed by the department of mental health located in southern Worcester County affiliated with the University of Massachusetts Memorial Health Care System, and provided further that the secretary shall make available not less than \$1,500,000 in a grant from the fund to Hubbard Hospital, and provided further that the secretary shall make not less than \$285,000 in a grant from the fund to a hospital in the town of Milford with a teaching affiliation with the University of Massachusetts Memorial Medical Center which is affiliated with the University of Massachusetts Medical School.”.

The amendment was *rejected*.

Messrs. Moore and Timilty moved that the bill be amended in section 2, in item 4000-0300, by inserting at the end thereof the following:—

“to authorize Medicaid to waive the requirement for prior authorization for services delivered at Department of Public Health licensed school-based health centers”.

The amendment was *rejected*.

Messrs. Moore and Tarr and Ms. Chandler moved that the bill be amended in section 2, in item 4000-0300, by inserting at the end thereof the following:—

“provided further, that the executive office of health and human services shall conduct demonstration program to evaluate the effectiveness of using third party software tools to connect electronically to the Virtual Gateway for the purpose of submitting electronic applications for Medicaid and other assistance programs; provided, that participation in the demonstration program shall be open to designated providers of eligibility screening and application software including but not limited to RealBenefits, enabling them to transmit electronic applications; provided further that participation in the demonstration program shall be open to designated hospitals and community health centers eligible to enter into a Virtual Gateway Services Agreement including, but not limited to, Baystate Health System, UMass Memorial Health Care, and members of the Massachusetts League of Community Health Centers; provided further that the executive office will establish standards, specifications, and operational requirements that make it easy for third party software to connect to the Virtual Gateway; provided further, that the demonstration program will measure (i) the number of applications for MassHealth filed through third-party software, (ii) the approval rate of MassHealth applications filed through third-party software compared to applications filed through the Virtual Gateway, (iii) the impact on administrative costs and operations from having access to third party screening and enrollment tools that can be customized to the needs of specific providers, (iv) the impact on hospital and community health centers’ ability to comply with the screening, documentation and audit requirements set forth in subsection (3) of Chapter 118E of the General Laws, (v) the impact of the third-party software on the ability of hospitals and community health centers to deliver other federally funded community benefits such as Food Stamps; and provided further, that implementation of the demonstration program shall begin no later than October 1, 2006 and shall be fully operational by December 31, 2006 and shall continue for a period of not less than three years”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 4000-1405, by adding after the words “prior fiscal years” at the end thereof the following clause:—

“and provided, further, that the executive office of health and human services shall make provisions to allow those persons enrolled in said program and meeting the eligibility requirements established under the MassHealth program to be eligible to enroll in Medicaid managed care organizations and to allow the Medicaid managed care organizations the option of enrolling program members through current managed care organization enrollment assignment guidelines.”

The amendment was *rejected*.

Messrs. Moore and Tarr moved that the bill be amended in section 2, in item 4120-6000, by inserting at the end thereof the following:—

“provided, however, that not less than \$1,500,000 shall be expended to fund a pilot cooperative agreement with Seven Hills Foundation and UMASS Memorial Health Center for the development of a residential intermediate care facility to serve the needs of Massachusetts veterans, including members of the Massachusetts National Guard, Armed Forces of the United States or Reserves who served during Operation Iraqi Freedom, Operation Enduring Freedom, and Combined Forces Command–Afghanistan with traumatic head injuries received on active duty; provided that every effort shall be made to secure resources and financial support from the United States Veterans Administration or other federal agencies and from third party sources including, but not limited to Medicaid; and provided further that the Institute of Commonwealth Medicine at the University of Massachusetts Medical School shall receive funding from this appropriation to evaluate the success of the pilot project.”

The amendment was *rejected*.

Messrs. Moore, Timilty and Nuciforo, and Ms. Tucker moved that the bill be amended in section 2, in item 4590-0250, by striking the figure “\$15,000,000” and replacing therein the following figure:—

“\$16,000,000”; by striking the figure “\$16,730,554” and replacing therein the following figure:—

“\$17,730,554”; and by placing at the end thereof the following:—

“provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 2, in item 9110-1455, by inserting at the end thereof the following:—

“provided, further, that a one-time grant of \$30,000 shall be paid to the Friends of Milford Elders, Inc. to reimburse up front costs of for administering the Central Massachusetts Senior Health Information Network for Elderly (S.H.I.N.E)”.

The amendment was *rejected*.

Messrs. Moore, Tarr and Timilty moved that the bill be amended in section 2, in item 9100-1455, by striking the figure “\$600,000” and replacing therein the following figure:—

“\$750,000”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION ____ . Section 9A of Chapter 118E of the General Laws, as appearing in the 2004 Official Edition, is hereby amended after clause (14) by adding the following new clauses:

The office of Medicaid shall report to the director of the group insurance commission monthly a listing of all individuals for whom creditable coverage is provided as of the first day of the month.

A managed care organization, as defined in 130 CMR 501.001, which maintains National Committee for Quality Assurance (NCQA) accreditation for its Medicaid product line, shall be deemed compliant by the office of Medicaid for all standards within the categories for which the managed Care Organization (MCO) has been surveyed and determined to meet all standards. The Division shall impose no further oversight to meet MassHealth programmatic, operational and oversight requirements, and the division shall accept the accreditation as meeting all standards. Accredited MCO’s will be required to provide quarterly, semi-annual and annual reporting as required per contract.”

The amendment was *rejected*.

Ms. Menard, Messrs. O’Leary, Pacheco, Augustus, Moore, Ms. Resor, Messrs. Tarr, Knapik, McGee, Nuciforo, Barrios and Ms. Chandler moved that the bill be amended in section 2, in item 4513-1000, by inserting after the word “Sports” the following:—

“; provided further, that not less than \$5,301,356 shall be expended for comprehensive family planning services, including HIV counseling and testing, community based health education and outreach services, provided by agencies certified as comprehensive family planning agencies”, and further amended by striking the figure of “\$9,406,787” and inserting in place thereof the following figure:—

“\$9,971,141”.

The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 2, in item 4800-0038, by inserting after the words “juvenile firesetters program” the following words:—

“; provided further, that not less than \$250,000 shall be expended for the operation of a juvenile firesetters program to be operated by the Massachusetts Coalition for Juvenile Firesetters Intervention Programs”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 2, in item 9110-0100, by inserting at the end thereof the following:—

“; provided further, that \$100,000 shall be expended for improvements to the East Longmeadow Senior Center”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik, Brown, Timilty and Joyce and Ms. Fargo moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION ____ . Chapter 118G, as amended by Chapter 184 of the Acts of 2002, is hereby amended by repealing section 25”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 2, in item 4510-0110, by inserting after the words “Duffy Health Center” the following:—

“provided further, that not less than \$250,000 shall be expended for the Gloucester Community Health Center;”.

The amendment was *rejected*.

Ms. Chandler moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following words:—

“provided further that a \$500,000 one-time essential community provider trust fund grant shall be awarded to a community health center that serves as a family practice residency training site for a commonwealth funded medical school and that assumed the primary care services of the former Worcester city hospital”.

The amendment was *rejected*.

Ms. Chandler moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following words:—

“provided further that a \$500,000 one-time essential community provider trust fund grant shall be awarded to the Great Brook Valley Health Center in the city of Worcester”.

The amendment was *rejected*.

Messrs. Lees, Tisei, Tarr, Hedlund, Knapik and Brown moved that the bill be amended by inserting, after section ____, the following new section:—

“SECTION ____. Chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 205 the following section:—

Section 205A. Sections 204 and 205 shall apply to any individual or group that forms a committee to perform the duties of a medical peer review committee, notwithstanding the fact that the formation of the committee is not required by law or regulation or that the individual or group is not affiliated with a public hospital or licensed hospital or nursing home or health maintenance organization. Information gathered by a medical peer review committee under the provisions of this section shall not be confidential if the individual or group formed the committee for the sole purpose of keeping information confidential”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by inserting, after section 103, the following new section:—

“SECTION 104. Section 25B of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by revising the definition of ‘Expenditure minimum with respect to substantial capital expenditures’ by deleting the term ‘acute care’ as it appears in the beginning of both subpart (1) and subpart (2) of the expenditure minimum with respect to substantial capital expenditures definition.”

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in item 4510-0100 of section 2 of chapter 45 of the acts of 2005, is hereby amended by inserting at the end thereof the following: “provided further, that \$120,000 shall be expended for a study for home and community based services and an economic profile of individuals and families with neurologically and physically disabled adults under 65; and provided further, that said study shall be one-time in nature and shall not result in any annualization in fiscal year 2007”; and is hereby further amended by striking the figure “\$17,051,539” and inserting in place thereof the following:—

“\$17,171,539”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1900, by inserting after the word “Springfield”: “; provided further, that not less than \$250,000 shall be expended for the creation and development of a senior center in the town of Canton”.

The amendment was *rejected*.

Messrs. Joyce, Barrios and Tolman moved that the bill be amended in section 2, in item 4200-0100, by inserting after the word “initiative”: “; provided further that not less than \$100,000 shall be expended to City-Wide Dialogues on Boston’s Ethnic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth-police dialogue”.

The amendment was *rejected*.

Mr. Joyce, Ms. Chandler and Mr. Barrios moved that the bill be amended in section 2, in item 4800-xxxx, by adding after the words “perform medical evaluations” the following: “provided further, that not less than \$200,000 dollars shall be made available for social worker expenses related to use of the Commonwealth Rental Car agreement”.

The amendment was *rejected*.

Mr. Joyce, Ms. Chandler and Mr. Barrios moved that the bill be amended in section 2, in item 4800-0038, after the words “family reunification networks” the following: “transportation services in each area office”.
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1900, by inserting after the word Roxbury: “; provided further, that not less than \$250,000 shall be expended for the creation and development of a senior center in the town of East Bridgewater”.
The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 2, in item 4580-1000, by striking out the figure “\$36,771,508” and inserting in place thereof the following figure:—

“\$38,671,508”.
The amendment was *rejected*.

Ms. Walsh and Mr. Tarr moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “January 30, 2007” the following:—

“Provided further that said secretary shall provide a \$300,000 one-time grant from the fund to inpatient behavioral health providers under contract with MassHealth’s managed care contractors for mental health and substance abuse for costs associated with providing care to stuck kids”.
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4100-0060, by inserting after the word “2007”: “; provided further, that the secretary of health and human services shall provide a \$300,000 one-time grant for Milton Hospital”.
The amendment was *rejected*.

Messrs. Augustus, Brewer, Tisei and Barrios, Ms. Resor, Ms. Spilka, Ms. Chandler and Ms. Fargo moved that the bill be amended in section 2, in item 4513-1000, by inserting after the words “gay and lesbian youth” the following: “provided further that not less than \$3,047,431 shall be expended for rape crisis services and Llamanos y Hablemos”; and in said item by striking out the figure “\$9,470,424” and inserting in place thereof the figure “\$9,770,424”.
The amendment was *rejected*.

Ms. Jehlen moved that the bill be amended in section 2 by inserting, after item 1599-0035, the following item:—
“1599-0036 For the Quality Care Fund for private sector human service workers. This fund would cover the costs associated with pay raises, provided those raises are conditioned on the completion of training programs and provided such an arrangement would be contractually enforceable 4,000,000”.
The amendment was *rejected*.

Messrs. Hart, Havern and Barrios moved that the bill be amended in section 2, in item 4200-0010, by inserting after the words “management system” the following:—

“provided further, \$50,000 shall be expended for Social Capital Inc.’s youth programs in Dorchester”.
The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4403-2119, by inserting after the words “children program” the following:—

“provided further, no less than \$375,463 for St. Mary’s Home in the Teen Structured Settings Program which provides for 5 pregnant and parenting teens that would otherwise be homeless or in a destructive setting”.
The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2 by inserting, after item 7007-0100, the following item:—
“7007-0215 For the operation of the Massachusetts business to business program; provided, that a report shall be submitted to the house and senate committees on ways and means, not later than February 1, 2007, and shall include, but not be limited to, the following: (1) the number of businesses that have used the program in fiscal year 2007, including both businesses located in the commonwealth and those that were attracted to Massachusetts by this program; (2) the number of jobs the commonwealth has retained as a result of the funding in this line item; and (3) the amount of private investment that has occurred as a result of the funding in this line item 500,000”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4512-0200, by inserting after the words “Framingham Coalition for the Prevention of Drug and Alcohol abuse” the following: “provided further, that not less than \$833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions”.

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, in fiscal year 2007, the Essential Community Provider Trust Fund, as established in Chapter 58 of the Acts of 2006, the comptroller of said fund shall provide a \$1,000,000 one-time grant from the fund for Wing Memorial Hospital in the Town of Palmer”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4800-0041, by inserting “provided further, that no less than \$1,872,698 shall be expended for Bridge Home/STARR, a group care services program in Dorchester”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 2, in item 4800-0041, after the words “well-being of children” the following: “Provided further, \$762,304 be provided to fund St. Mary’s Woman and Infant Center in Dorchester”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 4800-0038, by inserting at the end thereof the following language:—

“provided further, that not less than \$80,000 shall be expended for the operation and costs of an early childhood education and training program at South Middlesex Vocational Technical High School”.

The amendment was *rejected*.

Ms. Spilka, Ms. Jehlen and Messrs. Tisei and Timilty moved that the bill be amended in section 2, in item 1599-6901, by striking out the figure “28,000,000” and inserting in place thereof the following figure:—

“44,006,000”.

The amendment was *rejected*.

Ms. Spilka and Messrs. Montigny and Tolman, Ms. Tucker, Mr. Augustus, Ms. Resor, Ms. Fargo, Mr. Barrios, Ms. Jehlen, Mr. McGee, Ms. Creem, Messrs. Tisei, Timilty, Nuciforo and Havern moved that the bill be amended in section 2, in item 5055-0000, by striking out the figure “\$500,000” and inserting in place thereof the following figure:—

“\$2,000,000”; and in said item by striking out the figure “\$6,607,903” and inserting in place thereof the following figure:—

“\$8,107,903”; and in said item by striking the words “for the expansion of” and inserting in place thereof the following words:—

“to sustain and expand”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended inserting, after section ____, the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary Chapter 58 of the Acts of 2006 is hereby amended in SECTION 8, section 2PPP at the end after the words ‘by the office’ the following: ‘provided further, that the office shall provide a \$350,000 one-time essential community provider trust fund grant to a community health center located in the Codman square neighborhood of the Dorchester section of the city of Boston providing health care to medically underserved patients in Dorchester, that has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the office shall provide a \$350,000 one-time essential community provider trust fund grant to a community health center located near the Fields Corner neighborhood of Dorchester, on Dorchester Avenue, providing health care to medically underserved patients in Dorchester, who has formed an integrated health services network to provide access to primary and preventive public health services; provided further, that the office shall provide a \$400,000 one-time essential community provider trust fund grant to a community health center located in the South Boston section of the city of Boston which operates an urgent care center and which is affiliated with the disproportionate share teaching hospital in Suffolk county with the highest volume of free care; provided further, that the office shall provide a \$350,000 one-time essential community provider trust fund grant to a community health center located on Bowdoin Street in the Dorchester neighborhood; provided further, that the office shall provide a \$400,000 one-time essential community provider trust fund grant to a community health center with at least 3 sites serving the medically underserved areas of Dorchester and South Boston, including at least one public

housing project; provided further that the office shall provide a \$350,000 one-time essential community provider trust fund grant to a community health center serving a disadvantaged population in the neighborhood of Mattapan, provided further that the office shall provide a \$350,000 one time grant for a community health center serving a disadvantaged, multi-lingual population in the Uphams Corner neighborhood in Dorchester; provided further, that the office shall provide a \$5,500,000 one-time essential community provider trust fund grant to a disproportionate share financially distressed community hospital located in Suffolk County with a locked inpatient adolescent psychiatric unit that participates in the MassHealth program;”.
The amendment was *rejected*.

Mr. Baddour and Mr. Tarr moved that the bill be amended in section 2, in item 5930-1000, by inserting after the words “Glavin Regional Center;” the following:—

“provided further, that not less than \$50,000 shall be expended to the ARC of Northern Essex County in Haverhill for services to individuals with developmental disabilities”.
The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 4510-0100, by striking out the figure “\$17,051,539” and inserting in the place thereof the following:—

“\$17,418,658”.
The amendment was *rejected*.

Ms. Spilka and Ms. Jehlen moved that the bill be amended in section 2, in item 4403-2120, by inserting after the words “provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized;” the following wording:—

“provided further, that the department may, pursuant to regulations promulgated by the department in conformance with subsection (D) of section 2 of chapter 18 of the general laws, expend funds from this item to provide emergency assistance, other than emergency shelter, to prevent or end homelessness among families with income up to 130% of the federal poverty level, including families with housing subsidies, but only to the extent that making such expenditures will not lead to eligible families being unable to access shelter, will not cause or contribute to a deficiency during the fiscal year, and will not lead to families being placed in housing that is not safe and sanitary;”.
The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended in section 2, in item 4512-0200, by inserting after the words “programs in Springfield” the following words:—

“provided further that not less than \$150,000 shall be made available to the Berkshire County Youth Development Project for youth intervention services”.
The amendment was *rejected*.

Ms. Spilka, Ms. Fargo, Messrs. Augustus, Brown and Barrios, Ms. Jehlen, Messrs. Havern, Tisei, Timilty, McGee, Creedon, Tolman and Morrissey moved that the bill be amended in section 2, in item 5920-5000, by striking out the following figure “\$13,600,000” and inserting in place thereof the following figure:—

“\$17,600,000”; and in said item by striking out the figure “\$8,500,000” and inserting in place thereof the following figure:—
“\$10,500,000”.
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended by inserting, after section 104, the following new section:—
“SECTION ____ . Notwithstanding any general or special law to the contrary, in fiscal year 2007, the Essential Community Provider Trust Fund, as established in Chapter 58 of the Acts of 2006, the comptroller of said fund shall provide a \$1,000,000 one-time grant from the fund for Bay State Mary Lane Hospital in the Town of Ware”.
The amendment was *rejected*.

Messrs. Tolman and Barrios moved that the bill be amended in section 2, in item 5920-2000, by striking “provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts” and inserting in place thereof the following:—

“provided further, that not less than \$750,000 shall be expended for Best Buddies Massachusetts”.
The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 4516-1000, by striking out the figure “\$12,277,658” and inserting

in place thereof the following figure:—

“13,277,658”.

The amendment was *rejected*.

Ms. Jehlen moved that the bill be amended in section 2, in item 4510-0100, by striking out the figure “\$17,051,539” and inserting in place thereof the following figure:—

“17,970,277”.

The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended in section 2, in item 4530-9000, by inserting after the words “town of Orange”, the following words:—

“provided further that not less than \$150,000 shall be expended for the Berkshire Coalition to Prevent Teen Pregnancy program in Berkshire County; provided further that not less than \$250,000 shall be expended for the abstinence-based teen pregnancy prevention programs in the cities of North Adams and Pittsfield”.

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, in fiscal year 2007, the Essential Community Provider Trust Fund, as established in Chapter 58 of the Acts of 2006, the comptroller of said fund shall provide a \$1,000,000 one-time grant from the fund for a sole community hospital located in the city of Gardner providing essential community health services and access to care for low-income population in northern Worcester county”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 5920-1000, by striking out the figure “\$55,914,599” and inserting in place thereof the following figure:—

“\$56,914,599”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended by inserting, after section XX, the following new section:—

“SECTION XX. The Secretary of the Executive Office of Health and Human Services shall provide a \$1,500,000 one-time grant from the Distressed Provider Expendable Trust Fund for a specialty hospital located in Suffolk County which provides diagnosis and treatment of the eyes, ears, nose and throat”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION XX. The Secretary of the Executive Office of Health and Human Services shall provide a \$2,000,000 one-time grant from the Distressed Provider Expendable Trust Fund for a pediatric rehabilitation hospital located in Suffolk County”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 4800-0038, by adding:—

“and provided further, that not less than \$100,000 shall be expended for the A.W.A.K.E. program in the City of Springfield”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 4000-0300, by adding the following new language:—

“provided further, that in determining future rate year inpatient and outpatient rates for a pediatric rehabilitation hospital located in Suffolk County, said hospital shall be compared to pediatric specialty hospitals and units for any inpatient or outpatient efficiency standards being applied to their rate methodology and said executive office shall utilize payment methodologies that ensure that all rates of payment are not less than those in effect during the rate year 2006 for said hospital;”.

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 4512-0200, by adding at the end thereof the following:—

“; provided further, that not less than \$275,000 shall be appropriated for Franklin Medical Center’s Beacon Recovery Program at the Orange Recovery House;”.

The amendment was *rejected*.

Mr. Brewer moved that the bill amended in section 2, in item 4120-4000, by inserting at the end thereof the following words:—

“provided that \$50,000 shall be transferred to the Massachusetts Citizen Advocacy Program;” and further amended the item by striking the figure “\$9,997,486” and inserting in place thereof the following figure:—

“\$10,047,486”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2 by striking out item 4400-1079 and inserting in place thereof the following item:—

“4400-1079 For the operation of the homeless management information system; provided, that during fiscal year 2007 the department shall submit quarterly to the house and senate committees on ways and means a status report detailing the specific implementation of the system, the statewide number and percentage of homeless programs participating by month, the types and descriptions of information reports able to be generated; and any other information that the department determines to be necessary in evaluating the full and complete implementation of the system; and provided further, that the report shall also detail all expenditures by subject classification; and provided further that the use of these funds includes the creation of a free interface for both the collection and sharing back of data for the various homeless providers and Continuums of Care (CoCs) across the state who are already using other HMIS systems, that the department should follow federal data standards for de-duplication of clients, use an anonymous identifier, and allow homeless CoCs and providers already using HMIS systems to provide anonymous aggregate data in order to fully protect client privacy; and that DTA HMIS can demonstrate no later than October 1, 2006, that they can generate for participating programs all federal reports required by the U.S. department of Housing and Urban Development (HUD) 1,000,000”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 1410-0012, by striking out “that not less than \$144,879 be obligated for a contract with the Puerto Rican Veterans Association, Inc. in the City of Springfield” and replacing it with:—

“that not less than \$234,879 shall be obligated for a contract with the Puerto Rican Veterans Association, Inc. in the City of Springfield”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 4800-0038, by adding:—

“Providing further, that not less than \$500,000 shall be expended for Brightside for Children and Families in West Springfield”.

The amendment was *rejected*.

Messrs. Tisei, Lees, Knapik, Tarr, Hedlund and Brown moved that the bill be amended in section 2, in item 4110-1000, by striking out the figure “\$350,000” and inserting in place thereof the following figure:—

“\$400,000”, and by striking out the figure “\$3,967,118” and inserting in place thereof the following figure:—

“\$4,017,118”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 7004-0099, by adding:—

“and provided further, that not less than \$100,000 shall be expended on the Neighborhood Revitalization Initiative administered by HAP, Inc in the City of Springfield”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 1410-0012, by adding:—

“and provided further, that not less than \$50,000 shall be expended for the operation of the Mason Square Veterans Outreach Center in the City of Springfield”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 7004-0099, by adding:—

“and provided further that not less than \$50,000 shall be expended on the Neighborworks Home Ownership Center in the City of Springfield”.

The amendment was *rejected*.

Mr. Tolman and Ms. Walsh moved that the bill be amended in section 2, in item 4800-0038, by striking out the figure “\$348,850” and inserting thereof the figure “\$498,840”.
The amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended by inserting, after section 97, the following new section:—
“SECTION ____ Chapter 58 of the acts of 2006 is hereby amended by adding at the end thereof the following new section:—
Section ____ Notwithstanding any general law or special law to the contrary, notwithstanding a member’s coverage type or enrollment in a Managed Care Organization, the division shall provide coverage for all emergency ambulance calls which result in a transport and shall provide coverage for all medically necessary non-emergency ambulance and wheelchair van trips. Provided that medical necessity for non-emergency ambulance service shall be established by the completion of a Medical Necessity Form signed by a physician, physician’s designee, physician assistant, nurse midwife, dentist, nurse practitioner, managed care representative, or registered nurse. The member’s record must support the information given on the Medical Necessity Form. The transportation provider is responsible for the completeness of Medical Necessity Forms. The completed Medical Necessity Form must be kept by the transportation provider as a record for four years from the date of service.”
The amendment was *rejected*.

Messrs. Tisei and McGee moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following:—

“provided further, that a \$1,200,000 one-time essential community provider trust fund grant be awarded to an acute care hospital serving the Melrose and Wakefield communities that operates a family health services clinic;”
The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 4405-2000, by adding:—

“Provided further, that notwithstanding any general or special law or regulation to the contrary, rates reimbursed by the Commonwealth through the Division of Health Care Finance and Policy to cover the cost of care provided by non-profit level 4 residential care facilities in Hampden County, which serve publicly-aided homeless and mentally ill residents and which are owned by an integrated health care delivery system, shall be sufficient to cover the cost of care provided by such facilities, and in no event shall be less than ten dollars (\$10) more per patient day than the division’s fiscal year 2006 reimbursement per patient day for such facilities”.
The amendment was *rejected*.

Messrs. Buoniconti moved that the bill be amended in section 2, in item 4800-1400, by inserting:—

“; provided further, that not less than \$100,000 shall be expended for a contract with Sylvia’s Haven at Devens to provide transitional housing to pregnant and parenting women and girls”; and in said section by striking out the figure “\$21,088,691” and inserting in place thereof the figure “\$21,188,691”.
The amendment was *rejected*.

Mr. Timilty, Ms. Creem, Mr. Tisei, Ms. Spilka, Ms. Chandler and Ms. Resor moved that the bill be amended in section 2, in item 4125-0100, by striking out the figure “\$5,539,165” and inserting in place thereof the following figure:—

“\$5,889,165”.
The amendment was *rejected*.

Messrs. Tolman, Barrios, Brewer and Buoniconti, Ms. Chandler, Messrs. Havern and Lees, Ms. Resor, Mr. Tisei, Ms. Fargo and Messrs. O’Leary and McGee moved that the bill be amended in section 2, in item 4590- 0250, by striking out the following: “provided further, that not less than \$350,000 shall be expended for the governor’s commission on gay and lesbian youth;” and inserting in place thereof the following: “provided further, that not less than \$450,000 shall be expended for anti-suicide and anti-violence programs overseen by the Commission on Gay and Lesbian Youth”.
The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 4512-0500, by adding the following: “provided further, that \$750,000 shall be expended for the Forsyth Institute’s Center for Children’s Oral Health to fund a school-based demonstration project to offer preventive oral health care to children in high need areas including Boston, Lynn and Hyannis,” and further, by striking the figure “\$1,678,150” and replacing it with the figure “\$2,428,150”.
The amendment was *rejected*.

Mr. Creedon moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies;” the following:—

“provided further that a \$950,000 one-time essential community provider trust fund grant to a disproportionate share acute care hospital located in the southeastern Massachusetts division of the medical assistance psychiatric service area that operates an inpatient psychiatric unit within the city of Brockton;”

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2 by striking item 4401-1100 and inserting in place thereof the following item:—

“XXXX-XXXX

Notwithstanding any general or special law to the contrary, the department of transitional assistance may expend reimbursements received from the United States Department of Agriculture for food stamp outreach and employment and training programs and any enhanced funding or bonuses; provided, that the department may expend such revenue for employment and training services provided for in section 2B 20,000,000”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following words:—

“provided further that a \$400,000 one-time essential community provider trust fund grant shall be awarded to a community health center located in the city of Lynn providing health care to medically underserved and uninsured patients and which provides a 340B pharmacy program”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies;” the following:—

“provided further, that a \$4,000,000 one-time essential community provider trust fund grant shall be awarded to an acute care hospital located in Holyoke that provides clinical training programs for nurses, allied health professionals and technicians through affiliations with community colleges and private universities”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies;” the following:—

“provided further, that a \$2,500,000 one-time essential community provider trust fund grant shall be awarded to a hospital located in Hampden County, west of the Connecticut River with under 100 beds that participates in Masshealth”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies;” the following:—

“provided further, that a \$4,000,000 one-time essential community provider trust fund grant shall be awarded to a two hospital system located in Hampden County, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following words:—

“provided that a \$250,000 one-time essential community provider trust fund grant shall be awarded to a free standing inpatient psychiatric hospital that is part of a health care system that serves the department of mental health northeast area”.

The amendment was *rejected*.

Ms. Chandler, Ms. Tucker and Mr. McGee moved that the bill be amended in section 2, in item 4000-0300, by adding the following words:—

“provided, however, that a contract for a dental third party administrator shall be executed by July 1, 2006 and shall: require the administrator to pay a provider 100 per cent of the reimbursable rate; require that credentialing of providers shall occur in 45 days or less; require acceptance of electronic billing claims from providers; require payment by electronic fund transfer if requested by a provider, no later than 10 days from the time of service; prohibit any dental third party administrator from requiring prior authorization if the office does not require prior authorization: and, that any third party administrator shall contract with providers currently authorized to treat patients enrolled in MassHealth”.

The amendment was *rejected*.

Mr. McGee and Ms. Creem moved that the bill be amended in section 2, in item 9110-1660, by inserting after the words “Town of Framingham;” the following:—

“that \$125,000 shall be expended to the program operated by Jewish Family Services in the Town of Swampscott;” and by striking out the figure “\$1,716,283” and inserting in place thereof the following figure:—

“\$1,841,283”.

The amendment was *rejected*.

Ms. Jehlen, Mr. Timilty, Ms. Spilka, Ms. Creem and Mr. Hedlund moved that the bill be amended in section 2, in item in 4110-1000, in line 4, by striking the figure “\$350,000” and inserting in place thereof the figure “\$450,000”, and by striking the figure “\$3,967,118” and inserting in place thereof the figure “\$4,067,118”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 2, in item 4406-3000, by adding at the end thereof the following:—

“provided further, that not less than \$50,280 shall be expended for the provision of health services to the homeless and uninsured by Primary Care and Mental Health, Inc. located in the City of Lynn”.

The amendment was *rejected*.

Ms. Resor and Mr. Timilty moved that the bill be amended in section 2, in item 4510-0600, by striking the figure “\$3,509,106” and inserting in place thereof the figure “\$4,009,106”.

The amendment was *rejected*.

Messrs. Brown, Lees, Hedlund, Knapik, Tarr, Tisei and Timilty moved that the bill be amended in section 2, in item 1410-0400, in line 46, by inserting after “countable income” the following words:—

“provided, \$647,241 be designated for reimbursing the following communities for money paid for veteran’s benefits and for payments to certain veterans under Chapter 77 of the Acts of 2005: \$87,007 be designated for Attleboro, \$100 be designated for Belchertown, \$482,694 be designated for Boston, \$37,440 be designated for Hamilton, and \$40,000 be designated for Lexington;”; and in said item by striking out the figure “\$14,412,585” and inserting in place thereof the figure “\$15,059,826”.

The amendment was *rejected*.

Mr. Tolman and Ms. Fargo moved that the bill be amended in section 2, in item 5011-0100, by adding the following:—

“provided that DMH should review and approve the children’s mental health services that are required as part of the remedy approved by the federal court in *Rosie D. v. Romney*; provided further, that the Department of Mental Health shall report to the House and Senate Ways and Means Committee on a quarterly basis concerning the development and implementation of the children’s mental health services that are required as part of the remedy approved by the federal court in *Rosie D. v. Romney*”; and in item 4000-0500, by adding the following:—

“provided that funds necessary to develop and implement the first year of the remedy approved by the Court in *Rosie D. v. Romney* can be expended from this item; provided further, that the children’s mental health services that are included in the first year of the remedy approved by the federal court in *Rosie D. v. Romney* shall be developed under the direction of the Department of Mental Health and expended solely to implement such remedy; provided further, that the Office of Medicaid shall report to the House and Senate Ways and Means Committee on a quarterly basis concerning the expenditure of funds to implement the remedy approved by the federal court in *Rosie D. v. Romney*”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended by inserting, after section XX, the following new section:—

“SECTION XX. Chapter 112 of the General Laws is hereby amended by striking out section 13 and inserting in place thereof the following section:—

Section 13. Podiatry as used in this chapter shall mean the diagnosis and treatment of the structures of the human foot and ankle by medical, mechanical, surgical, manipulative and electrical means, and excepting treatment of systematic conditions. Ankle surgery shall require appropriate certification or documented advanced training, as determined sufficient by the Board of Registration in Podiatry. This section and sections fourteen to twenty-two, inclusive, shall not apply to surgeons of the United States army, navy or the United States Public Health Service, nor to physicians registered in the commonwealth. The term physician and surgeon when used in sections twelve B, twelve G, twenty-three N and eighty B shall include a podiatrist acting within the limitation imposed by this section”.

The amendment was *rejected*.

Mr. Tolman and Mr. Barrios moved that the bill be amended in section 2, after item 4513-1000, by inserting the following item: “xxxx-xxxx The Secretary shall provide no less than \$2,000,000 for a one-time grant for a community health center in the city of Boston providing essential community health services and work training opportunities, including outpatient substance abuse treatment, the highest volume of community-based HIV/AIDS prevention and treatment and medical, mental health care, violence recovery, specialist geriatric services and ensuring access to the highest quality care to all, regardless of ability to pay”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following:—

“provided further that a \$90,000 one-time essential community provider trust fund grant shall be awarded to a community health center serving the towns on the outer and lower cape in Barnstable county”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following:—

“provided further that \$300,000 shall be awarded to a community health center serving the full range of the underserved population in the town of Barnstable and further serving the dental needs of the underserved population throughout the mid-cape area”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 5047-0001, by inserting after the words “invoice the third party insurer of all persons serviced by the programs” the following:—

“and provided further, that not less than \$253,716 shall be expended for emergency mental health services on Martha’s Vineyard and Nantucket”.

The amendment was *rejected*.

Messrs. Montigny, Antonioni, Augustus, Hedlund, Tarr and Ms. Fargo moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “implemented in fiscal year 2007” the following wording:—

“; provided further, that not less than \$2,000,000 shall be expended for a one-time grant from the fund for a non-teaching, community, disproportionate share, acute care hospital located in southeastern Massachusetts, which provides inpatient care to over 7,000 MassHealth or MassHealth HMO patients per year”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 82 by inserting at the end thereof the following words:—

“Notwithstanding any general or special law to the contrary, for a geographically isolated, nonprofit nursing home located on an island in Dukes County, which is the sole community nursing home provider for the island and which is controlled by a nonprofit hospital located on said island, effective the first day that the historical rate relief previously awarded to said nursing home, which ended July 1, 2004, the Division of Health Care Finance and Policy, in conjunction with the Office of Medicaid and the Executive Office of Health and Human Services, shall retroactively and prospectively establish a Medicaid rate add-on totaling \$350,000 annually, to be paid on a Medicaid patient day basis”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 4400-1100, by striking out the wording “and provided further that the department may allocate funds, not to exceed \$1,000,000 from this item to item 4400-1000 for the administrative costs of the department of transitional assistance”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following:—

“provided further that a \$750,000 one-time essential community provider trust fund grant shall be awarded to a sole community hospital under the Medicare program located in Barnstable county”.

The amendment was *rejected*.

Mr. Montigny, Ms. Spilka, Messrs. Timilty, Tolman and Barrios moved that the bill be amended in section 2, in item 7003-0702, by inserting after the words “Workforce Investment Board” the following:—

“; provided further, that not less than \$1,000,000 shall be expended for grants to providers of workforce development and job training services for projects benefiting older adults”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4510-0600 by inserting after the word “airport” the following:—

“provided further that not less than \$100,000 shall be available for the YWCA Boston’s EncorePlus, program for breast cancer education, early detection, and survivorship programs for women most at-risk for a late cancer diagnosis”; and by striking out the figure “\$3,509,106” and inserting in place thereof the following figure: “\$3,609,106”.

The amendment was *rejected*.

Messrs. Montigny, Havern, Barrios, Tisei and Ms. Fargo moved that the bill be amended in section 2, in item 4512-0103, by striking out the figure “\$35,653,608” and inserting in place thereof the figure:—

“\$36,785,682”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4512-0500, by inserting after the words “southeastern Massachusetts” the following:—

“provided further, that not less than \$750,000 shall be expended for the purposes of a demonstration project known as the ‘Center for Children’s Oral Health’ operated by local community health centers and the Forsyth Institute, to fund a school based program to offer preventive oral health care to children in high need areas including Boston, Lynn and Hyannis; provided further, that said grants shall be matched by contributions from, private entities, equal to one times the expenditures on said pilot from this line item; provided further, a report shall be filed with the joint committee on health care financing and house and senate committees on ways and means no later than June 31, 2007 on the findings of said project including but not limited to, the number of children receiving care, the number of abscesses, cavities and other dental health problems encountered, and through the collection of longitudinal data said report shall examine the cost-effectiveness and sustainability through Medicaid billing of said program”; and by striking out the figure “1,678,150” and inserting in place thereof the following figure: “\$2,428,150”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 5046-0000, by adding at the end thereof the following:—

“; provided further, that not less than \$3,600,000 shall be expended for the creation of 6 new Program of Assertive Community Treatment teams;”; and provided further, that the department shall report to the house and senate committees on ways and means no later than February 16, 2007 on the use of any funds expended for this purpose \$307, 632,778”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end the following two sections:—

“SECTION _____. Section 51G of Chapter 111 of the General Laws is hereby amended in Subsection (4) by adding, after the first sentence, the following:—

Any such notification shall include, but not be limited to, the following:

1. The reasons for which the closing or discontinuance is being proposed.
2. An analysis of the economic feasibility of retaining the essential health service or hospital and the economic impacts of the proposed closing or discontinuance.
3. An analysis of the clinical safety of retaining the essential health service or hospital and any threats to public health and safety that would be caused by the proposed closing or discontinuance.

SECTION _____. Section 51G of Chapter 111 of the General Laws is hereby amended in Subsection (4) by adding, after the word ‘hospital’ in the fourth sentence thereof the following:

The department may, if it determines that an essential health service can be retained in a clinically safe manner without depriving the hospital of a fair net operating income, deny the proposed discontinuance and require the retention of the essential health service either in its original condition or any modification which the department deems to be satisfactory.

In the event that a hospital proposed for closure is owned or controlled by an entity which holds a license for facilities other than the hospital proposed for closure, and the department determines that the hospital can be retained in a clinically safe manner and without depriving that entity of a fair net operating income, the department may require the retention of said hospital either in its original configuration or any modification which the department deems to be satisfactory.”

The amendment was *rejected*.

Messrs. Montigny and Barrios, Ms. Tucker and Mr. Timilty moved that the bill be amended in section 2, in item 9110-1500, by striking out the figure “\$42,831,919” and inserting in place thereof the following figure:—

“\$43,828,512”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 2, in item 4513-1000, by inserting at the end thereof the following:—

“provided further, that not less than \$500,000 shall be directed to a community health center with locations both in the Allston neighborhood of Boston and in Waltham”.

The amendment was *rejected*.

Ms. Tucker and Ms. Jehlen moved that the bill be amended in section 2, in item 4405-2000, by striking the words “and provided further that the department shall expend not less than \$1,000,000 for rate increases to rest homes in coordination with the division of health care finance and policy”; by striking the figure “210,887,077” and inserting in place thereof the following:—

“186,887,077”; and in section 2 by inserting a new line item:—

“9110-xxxx For vendor payments to rest homes; provided that the executive office shall coordinate with the division of transitional assistance to ensure that payments from line items 4405-2000 and 4408-1000 are made to residents of rest homes; and provided further that the executive office shall expend not less than \$3,000,000 for rate increases to rest homes in coordination with the division of health care finance and policy 27,000,000”.

The amendment was *rejected*.

Messrs. Montigny, Tarr and Barrios moved that the bill be amended in section 2, in item 4513-1114, by striking out the figure “\$562,876” and inserting in place thereof the following figure:—

“\$1,000,000”.

The amendment was *rejected*.

Messrs. Buoniconti, Lees and Knapik moved that the bill be amended in section 2, in item 4800-0038, by inserting:—

“; and provided further, that not less than \$423,000 be expended for Caring Health Center in the City of Springfield;”; and in said section by striking out the figure “\$280,336,159” and replacing the figure thereof with “\$280,769,159”.

The amendment was *rejected*.

Messrs. Buoniconti, Lees and Knapik moved that the bill be amended in section 2, in item 4000-0300, by inserting the following language:—

“; and provided further that a \$500,000 one-time essential community provider trust fund grant shall be awarded to a community health center in the City of Springfield”.

The amendment was *rejected*.

Ms. Jehlen, Ms. Spilka and Messrs. Tarr, Nuciforo, Tisei, Joyce and Barrios moved that the bill be amended in section 2, in item 9110-1633, by striking out the figure “\$39,311,751” and inserting in place thereof the figure “\$40,370,835”.

The amendment was *rejected*.

Messrs. Antonioni, Tolman, Timilty, Barrios and Ms. Tucker moved that the bill be amended in section 2 by inserting, after item 9110-1636, the following item:—

“9110-1640

For community-based, geriatric mental health services for persons enrolled in the state home care program whose mental disabilities place them at risk of losing their ability to function independently in community settings, pursuant to regulations promulgated by the executive office of elder affairs 1,000,000”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies” the following:—

“provided further that a \$4,000,000 one-time essential community provider trust fund grant shall be awarded to a two hospital system located in Hampden County, one of which hospitals provides inpatient psychiatric services for children and adults and a methadone program”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2, in item 9110-9002, by inserting, after the words “the secretary;” the following:—

“provided further, that not more than \$900,000 in matching funds shall be expended to the town of Norwell for the construction of a new senior citizen center in said town”.

The amendment was *rejected*.

Messrs. Lees and Barrios moved that the bill be amended in section 2, in item 4513-1000, by inserting at the end thereof the following:—

“provided further, that not less than \$427,225 shall be expended for increased services related to Rape Crisis Centers, batterers intervention services, and improved disability access for domestic violence and sexual assault prevention and treatment”; and by striking the figure “\$9,406,787” and inserting in place thereof the following figure:— \$9,834,012”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in section 2 by inserting, after item 4513-1121, by inserting the following new item:—

“4513-1122

For the purposes of a grant to a community health center for an Asthma Assessment and Case Management Program to service the communities in Braintree, Hull, Quincy and Weymouth, to promote correct diagnosis and severity assessment, to mitigate the adverse health effects of and contain health care costs of persistent asthma treatment through patient and family education about medication, the triggers of asthma attacks, disease self-management skills including, but not limited to, medication administration, measurement of peak follow and spirometry, and environmental home assessments; provided that, funds shall be expended to support the assignment of one asthma case management nurse to each to service each of the said communities to manage the currently identified 700 patients with an asthma diagnosis as well as all subsequently identified patients; provided further, that awareness efforts shall be presented in multiple languages and in a culturally appropriate manner where applicable; provided further, that asthma counseling, testing, and case management services shall be integrated into all existing health care service programs to promote public awareness; and provided further, that funds in this item shall supplement the services provided to children and adults with asthma; provided further, that records shall be maintained for the total number of children and adults presenting with and treated for asthma; total number who continue on the case management program; rate of hospital emergency room usage across both groups; number of patients with persistent asthma on an anti-inflammatory medication; percentage of patients with written asthma action plans; percentage of patients with an established personal best peak flow; percentage of patients with a documented severity assessment; percentage of patients with a documented self management goals; percentage of patients with current environmental tobacco smoke exposure; and the number of hours spent by nurses on case management by site, and said community health center shall provide a written report shall back to the Health Care Finance Committee in July 2007 with analysis of the impact of the program on costs and disease management goals of the program 400,000”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in section 2, in item 4000-0300, by inserting after the words “17 executive office cluster agencies,” the following:—

“; provided further, that a \$4,000,000 one-time essential community provider trust fund grant shall be awarded to a hospital in a city adjacent to Boston affiliated with the teaching hospital that serves the highest number of uninsured patients”.

The amendment was *rejected*.

Messrs. Rosenberg, Joyce and Barrios moved that the bill be amended in section 2, in item 4000-0600, by inserting after the words “services to an elder;” the following:—

“provided further, that not less than \$1 million shall be expended for the Massachusetts Family Caregivers program to provide supportive services to individuals who are providing uncompensated care to people over the age of 60 to allow them to remain living in the community, as state matching funds for the National Family Caregiver Support Program pursuant to the federal Older Americans Act;”.

The amendment was *rejected*.

Messrs. Buoniconti and Lees moved that the bill be amended in section 2, in item 4000-0300, by inserting the following:—

“; and provided further that a \$1,000,000 one-time essential community provider trust fund grant be awarded to the Baystate Visiting Nurse and Hospice Association”.

The amendment was *rejected*.

Mr. O’Leary, Ms. Chandler, Mr. Joyce, Ms. Creem, Ms. Fargo, Ms. Tucker, Mr. Montigny, Ms. Spilka, Messrs. Brewer, Timilty

and McGee moved that the bill be amended in section 2, in item 4000-0600, by inserting at the end thereof the following:—

“provided further that in fiscal year 2007 the division of health care finance and policy shall adjust rates for providers of adult day care by no less than \$5,150,000 in the aggregate, which shall be over and above any previously authorized rate increase”.
The amendment was *rejected*.

Ms. Creem, Mr. Montigny, Ms. Spilka, Messrs. Timilty and Tisei moved that the bill be amended in section 2, in item 4510-0600, by inserting after the words “February 1, 2007;” the following:—

“provided further, that \$750,000 shall be expended for the Massachusetts Birth Defects Monitoring Program;”; and in said item by striking out the figure “\$3,509,106” and inserting in place thereof the figure “\$4,259,106”.
The amendment was *rejected*.

Messrs. Montigny, Brewer, Timilty, Moore and Ms. Tucker moved that the bill be amended by inserting, after section 63, the following new section:—

“SECTION 63A. Section 410 of chapter 159 of the Acts of 2000 is hereby amended by adding at the end the following:—

There is hereby established an Extended Care Career Ladder Initiative Trust Fund, hereafter known as the ‘ECCLI Trust’ or the ‘Trust’, which shall provide grants, scholarships or loans to support the continued development of the long-term care workforce as a primary vehicle for improving the quality of patient care in Massachusetts. The ECCLI Trust continues the important work of the Extended Care Career Ladder Initiative and the Certified Nursing Assistant and Home Health Aid Scholarship Program, which together have successfully increased the number of qualified long-term care workers and enhanced the retention of qualified long-term care workers in coordination with long-term care employers who are transforming the industry towards patient-centered care and improved quality.

The ECCLI Trust shall be established as an expendable trust and shall not be subject to appropriation. The trust shall be exempt from sections 5D and 6B of chapter 29 of the general laws. The ECCLI Trust shall be structured to ensure that programs are not hindered or caused to fail as a result of restrictive timelines. ECCLI-funded programs shall be designed to prepare the continuum of workers needed to support the long-term care industry’s current and future needs. ECCLI grant periods may be from eighteen months to four years in duration, and may include planning and evaluation phases. The Trust shall allow and encourage the leveraging of non-state resources to support ECCLI-related activities.

The ECCLI Trust shall be operated by the Commonwealth Corporation, in accordance with the following subsections:

(a) The Commonwealth Corporation shall be the administrator of the Trust. The Commonwealth Corporation shall maintain the Trust as a separate account and shall cause it to be audited by an independent accountant on an annual basis in accordance with accepted accounting principles.

(b) There shall be credited to the Trust, revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the Trust, and gifts, grants, private contributions, repayment of loans, investment income earned on the Trust’s assets, and all other sources. Money remaining in the Trust at the end of a fiscal year shall not revert to the general fund and shall remain in the Trust.

(c) An advisory committee shall be established that represents significant constituencies with interest in the size and quality of the current and future long-term care workforce. The advisory committee shall include, but not be limited to, the following members or their designees: the house and senate chairmen of the joint committee on healthcare financing; the commissioner of the Massachusetts department of public health; the director of the department of workforce development; the secretary of the executive office of elder affairs; the commissioner of the department of transitional assistance; the commissioner of the department of education; and one representative each from the Massachusetts Community College Executive Office, the Massachusetts Extended Care Federation, the Massachusetts Home and Health Care Association, MassAging, the Massachusetts Council for Homecare Services, Mass AFL-CIO, SEIU Local 1199, and the Massachusetts Workforce Board Association. The advisory committee shall supply constituent-focused labor market information or other relevant information, review general programmatic parameters and guidelines, assist with the identification of issues and barriers to the Trust’s success and effectiveness and the dissemination of relevant information about the Trust to constituents, and support the general oversight of Trust implementation. The Commonwealth Corporation shall convene the advisory committee at least quarterly.

(d) A competitive grant program shall be established that supports long-term care employers, either individually or in consortia, to develop and implement career ladder programs for direct care and entry-level workers. The Commonwealth Corporation in coordination with the advisory committee shall annually establish the guidelines and funding parameters for the competitive grant program. In order to receive funding, proposed programs shall demonstrate clear linkages to desired improvements in the quality of patient care or the transition to patient-centered care practices. The grant program shall incorporate evaluation parameters and resources to assess over time the effectiveness of programmatic interventions, particularly in regard to: worker retention rates, promotions, and wage gains; employer cost reductions; improvements in selected MDS-established indicators of patient care quality; and the success of efforts by employers to institutionalize new workplace and career ladder practices. Grant-funded projects shall involve regional partners from the workforce development, education, and support services communities as warranted by the project’s scope and purpose. All project submitters shall coordinate proposal development with the local workforce investment board, which shall provide programmatic technical assistance and ensure that appropriate local resources are fully leveraged. Funded employers shall provide at least 50 per cent wage release time for all employees participating in occupational training components of the project, and a wage increase upon successful completion of occupational training of at

least \$.25 per hour.

(e) A special grant program may be created at the discretion of the advisory committee if certain parameters are not met through the competitive grant program; special programs may be established to address poor regional distribution, the poor or inadequate quality of proposal submissions, scaling up the use of proven practices, under-representation of a significant or critical subgroup of the long-term care workforce, increasing workforce diversity, or the need for specific research or project demonstrations in identified problem areas. Planning grants may also be offered for partners to define employer needs, to make necessary curriculum and other programmatic improvements to align with employer needs or to determine the feasibility of a proposed workforce development intervention. Planning grants shall not exceed \$20,000 and shall be for durations of no longer than three months.

(f) The Certified Nursing Assistant and Home Health Aid Scholarship Program shall be funded as a separate but related program of the Trust. The scholarship program shall be administered by the Massachusetts department of public health, hereafter “the department”, in coordination with the advisory committee established under subsection (c) to ensure coordination of relevant services for participants and that economies of scale are achieved wherever possible. The department shall establish appropriate guidelines and application criteria for the administration of the program; provided that the scholarships shall cover the full cost of tuition to an approved certified nurses’ aide or long-term care direct worker training program; provided further, that the department in coordination with the advisory committee may reduce scholarship amounts to individuals with income over 150 per cent of federal poverty guidelines in the event of insufficient funds; provided further, that approved programs may provide for cross-training; provided further, that funds may also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses’ aides, home health aides and home care workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; provided further, that the department shall establish and support evaluative measures to determine the effectiveness and responsiveness of the program to meet workforce needs in a timely manner, and to inform training providers when curricular or programmatic improvements may be required; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item.

(g) The Commonwealth Corporation shall annually, by September 30 each year, report to the house and senate committees on ways and means, and the joint committee on healthcare financing, the status of grants and scholarships awarded, the number of participants receiving services, and the results or impact of service provision, including the number and types of promotion received, or, in the case of the scholarship program, the number of individuals completing training and securing employment, the average wage gain per participant completing occupational training, employer retention rate improvements, and the results of quantitative and qualitative evaluation efforts.”

The amendment was *rejected*.

Mr. Panagiotakos, Ms. Spilka, Messrs. Hedlund and Moore moved that the bill be amended in section 2, in item 4510-0710, by inserting after the words “satisfaction in long-term care facilities;” the following text:—

“provided further; Notwithstanding any general or special law to the contrary, any hospital that does not provide on-site open heart surgery but does provide primary or emergency angioplasty and has been approved by the Department of Public Health to participate in a randomized study by the Harvard School of Public Health to provide on-site elective angioplasty, shall be provided not less than \$100,000 to cover certain startup costs incurred in participating in the study. Such costs shall include, but not be limited to, the costs of establishing the data collection and quality review oversight functions of the study.”

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended in section 2, in item 4000-0700, by striking at the end thereof the amount “\$1,517,399,331” and inserting in place thereof “\$1,520,399,331”.

The amendment was *rejected*.

Mr. Barrios and Ms. Creem moved that the bill be amended in section 2, in item 5920-2000, after the phrase “Best Buddies Massachusetts” to include:—

“provided further that not less than \$200,000 shall be expended for Partners for Youth with Disabilities”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION ____ . Notwithstanding any general or special law to the contrary, the families eligible for assistance pursuant to chapter 5 of the acts of 1995 and chapter 118 of the general laws shall receive assistance at levels established by the department

of transitional assistance such that families of comparable size and financial circumstances shall be awarded the same level of assistance. Recipients that are not exempt from the work program administered by the department pursuant to section 110(e) of chapter 5 of the acts of 1995 shall be required to engage in direct work activities and other qualifying activities up to the number of hours per week required by federal law. Before referring a recipient or applicant to any direct work activities and other qualifying activities, the department shall develop for said recipient or applicant an employment development plan designed to enable the recipient to attain economic self-sufficiency. The commissioner of the department may provide that recipients subject to the work requirement who, without good cause and after having been required to perform community service pursuant to section 110(k) of chapter 5 of the acts of 1995, do not satisfy said work requirement shall not receive assistance until they meet the requirement for 2 weeks. The sanction for not satisfying the work requirement shall not include termination of assistance to the children or other family members of the recipient”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2, in item 4401-1000, by adding at the end thereof the following words:—

“provided further that, that funds from this item may be expended to increase the commonwealth’s work participation rates among parents who are subject to the work requirement under the program of Transitional Aid to Families with Dependent Children by providing additional employment services, including but not limited to enhanced assessments of barriers to employment and strategies to address those barriers, additional transportation services including transportation assistance for all parents who are subject to the work requirement, additional education and training activities and other activities that will assist the commonwealth in meeting work participation rates; provided further, that the department of transitional assistance shall file a report with the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children and families on or before January 1, 2007 setting forth the work participation rate among families who are subject to the work requirement, efforts that have been made to increase that work participation rate and any barriers to improving the work participation rate among those who are work-required”; and by striking the figure “\$27,087,733” and inserting in place thereof the figure “\$31,087,733”.

The amendment was *rejected*.

As previously stated, the above amendments were considered as one, and were rejected.

Mr. Montigny moved that the bill be amended by inserting after section ___, the following new section:—

“SECTION ___. The department of public health, in consultation with the board of registration of pharmacy, shall promulgate regulations requiring the licensing of all pharmaceutical representatives. As a prerequisite to such licensing, pharmaceutical representatives shall complete such training as may be deemed appropriate by the department. As a prerequisite to the renewal of such license, pharmaceutical representatives shall complete continuing education as may be deemed appropriate by the department. The fee for such license shall be \$500 per year. Revenue generated from this fee shall be divided in equal shares, 50 per cent to the office of attorney general, line item 0810-0000, for the investigation and prosecution of Medicaid fraud and other fraudulent drug pricing schemes disadvantaging the commonwealth or its citizens and 50 per cent to the board of registration in pharmacy, line item 4510-0722, to assist the board in implementing patient safety and medical error reduction programs”; and by inserting after section ___, the following new section:—

“SECTION ___. The General Laws are hereby amended by adding after chapter 268B the following new chapter:—
CHAPTER 268C.

Physician and Pharmaceutical Manufacturer Conduct.

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

‘Gift’, a payment, entertainment, travel, honorarium, subscription, advance, services or anything of value, unless consideration of equal or greater value is received. “Gift” shall not include anything of value received by inheritance, a gift received from a member of the physician’s immediate family or from a relative within the third degree of consanguinity of the physician or of the physician’s spouse or from the spouse of any such relative, or prescription drugs provided to a physician solely and exclusively for use by the physician’s patients.

“Immediate family”, a spouse and any dependent children residing in the reporting person’s household.

‘Medical device’, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is:

- (1) recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,
- (2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or
- (3) intended to affect the structure or any function of the body of man or other animals, and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

‘Person’, a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

‘Pharmaceutical marketer’, a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in pharmaceutical detailing, promotional activities, or other marketing of prescription drugs in this state to any physician, hospital, nursing home, pharmacist, health benefit plan administrator, or any other person authorized to prescribe, dispense, or purchase prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of

chapter 112, a representative of such a distributor who promotes or otherwise markets the services of the wholesale drug distributor in connection with a prescription drug, or a retail pharmacist registered under section 37 of chapter 112 if such person is not engaging in such practices under contract with a manufacturing company.

‘Pharmaceutical manufacturing company’, any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of chapter 112 or a retail pharmacist registered under section 37 of chapter 112.

‘Pharmaceutical manufacturer agent’, a pharmaceutical marketer or any other person who for compensation or reward does any act to promote, oppose or influence the prescribing of a particular prescription drug or medical device or category of prescription drugs or medical devices. The term shall not include a licensed pharmacist, licensed physician or any other licensed health care professional with authority to prescribe prescription drugs who is acting within the ordinary scope of the practice for which he is licensed.

‘Physician’, a person licensed to practice medicine by the board of medicine pursuant to section 2 of chapter 112 who prescribes prescription drugs for any person, or the physician’s employees or agents.

‘Prescription drugs’, any and all drugs upon which the manufacturer or distributor has placed or must, in compliance with federal law and regulations, place the following or a comparable warning: “Caution federal law prohibits dispensing without prescription”.

‘Public official’, any state, municipal or county employee as defined in section 1 of chapter 268A of the general laws.

Section 2. No pharmaceutical manufacturer agent shall knowingly and willfully offer or give to a physician or a member of a physician’s immediate family or a health care facility or employee or agent of a health care facility or a public official, and no physician or health care facility or employee or agent of a health care facility or public official shall knowingly and willfully solicit or accept from any pharmaceutical manufacturer, gifts of any value.

Section 3. A person who violates this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 2 years, or both.”.

After remarks, The amendment was **adopted**.

Mr. Joyce moved that the bill be amended in section 2, in item 2810-2000, by inserting after the word “employees”: “; provided further, that \$1,436,000 shall be extended to the Towns of Braintree, Canton, Milton, and Randolph for emergency municipal funding, including but not limited to fire and police protection, fire prevention and fire fighting in the Blue Hills reservation. Said funding shall be distributed in accordance with total Blue Hills reservation land mass in said towns”.; and in section 2, in item 2810-2000, by striking out the figure “\$5,567,735” and inserting in place thereof “\$7,003,735”.

The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 2511-0105, by striking the figure “12,500,000” and inserting in place thereof the following figure:—

“12,000,000”; and, in section 2, in item 7051-0015, by striking the figure “747,000” and inserting in place thereof the following figure:—

“1,247,000”.

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2, in item 7061-9408, by inserting at the end thereof the following:—

“and provided further, that \$50,000 shall be expended for The WhizKids Foundation Inc”.; and by striking out the figure “\$5,000,000” and inserting in place thereof “\$5,050,000”.

The amendment was **adopted**.

Messrs. Tarr, Hedlund, Joyce and Brewer moved that the bill be amended by inserting at the end the following section:—

“SECTION __. Equity Reserve Grant Program.

Section 1. For the purposes of this section, the terms below shall have the following definitions:

‘Fiscal Year 2003 Funding’ — The amount of Chapter 70 educational funding appropriated for a municipality or school district in the Fiscal Year 2003 General Appropriation Act, Chapter 184 of the Acts of 2002.

‘Fiscal Year 2007 Funding’ — The amount of Chapter 70 educational funding appropriated for a municipality or school district in the General Appropriation Act for Fiscal Year 2007.

‘2003 Funding Gap’ — An amount by which Fiscal Year 2003 funding exceeds Fiscal Year 2007 funding for a particular community.

‘Significant Enrollment Decline’ — A decrease in the number of students enrolled from Fiscal Year 2003 to Fiscal Year 2007 which exceeds ten percent.

Section 2. A community or school district with a 2003 funding gap may apply to the Department of Education and receive a grant

equal to the amount of such gap, provided that the Department may reduce the amount of such grant based on a significant enrollment decline, and that no funds distributed from this item to a municipality or school district shall be considered base aid nor used in the calculation of the required local contribution for fiscal year 2007”; and in section 2 by inserting, after item 7061-0008, the following new item:—

“7061-0010 For a reserve to provide funding for equity grants pursuant to section XX herein 52,000,000”.

After remarks, The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2, in item 7007-0900, by inserting after the words “Cranberry Harvest Map;” the following:—

“provided further, that not less than \$500,000 shall be expended for the installation of air conditioning at the historic Memorial Hall in the city of Melrose to allow for year-round cultural performances;” and by striking out the figure “\$20,605,032” and inserting in place thereof the following figure:—

“\$21,105,032”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 2, in item 4510-0100, by striking out the following:—

“and provided further, that no state or federal funding shall be used for classroom based abstinence-only programming” and adding in place thereof the following:—

“and provided, that the use of state or federal funding for school-based abstinence education shall work only in conjunction with the teaching of comprehensive sexuality education”.

The amendment was **adopted**.

At eight minutes past three o’clock P.M., at the request of Mr. Lees, for the purpose of a minority party caucus, the Chair (Mr. Havern) declared a recess; and, at twenty-eight minutes before four o’clock P.M., the Senate reassembled, Mr. Havern in the Chair.

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4901),— was further considered, the main question being on ordering it to a third reading. Messrs. Hedlund, Tarr, Baddour and Ms. Chandler moved that the bill be amended by inserting, after section 36, the following section:—

“SECTION 36A. Section 32 of chapter 121B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. Section 1436a, and who is not a person residing in the United States under color of law as defined in regulations of the federal Department of Health and Human Services as in force on May 25, 2006, shall not displace or be given priority over any applicant who is so eligible”.

Pending the question on adoption of the amendment, Mr. Hedlund, Ms. Chandler, Messrs. Baddour, Panagiotakos, Berry, Timilty, Antonioni, O’Leary, Augustus, Creedon, Buoniconti, Hart, Montigny, Havern, Ms. Spilka, Ms. Menard, Ms. Wilkerson, Ms. Fargo, Ms. Resor, Ms. Jehlen and Ms. Tucker moved to amend the pending amendment (Hedlund et al) by striking the amendment and inserting in place thereof the following:—

“SECTION 1. Section 32 of chapter 121B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:—

Each housing authority shall verify the immigration status of each applicant. Notwithstanding any state law or regulations to the contrary, citizens and documented immigrants shall have priority”.

The further amendment (Chandler, et al) was adopted.

After remarks, the question on adoption of the pending amendment (Hedlund, et al), as amended, was determined by a call of the yeas and nays at twenty-five minutes before four o’clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 39 — nays 0*)

[Yeas and Nays No. 277]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.

Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS — 0.	

The President in the Chair, the yeas and nays having been completed at eighteen minutes before four o’clock P.M., the pending amendment, as amended, was adopted.

Ms. Menard moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION 105. Notwithstanding any general or special law to the contrary, the Committee on State Administration and Regulatory Oversight will perform a study of the classification of independent contractors pursuant to section 148B of chapter 149 of the General Laws, as amended by chapter 193 of the acts of 2004 and report their findings to the Committee on Ways and Means in no less than 60 days”.

The amendment was **adopted**.

Messrs. Tolman, Tarr and Montigny, Ms. Tucker and Ms. Creem moved to amend section 2 by inserting, after section 104, the following new sections:—

“SECTION XX. Provided that the first paragraph of section 63 of Chapter 277 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first sentence the following sentence:— An indictment or complaint for an offense set forth in section thirteen B, thirteen F, twenty-two A, twenty-three, of chapter 265, or for conspiracy to commit any of said offenses, or an accessory thereto, or any one or more of them, may be found or brought at any time after the date of the commission of such offense.

SECTION _____. Said section 63 of said chapter 277, as so appearing is hereby further amended in lines 3 and 4 by striking out the words ‘, twenty-two A, twenty-three.’.

SECTION _____. The second paragraph of said section 63 of chapter 277, as so appearing, is hereby amended by striking out, in lines 19 and 20, the words ‘thirteen B, thirteen F, thirteen H, twenty-two, twenty-two A, twenty-three’ and inserting in place thereof the following words:— thirteen H, twenty-two,.

SECTION _____. This act shall apply to any of the offenses listed in section 1 that occurred on or after the effective date of this act and any offense that occurred before the effective date of this act that was not time-barred by the statute of limitations on such

effective date.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at ten minutes past four o’clock P.M., on motion of Mr. Tolman, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 278**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS — 0.	

The yeas and nays having been completed at fourteen minutes past four o’clock P.M., The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended by inserting, after section 107, the following new section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the Rose Fitzgerald Kennedy Greenway Conservancy, created by that certain memorandum of agreement by and among the commonwealth of Massachusetts, the Massachusetts turnpike authority, and the city of Boston dated July 12, 2004, shall have the right and power, in consultation with the mayor of the city of Boston, to review and approve all proposals or initiatives related to any addition, alteration or improvement of the open space and park parcels of the said Greenway, including any additional features, memorials or structures of any kind located within the said Greenway, proposed for construction or implementation after the Greenway open space and park parcels are first opened to the general public”; and by inserting after section 100 the following section:—

“SECTION 100A. Notwithstanding chapter 81A of the General Laws or any other general or special to the contrary, the term of

the member of the Massachusetts Turnpike Authority that expires in July 2006 shall be extended until January 15, 2007". The amendment was **adopted**.

Ms. Menard, Ms. Chandler, Ms. Tucker, Messrs. Augustus, Baddour, Montigny, Timilty and Tarr moved that the bill be amended in section 2, in item 4510-0810, by inserting after the words "nurse examiners" the following words:—

“; including not less than “\$700,000” which shall be expended for a contract with the Massachusetts Children’s Alliance to support Children’s Advocacy Centers in every district of the Commonwealth \$3,808,111”. The amendment was **adopted**.

Messrs. Antonioni, Augustus, Barrios, Tolman, Nuciforo, Buoniconti, Joyce, Lees, Moore, Tisei, Havern, McGee, Baddour, Knapik, Montigny, Ms. Menard, Ms. Spilka, Ms. Chandler, Ms. Creem and Ms. Tucker moved that the bill be amended, in section 2, by striking item 7061-9412 and inserting in place thereof the following item:—
“7061-9412 For grants to cities, towns, and regional school districts for the purpose of planning for and implementing extended learning time in the form of longer school days and/or school years at selected schools; provided, that implementation grants shall only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2006; provided further, that in approving extended learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels I or II on the Massachusetts Comprehensive Assessment System, those districts whose plans have the greatest potential for district-wide impact, those districts that plan to utilize partnerships with community-based organizations and institutions of higher education, and those districts whose plans include a comprehensive restructuring of the entire school day and/or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation plans that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity, and project-based experiential learning, and additional time for teacher preparation and/or professional development; provided further, that the department shall review all qualified proposals and award approved grants not later than August 15, 2006; provided further that the department may expend up to \$500,000 on planning grants as part of the department’s School Redesign: Extended Learning Time to Support Student Success grant program; provided further, that to be qualifying, planning grant applications must contain but need not be limited to the process the district will use to create an extended learning time implementation plan, the stated intent to add no less than 25% additional time or 300 hours to the current school schedule for all students in participating schools, the rationale for extending learning time including specific goals, and the anticipated number of schools and students that will receive extended learning time; provided further, that all school districts are eligible to apply for planning grants but not less than 60 per cent of said grants shall be awarded to qualifying district where 25 per cent or more of students are eligible for free or reduced-price meals under the federally funded school meals program; provided further, that the department shall review all qualified proposals and award planning grants not later than November 1, 2006; provided further, that upon being awarded said planning grants each district will create a detailed extended learning time implementation plan; provided further that teachers, parents, community members, and partner organizations participate in the development of said implementation plan; provided further, that in carrying out the provisions of this item, the department may expend up to \$75,000 to administer the grant including providing technical assistance and support to participating districts and evaluation of the implementation grant program; provided further, that the department shall issue an annual report, not later than February 1, 2007 on the implementation of plans in all participating districts; provided further that said report shall include, but not be limited to: the names of schools and school districts participating; the number of students attending these schools; the nature and type of changes made in participating schools as a result of this program; provided further that the department shall also provide not later than February 1, 2007 an anticipated budget for this program for the next fiscal year, provided that such budget include the number of participating students anticipated to be attending schools receiving funding subsequent planning grants, and a recommendation for the appropriate amount of per pupil funding for implementation plans in fiscal year 2008; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; provided further, that for the purpose of this item, appropriated funds may be expended through August 31st, 2007 to allow for planning and implementation during the summer months; and provided further, that any grant funds distributed from this item to a city, town, or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary 6,500,000”.

The amendment was **adopted**.

Mr. Creedon, Ms. Wilkerson, Messrs. Augustus and Pangiotakos, Ms. Spilka, Messrs. Barrios and Tolman, Ms. Creem and Ms. Jehlen moved that the bill be amended by adding, after section 104, the following new section:—

“SECTION ____.

SECTION 1. Section 168A of Chapter 6 is hereby amended by inserting after the first sentence the following new sentence:—
Said records shall include, where applicable, regularly updated certifications of commitment to rehabilitation, as defined in section 168D.

SECTION 2. Chapter 6 of the General Laws is hereby amended by inserting after section 168C the following section:—

Section 168D. Probation officers, parole officers, the heads of county jails or houses of correction, or their delegates, and the superintendents of state correctional institutions, or their delegates (hereinafter collectively referred to as 'supervisory officials'), shall, where appropriate, on a regular basis but at least every six months, issue a certification of commitment to rehabilitation with respect to each person under supervision, if the person has substantially complied with the behavioral requirements established by the supervisory official, including reasonable participation in treatment or other rehabilitative programs that are available to the person; but lack of reasonable access to such treatment or rehabilitative programming due to circumstances beyond the control of the supervised individual shall not compromise the eligibility of the individual for certification.

At the beginning of each period for which the individual is potentially eligible, the supervisory official shall clearly describe to the person the requirements for certification, including advance warning of an adverse recommendation and its basis, where such recommendation is subject to reversal upon correction of the deficient behavior by the person. The certification shall be dated and indicate the time period covered. Supervisory officials, upon issuing such a certification, shall inform the criminal history systems board, pursuant to section 168A, so that appropriate data will be made part of a so-called 'CORI report'.

SECTION 3. Section 172 of chapter 6 of the General Laws is hereby amended by inserting after the first paragraph, as appearing in the 2004 Official Edition, a new paragraph as follows:—

Agencies, other entities or persons granted access under clause (c) of the first sentence of the first paragraph, as appearing in the 2004 Official Edition, of this section, including local or regional housing authorities, as provided in the third sentence of the third paragraph of section 168, shall receive criminal offender record information limited to cases which are either open or contain convictions, except as otherwise specifically provided by a separate statute relating to a particular agency, entity or class of entities. Any such agency, housing authority, entity or person receiving a criminal offender record information report and, as a result thereof, is inclined to make an adverse decision as to the individual who is the subject of the report, shall, before making the decision, give the individual a photocopy of the report and afford him an opportunity, in a private discussion, to dispute the accuracy or relevance of the report, after which the agency, housing authority, entity or person shall consider all the information before making a final decision and shall advise the individual of the decision and the reasons for it.

SECTION 4. Section 4 of chapter 151B of the General Laws is hereby amended in subdivision 9 by striking the first paragraph and inserting in place thereof the following paragraph:—

For an employer, employment agency, employment training provider, or licensing agency, by himself or itself or through an agent, in connection with an application for employment, employment training or licensing or in connection with the terms, conditions, or privileges of employment, licensing or job training or the transfer, bonding, promotion, demotion, or discharge of any person or in any other matter relating to the employment of any person:

(a) to request from the person, orally or in writing, any information which consists of or relates to criminal offender record information, which shall be obtained, if at all, from the criminal history systems board, pursuant to section 172, or other applicable sections of chapter 6 of the General Laws, and all applicable regulations and certifications thereunder, or
(b) to exclude, limit or otherwise discriminate against any person (1) by reason of his failure to furnish such information orally or in writing, or (2) because his criminal offender record information consists of (i) an arrest, detention, or disposition regarding any violation of law in which no conviction resulted, or (ii) a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace, or (iii) any conviction of a misdemeanor where the date of such conviction or the completion of any period of incarceration resulting there from, whichever date is later, occurred five or more years prior to the date of the person's application or the employer's request for such criminal offender record information, or (3) on account of the person's merely having a criminal record, provided however, that it shall not be a violation of this subsection if the person has a criminal record containing one or more convictions which substantially relate to the circumstances of a particular employment or job training position or licensed activity.

SECTION 5. The General Court hereby finds and declares that in addition to the state interest in safeguarding reputation and privacy of the Commonwealth's residents, there is a compelling state interest to seal stale or otherwise misleading or unpredictable criminal records, which state interest, generally overcomes what some federal courts have found to be First Amendment interests in favor of keeping such records available to the more than 10,000 organizations which now have access to CORI.

Notwithstanding, but in addition to, the provisions of section 100C, the clerk and the probation officers of each court with criminal jurisdiction shall seal their records of all non-conviction criminal cases whose final dispositions were six years or more before the date on which this Act takes effect. As such records are sealed, the clerk and probation officers of such courts shall notify the commissioner of probation, who shall seal the appropriate case records in the probation central file.

As used in this SECTION and SECTIONS 6 and 7, a 'non-conviction criminal case,' is one in which a 'no bill' was returned by the grand jury; or the defendant was found not guilty by the court or jury; or a finding of 'no probable cause' was made by the court; or a nolle prosequi was entered; or a dismissal was entered by the court, except where (whether or not such dismissal was preceded by a continuance without a finding) such dismissal was preceded by a term of active probation as to which the court ordered the assignment of a probation officer to whom the defendant was required periodically to report. This SECTION shall take effect on the first business day of the month that is six months after this Act is approved.

SECTION 6. In the first twelve months after this Act takes effect each clerk of any court with criminal jurisdiction shall select and process for prospective sealing, as nearly as possible in chronological order by date of final disposition, appropriate batches of non-conviction criminal cases in which the final dispositions were less than six years before, but not more than six months after, the date on which this Act is approved.

On at least a monthly basis, but more frequently if feasible, the clerk shall prepare and make accessible for public viewing a list of non-conviction criminal cases which will be considered for sealing in one or more sessions of the court on or after a stated date which is at least a month after the list is posted.

The list shall be organized in alphabetical order by last name of the individuals whose case record or records will be considered and shall contain each individual's full name, the title of the crime or crimes charged and the date or dates of their final dispositions. The list shall also contain, when applicable, a brief notation that an objection has been filed as to the sealing of a particular case, if the objector has filed with the clerk's office, at least two weeks before the scheduled hearing date, a written objection stating a reason or reasons, which writing shall be made available upon request to the person whose record is posted for possible sealing, or to his or her attorney.

Each court is encouraged to issue a press release to local newspapers generally received by or available to persons residing within the jurisdiction of the court. Such release should announce the forthcoming sealing session and describe the means by which the list of individuals whose records will be considered for sealing may be viewed by the public and the range of final disposition dates of the cases to be considered; but the release shall not mention the identities of any of the persons whose cases are to be considered. The release should also explain that anyone who objects to the sealing of a particular case may file, at least two weeks before the session, a written objection stating the reason or reasons for the objection.

At each court session, in making its decision in each case, the court shall consider (a) the facts and arguments presented by the petitioner in favor of sealing, if any; (b) the facts and arguments presented by an objector, if any, who timely filed an objection with a reason or reasons for the objection relating to the interests of public safety or in favor of the general public interest in access to governmental records, as fostered by the First Amendment of the U.S. Constitution; and (c) the findings and declaration of the General Court as set forth in the first paragraph of SECTION 5.

If the court concludes that sealing the record would be in the interests of substantial justice and that there is a compelling state interest, which may include a public safety interest, to seal the record, which interest overcomes any objector's assertion of contrary public safety or public access interests, the court shall order that the clerk and the probation officers in the courts in which the proceedings occurred or were initiated seal the records of the proceedings in their files and send notice thereof to the commissioner of probation, who shall seal the case records in the probation central file. This SECTION shall take effect on the first business day of the month that is six months after this Act is approved.

SECTION 7. This SECTION shall take effect on the first business day of the month that is eighteen months after the month in which this Act is approved.

Chapter 276 of the General Laws is hereby amended by inserting after section 100C a new section as follows:

Section 100D. Notwithstanding, but in addition to, the provisions of section 100C, on the first business day of each month the clerk of each court having criminal jurisdiction shall have prepared and shall maintain for public access a list of non-conviction criminal cases which will be considered for sealing in one or more sessions of the court on the first business day of the following month.

A 'non-conviction criminal case,' as used in this section, is one in which a no bill was returned by the grand jury, or the defendant was found not guilty by the court or jury, or a finding of no probable cause was made by the court, or a nolle prosequi was entered, or a dismissal was entered by the court except where (whether or not such dismissal was preceded by a continuance without a finding) such dismissal was preceded by a term of active probation as to which the court ordered the assignment of a probation officer to whom the defendant was required periodically to report.

The list shall be organized in alphabetical order by last name of the individuals whose record or records will be considered and shall contain each individual's full name, the title of the crime or crimes charged and the date or dates of their final dispositions. The list shall also contain, when applicable, a brief notation that an objection has been filed as to the sealing of a particular case, if the objector has, at least two weeks before the scheduled hearing date, filed with the clerk's office a written objection, stating a reason or reasons, which writing shall be made available upon request to the person whose record is posted for possible sealing, or to his or her attorney.

Each court is encouraged to issue a press release to local newspapers generally received by or available to persons residing within the jurisdiction of the court. Such release should announce the forthcoming sealing session and describe the means by which the list of individuals whose case records will be considered may be accessed by the public and the range of final disposition dates of the cases to be considered. The release should also explain that anyone who objects to the sealing of a particular case may file with the clerk's office, at least two weeks before the session, a written objection stating the reason or reasons for the objection.

At each court session, in making its decision in each case, the court shall consider (a) the facts and arguments presented by the petitioner in favor of sealing, if any; (b) the facts and arguments presented by an objector, if any, who timely filed an objection with a reason or reasons for the objection relating to the interests of public safety or in favor of the general public interest in access to governmental records, as fostered by the First Amendment of the U.S. Constitution; and (c) the findings and declaration of the General Court as set forth in the first paragraph of SECTION 5.

If the court concludes that sealing the record would be in the interests of substantial justice and that there is a compelling state interest, which may include a public safety interest, to seal the record which overcomes the general public safety or public access interests asserted by an objector, the court shall order that the clerk and the probation officers in the courts in which the proceedings occurred or were initiated seal the records of the proceedings in their files and send notice thereof to the commissioner of probation, who shall seal the case record in the probation central file.

SECTION 8. This SECTION shall take effect on the first business day of the month that is six months after the month in which this Act is approved.

Chapter 276 of the General Laws is hereby amended by inserting after section 100D, a new section as follows —

Section 100E. Notwithstanding but in addition to the provisions of section 100B of chapter 276, upon final disposition of a person's juvenile delinquency proceeding, and completion of any court-ordered disposition, the person may petition the court for an order directing purging of all law enforcement, court activity and probation records leading and related to the person's

proceedings in juvenile court. Records shall be considered purged when they are removed and destroyed and leave no trace of a person's identifying information. Any person on his own behalf or by his attorney may seek to have his delinquency record or records purged by the juvenile court by filing a petition upon the completion of, or otherwise after the delinquency proceedings and/or when the requirements of the court's disposition for the juvenile has been met, whichever is later.

A person whose records have been purged may consider the purged case never to have occurred and may so reply upon any inquiry. In any situation where a clerk is asked whether a purged record exists, the clerk shall respond that no such record exists. There shall be a rebuttable presumption in favor of purging records of juveniles who have been exonerated, whose cases have been dismissed with prejudice, a nolle prosequi entered, terminated due to absence of evidence, or when the court takes judicial notice that the person's arrest has been made without probable cause or for constitutionally protected conduct.

In making its determination whether a person's law enforcement and juvenile court activity records should be purged, the court shall consider the following factors: severity of the offense, probable adverse consequences to the person as a result of maintenance of the record, any specific public safety need to maintain such a record, the person's personal history and behavior since the juvenile proceedings were commenced and/or disposed of that provides indicia of rehabilitation.

If the Court orders that a record be purged, it shall circulate its order to purge all personal, identifying information from the person's record, which may include police booking reports or records, fingerprint records, photographs, and all court activity records, probation records, electronically stored records of any nature or description relating to the person's juvenile court proceeding, to local, public housing, public school, college or University police agencies, the MBTA police, the state police, the office of the Commissioner of Probation, the Criminal History Systems Board, as well as state and federal agencies, officials or institutions known to collect and have information pertaining to delinquency or youthful offender charges. Data from such records may be kept solely for the purpose of statistical and administrative analysis of the agency holding such records. All agencies shall purge records within 30 days of receipt of the Court order.

Persons prosecuted as Youthful Offenders pursuant to section 54 of Chapter 119 of the General Laws, may similarly petition the Court for purging records containing their identity from court, police and probation agencies, as well as indictments not resulting in a youthful offender trial, where there has been a finding of not delinquent and/or not guilty and the person has been declared not a youthful offender.

The juvenile court shall inform a juvenile of his right to petition for purging or sealing his records as provided for by law. The clerk of the juvenile court shall provide juveniles with a packet providing information on sealing and purging juvenile records written in plain language which shall include a sample petition.

SECTION 9. This SECTION shall take effect on 18 month after this Act is approved.

Notwithstanding but in addition to section 100C of chapter 276 of the General Laws and SECTIONS 5, 6 and 7 of this Act, said chapter 276 is hereby amended by inserting the following section:—

Section 100F. Upon a criminal court's final disposition of a case in which a 'no bill' was returned by the grand jury, or the defendant was found not guilty by the court or jury or a finding of 'no probable cause' was made by the court, the court or probation officer shall advise the defendant that he has the opportunity to obtain, fill out and file with the clerk's office a petition to have the case purged, which, as defined in section 167 of chapter 6, means to have all information about the case removed from the criminal offender record information system, such that there is no trace of the information removed and no indication that said information was removed.

When a petition for purging comes on for hearing before the court, the judge shall hear whatever competent and relevant evidence or argument that may be presented by the petitioner, his attorney, the district attorney or other persons reasonably involved. The judge shall then make his decision after careful consideration of at least the following factors:

- (1) whether there has been a mistaken identity;
- (2) any specific public safety need to maintain, or to purge, the record;
- (3) where the court takes judicial notice that the person was arrested without probable cause or for constitutionally protected conduct;
- (4) any actual or probable adverse consequences to the person as a result of maintenance of the record even if sealed under the provisions of section 100B;
- (5) the person's personal history and behavior before, during and after the criminal proceedings took place.

A person whose record had been purged may consider the purged case never to have occurred and may so reply upon any inquiry. In any situation where a clerk or other court or criminal justice official is asked whether, as to a particular individual, a purged record exists, and the official knows that the case has been purged, the official shall respond that no such record exists.

SECTION 10. Resolved, That a special commission consisting of four members of the Senate to be appointed by the Senate President, one of whom shall be the Senate chairman of the judiciary committee and one of whom shall be any other Senator, and two appointees shall be non-legislators, four members to be appointed by the Speaker of the House, one of whom shall be the House chairman of the judiciary committee and one of whom shall be any other Representative, and two shall be non-legislators, the secretary of public safety or his designee, the secretary of health and human services or his designee, the chairman of the Massachusetts District Attorneys Association or his designee, a designee of the Committee for Public Counsel Services, a designee of Massachusetts Correctional Legal Services and four members to be appointed by the Governor, at least one of whom shall be a representative from Massachusetts Alliance to Reform CORI and least one of whom shall be directly affected by the CORI system, for the purpose of studying and issuing a report with recommendations the effect of on recidivism in the Commonwealth, specifically moving from a 10 year sealing on misdemeanors and 15 year sealing on felonies to 3 year on misdemeanors and 7 year sealing on felonies."

The amendment was adopted

Ms. Creem, Messrs. O’Leary and Tisei moved that the bill be amended by adding the following sections:—

“SECTION _____. Section 32H of chapter 94C, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 13, the word ‘parole,’ and is hereby further amended by inserting at the end of said section the following paragraph:— Notwithstanding any general or special law to the contrary, a person convicted of violating any provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General, who is serving a sentence where two-thirds of the maximum term of imprisonment imposed is less than the mandatory minimum sentence required under that section shall be eligible for parole after serving two-thirds of the maximum term of imprisonment imposed.

SECTION _____. Notwithstanding the provisions of sections 32, 32A, 32B, 32E, 32F, and 32J of chapter 94C of the General Laws, or any other general or special law to the contrary, persons serving mandatory minimum sentences for violations of the above referenced sections as of July 1, 2006 shall be eligible for parole after serving two-thirds of their maximum sentence.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past four o’clock P.M., on motion of Ms. Creem, as follows, to wit (*yeas 29 — nays 10*) [**Yeas and Nays No. 279**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tisei, Richard R.
Havern, Robert A.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 29.
McGee, Thomas M.	
NAYS.	
Baddour, Steven A.	Moore, Richard T.
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	Pacheco, Marc R.
Knapik, Michael R.	Tarr, Bruce E.
Lees, Brian P.	Timilty, James E. — 10.

The yeas and nays having been completed at twenty-six minutes past four o’clock P.M., The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4000-0300, after the words “June 30, 2007” the following:—

“provided further that an acute care hospital in which the ratio of solid organ transplants to total discharges is greater than .42 percent as of July 1, 2004 and which offers at least three organ transplantation programs shall be exempt from the inpatient and outpatient efficiency standards being applied to its rate methodology”.

The amendment was *rejected*.

Mr. Tolman and Ms. Creem moved that the bill be amended in section 2, by striking out item 5046-0000 and inserting in place thereof the following item:—

“5046-0000

For adult mental health and support services; provided, that the department shall allocate funds in an amount not to exceed \$5,000,000 from item 5095-0015 to this item, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer for residential and day services for clients formerly receiving care at department facilities; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 15, 2006 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that funds spent from this item for the purposes of research in fiscal year 2007 shall exceed by \$1,000,000 the amount spent in fiscal year 2006 for these purposes; provided further, that not less than \$2,750,000 shall be expended for the expansion of housing for the homeless mentally ill in order to provide additional single occupancy units; provided further, that not less than \$75,000 shall be expended on the expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that not less than \$6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; and provided further, that the department shall report to the house and senate committees on ways and means no later than February 16, 2007 on the use of any funds expended for this

purpose 305,032,778”.

The amendment was *rejected*.

Mr. Barrios and Ms. Spilka moved that the bill be amended in section 2, in item 4800-0038, after the phrase “foster parents” to include:—

“provided further not less than \$187,500 shall be expended for Center for Family Connections to provide therapeutic and rehabilitative mental health services, targeted research on well being outcomes and permanency planning for older, hard to place youth and those aging out of the system”; and further moved to amend the item by striking the figure “\$280,336,159” and inserting in place thereof the following figure:— \$280,523,659”.

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2, in item 8910-0000, by adding at the end thereof the following:

“provided further that not less than \$60,000 shall be provided to the Barnstable County Sheriff’s Office for their offender transition program;” and by striking the figure “\$145,268,699” and inserting in place thereof the following figure:—

“\$145,328,699”.

The amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2, in item 3000-7070, in line 2, by inserting after the words “at-risk children;” the words “provided further that not less than \$100,000 shall be expended for matching grants to fund the ReadBoston program, to provide books to at-risk children through book distribution programs established in community based organizations, summer camp programs and community centers for at-risk children;”.

The amendment was *rejected*.

Messrs. Tolman and Knapik moved that the bill be amended in section 2, in item 4000-0500, by adding at the end thereof the following:—

“and provided further, that the Massachusetts Behavioral Health Partnership shall determine whether hospitals that are part of the inpatient behavioral health network should receive an annual rate increase not less than the Medical Consumer Price Index-All Urban Consumers for the previous state fiscal year, provided further, that the results of said determination shall be submitted to the House and Senate Committee on Ways and Means and the Committee on Mental Health and Substance Abuse no later than October 1, 2006”.

The amendment was *rejected*.

Mr. Tolman and Ms. Creem moved that the bill be amended in section 2, by striking out item 5046-0000 and inserting in place thereof the following item:—

“5046-0000 For adult mental health and support services; provided, that the department shall allocate funds in an amount not to

exceed \$5,000,000 from item 5095-0015 to this item, as necessary, under allocation plans submitted to the house and senate committees on ways and means 30 days before any transfer for residential and day services for clients formerly receiving care at department facilities; provided further, that \$200,000 shall be expended for jail diversion programs; provided further, that of that \$200,000, \$100,000 shall be expended for the jail diversion program in Framingham; provided further, that the department shall submit a report to the house and senate committees on ways and means no later than July 15, 2006 on the feasibility of expanding this diversion program to other regions of the commonwealth; provided further, that funds spent from this item for the purposes of research in fiscal year 2007 shall exceed by \$1,000,000 the amount spent in fiscal year 2006 for these purposes; provided further, that not less than \$2,750,000 shall be expended for the expansion of housing for the homeless mentally ill in order to provide additional single occupancy units; provided further, that not less than \$75,000 shall be expended on the expansion of employment support services at the Fairwinds Clubhouse in Falmouth; provided further, that not less than \$6,000,000 shall be expended for services for clients of the department who are aging into the adult system from the child/adolescent mental health system or other systems of care if the clients meet the clinical eligibility criteria of the department; and provided further, that the department shall report to the house and senate committees on ways and means no later than February 16, 2007 on the use of any funds expended for this purpose 305,032,778".

The amendment was *rejected*.

Messrs. Brown, Tisei and Timilty, Ms. Spilka and Ms. Creem moved that the bill be amended in section 2, in item 5046-0000, by inserting after the words "in Falmouth;" the words:—

"provided further, that \$100,000 shall be expended for the Trauma Center at Riverside Community Care for the purposes of hiring a director and to ensure rapid response to traumatic events including but not limited to suicides;" and in said item by striking out the figure "\$304,032,778" and inserting in place thereof the figure "\$304,132,778".

The amendment was **adopted**.

Mr. Barrios and Ms. Spilka moved that the bill be amended in section 2, in item 4800-0038, after the phrase "foster parents" to include:— provided further not less than \$187,500 shall be expended for Center for Family Connections to provide therapeutic and rehabilitative mental health services, targeted research on well being outcomes and permanency planning for older, hard to place youth and those aging out of the system"; and further moved to amend the item by striking the figure "\$280,336,159" and inserting in place thereof the following figure:— \$280,523,659".

The amendment was **adopted**.

Mr. Joyce moves to amend the bill in section 2, in item 2820-4421, by striking out the figure "\$700,000" and inserting in place thereof "\$1,100,000"; and in section 96, in subsection (b) by striking out the words "and (11) hours of operation" and inserting in place thereof the following words:—

"(11) hours of operation, (12) a commitment to give the town of Canton community benefits equal to or greater than the amount that the contracting entity would pay in property taxes for the golf course if it were taxable commercial property and (13) that for the first five (5) years of any contract or lease, the contractor or lessee shall not raise any existing fees and charges for greens fees, golf cart and club rentals more than \$5 per year and for season passes more than 5% per year. Subsequent to year five of any contract or lease, if the contractor or lessee proposes to increase any fee, or charge, they shall submit a letter of request to DCR. In considering each request, DCR will consider all factors that DCR deems relevant, including, without limitation, the following:

- (i) Capital investments made by contractor or lessee to the Premises;
- (ii) Greens fees and other fees and charges by other public golf courses within reasonable proximity of the Premises;
- (iii) The length of time since the last fee increase, if any; and
- (iv) Fees charged at other existing DCR golf courses, it being a goal of DCR to ensure consistency in fees charged at such facilities.

No increase shall be charged until approved, in writing, by DCR. DCR shall not unreasonably withhold, condition, or delay such approval.; and in subsection (c), by striking the section in its entirety and replacing it with:

Notwithstanding any other provisions of this section or any other general or special law to the contrary, it shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the Commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the Commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the golf course and to preserve the safety and environmental conditions of the course, that all employees currently working on the operation and maintenance of the course be offered employment by any party entering into a contract pursuant to this section, and that any such contract shall adopt all terms and conditions of employment provided by the last applicable labor agreement negotiated between the labor organization representing said employees and the employer who has most recently employed said employees prior to entering into any contract pursuant to this act; provided, however, that any party entering into such contract with the commonwealth pursuant to this section shall pay all of said employees not less than the sum of applicable wages paid to said employees by the previous employer. Any such party entering into such contract with the commonwealth shall negotiate a successor agreement with the last applicable labor organization representing said employees prior to the expiration of the existing contract. Such parties shall agree to meet their legal obligations with regard to any labor organization representing employees

engaged in the operation and maintenance of the course. Notwithstanding any special or general law to the contrary, any party entering into such contract with the Commonwealth shall provide all employees working on the operation and maintenance of the course with all of the rights and benefits including retirement and pension benefits, seniority rights, compensation and salary grade, accrued rights to holidays, sick leave, vacation and health insurance benefits, union representation or certified collective bargaining unit as certified by the state labor relations commission, and local union representation or affiliation that are at least equal to said employees' benefits provided by the Commonwealth. Notwithstanding any other provisions of this act any proposal not complying with the above terms shall be disqualified from consideration. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessor to positions within the department at the same wages and benefits, subject to applicable collective bargaining agreements."

The amendment was **adopted**.

Mr. Antonioni moved that the bill be amended in section 2 by striking item 7110-0100 and inserting in place thereof the following item:—

"7110-0100 For Fitchburg State College; provided that Fitchburg State College may expend funds to assist public schools in the Cities of Gardner, Fitchburg and Leominster to build capacity, including professional development, infrastructure and hardware, for a pilot wireless learning initiative in Worcester County 24,635,722".

The amendment was **adopted**.

Mr. McGee moved that the bill be amended in section 2, in item 4000-0112, by adding at the end thereof the following:—

"provided further, that not less than \$25,000 be expended to the YMCA of Greater Lynn".

The amendment was **adopted**.

Messrs. Morrissey, Antonioni, Havern, Tolman, Hart, McGee and Tisei moved that the bill be amended in section 2, in item 2810-0100, by striking out the figure "20,485,304" and inserting in place thereof the following:—

"21,585,304"; and by striking out the figure "24,349,586" and inserting in place thereof the following:—

"25,449,586".

The amendment was **adopted**.

Mr. Tarr moved that the bill be amended by inserting at the end the following section:—

"SECTION ____ . The secretary of health and human services is hereby authorized and directed to provide \$600,000 from the Distressed Provider Expendable Trust Fund, established by chapter 241 of the acts of 2004, as a one-time grant for an acute care hospital located in the city of Gloucester that is part of a health care system."

The amendment was *rejected*.

Messrs. Tolman and Barrios moved that the bill be amended in section 2, in item 9110-1700, by striking out the figure "\$250,000" and inserting in place thereof the following:—

"\$500,000".

The amendment was *rejected*.

Messrs. Tolman and Morrissey moved that the bill be amended in section 2, in item 5911-1000, by striking out the figure "\$13,324,093" and inserting in place thereof the figure "\$14,824,093"; by striking out the figure "\$55,914,599" and inserting in place thereof the figure "\$57,096,999"; and, in item 5930-1000, by striking out the figure "\$172,013,458" and inserting in place thereof the figure "\$172,714,258".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2, in item 4510-0600, by inserting after the word "airport" the following:—

"provided further that not less than \$100,000 shall be available for the YWCA Boston's EncorePlus, program for breast cancer education, early detection, and survivorship programs for women most at-risk for a late cancer diagnosis"; and by striking out the figure "\$3,509,106" and inserting in place thereof the following figure: "\$3,609,106".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 2, in item 9110-1604, by adding after the word "program" the following new language:—

“at state or federally-assisted housing sites”.

The amendment was **adopted**.

Messrs. Baddour, Tarr, Moore, Berry and Pacheco and Ms. Chandler moved that the bill be amended in section 2, in item 4000-0600, by inserting after the words “caregiving services to an elder;” the following:—

“provided further that effective July 1, 2006 for the fiscal year ended June 30, 2007, nursing facility MassHealth rates shall be adjusted by no less than \$19,000,000 above the payments made to nursing facilities for the fiscal year ended June 30, 2006”; and by striking the figure “\$1,702,009,136” and inserting in place thereof the following figure: “\$1,721,009,136”.

The amendment was **adopted**.

Messrs. Moore and Tarr moved that the bill be amended by inserting at the end the following section:—

“SECTION _____. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$38,000,000 from the General Fund to the Essential Community Provider Trust Fund established in section 2PPP of chapter 29 of the General Laws for the purpose of making payments to hospitals and community health centers in fiscal year 2007. The secretary shall authorize expenditures from the fund without further appropriation for the purpose of a grant program to improve and enhance the ability of hospitals and community health centers to serve populations in need more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services, and pharmacy management services through a grant program. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers in awarding the grants, provided that the office shall publicize the existence of the grant program to eligible providers and shall award grants no later than September 1, 2006. The criteria for selection shall include, but not be limited to, the following criteria:—

(i) Distressed providers as determined by financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services;

(ii) the percentage of patients with mental or substance abuse disorders served by a provider;

(iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled;

(iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital’s gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Fund;

(v) the percentage of total annual operating revenue that funding received in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider; and

(vi) the cultural and linguistic challenges presented by the populations served by the provider.

(vii) The provider can document a critical need for investment in information technology such as Computerized Physician Order Entry systems but does not have access to capital to finance such investments.

2) the secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. Such emergency funds shall be distributed by the secretary within two weeks of petition by any such provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary.”

After remarks, The amendment was **adopted**.

Messrs. Montigny and Moore, Ms. Spilka, Mr. Joyce, Ms. Menard, Messrs. O’Leary and Creedon, Ms. Resor, Messrs. Brown, Timilty and Barrios, Ms. Fargo, Mr. Tarr, Ms. Walsh, Ms. Chandler, Ms. Wilkerson, Ms. Creem, Mr. Havern, Ms. Tucker, Messrs. Knapik, Pacheco, Brewer and Barrios, Ms. Jehlen, Messrs. Nuciforo, Tisei, McGee and Morrissey, Ms. Fargo, Messrs. Antonioni, Augustus, Hudlund and Tarr moved that the bill be amended by inserting after section ____, the following new section:—

“SECTION _____. Chapter 175 of the Acts of 2005 is hereby amended by inserting at the end the following new sections:

Section 8. Notwithstanding any general or special law to the contrary, the subsidized catastrophic prescription drug insurance program established in section 39 of chapter 19A of the General Laws (“Prescription Advantage”) shall provide coverage for a 1-time supply of prescribed medications in the amount prescribed, up to a 30 day supply, between July 1, 2006 and December 31, 2006 to enrollees who are also eligible for Medicare prescription drug coverage, and who have not already received a 1-time supply under section 4 of this chapter. After an enrollee exhausts the availability of the 1-time 30-day supply of a medication under this section or section 4, or after December 31, 2006, the program shall provide coverage, free of charge, for a 1-time, 72-hour supply of such medication. Both the 30-day supply and the 72-hour supply shall be available in all instances in which the pharmacist cannot bill a Medicare prescription drug plan at the time the prescription is presented. Any co-pay or deductible that would have been charged to the enrollee under section 39 of chapter 19A shall apply to the 1-time 30-day supply.

Section 9. Notwithstanding any general or special law to the contrary, the secretary of health and human services, in consultation with the director of Medicaid, shall authorize MassHealth payment for a 1-time supply of prescribed medications in the amount prescribed, up to a 30 day supply, between July 1, 2006 and December 31, 2006 to beneficiaries under chapter 118E of the General Laws who are also eligible for Medicare prescription drug coverage, and who have not already received a 1-time supply under section 5 of this chapter. After a beneficiary exhausts the availability of the 1-time 30-day supply of a medication under

this section or section 5, or after December 31, 2006, MassHealth shall provide coverage, free of charge, for a 1-time, 72-hour supply of such medication. Both the 30-day supply and the 72-hour supply shall be available in all instances in which the pharmacist cannot bill a Medicare prescription drug plan at the time the prescription is presented. Any co-pay or deductible that would have been charged to the beneficiary under MassHealth shall apply to the 1-time 30-day supply. In the event that the Medicare prescription drug plan covers the prescribed medication at the time the prescription is presented, but charges a co-pay or deductible in excess of what would have been charged to the beneficiary under MassHealth, MassHealth shall pay the excess amount and the beneficiary shall pay what would be payable under MassHealth”.

The question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes before five o’clock P.M., on motion of Mr. Montigny, as follows, to wit (*yeas 38 — nays 1*) [**Yeas and Nays No. 280**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 39.
NAY.	
Lees, Brian P. — 1.	

The yeas and nays having been completed at six minutes before five o’clock P.M., The amendment was **adopted**.

Mr. Lees moved that the bill be amended in section 2, in item 7004-3045, by striking out the following words:—

“For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and families that contain an individual with a disability in cases where the disability is directly related to the reason for eviction; provided, that only households who have a housing voucher or

who reside in housing that is defined as subsidized by the department shall be eligible for the program; provided further, that the program shall include but not be limited to intensive case management and tenant services designed to preserve the tenancy or to retain the housing subsidy; provided further, that the program shall include tenancy training for landlords, tenants and program administrators; and provided further, that the department shall administer the program through a competitive application process” and inserting in place thereof the following: “For a tenancy preservation program for neutral party consultation services in eviction cases before the housing court department of the Massachusetts trial court for individuals with disabilities and families that contain an individual with a disability in cases where such disability is directly related to the reason for eviction”; and by striking out the figure “\$250,000” and inserting in place thereof the following figure:—

“\$500,000”.

The amendment was **adopted**.

Messrs. Creedon and Timilty moved that the bill be amended in section 2, in item 0322-0100, by striking out the figure “\$10,175,419” and inserting in place thereof the following figure: \$10,616,684”.

The amendment was **adopted**.

Mr. Montigny moved that the bill be amended by inserting after section ___, the following new section:—

“SECTION ___. The department of public health, in consultation with the board of registration of pharmacy, shall promulgate regulations requiring the licensing of all pharmaceutical representatives. As a prerequisite to such licensing, pharmaceutical representatives shall complete such training as may be deemed appropriate by the department. As a prerequisite to the renewal of such license, pharmaceutical representatives shall complete continuing education as may be deemed appropriate by the department. The fee for such license shall be \$500 per year. Revenue generated from this fee shall be divided in equal shares, 50 per cent to the office of attorney general, line item 0810-0000, for the investigation and prosecution of Medicaid fraud and other fraudulent drug pricing schemes disadvantaging the commonwealth or its citizens and 50 per cent to the board of registration in pharmacy, line item 4510-0722, to assist the board in implementing patient safety and medical error reduction programs”; and by inserting after section ___, the following new section:—

“SECTION ___. The General Laws are hereby amended by adding after chapter 268B the following new chapter:—

CHAPTER 268C.

Physician and Pharmaceutical Manufacturer Conduct.

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

‘Gift’, a payment, entertainment, travel, honorarium, subscription, advance, services or anything of value, unless consideration of equal or greater value is received. ‘Gift’ shall not include anything of value received by inheritance, a gift received from a member of the physician’s immediate family or from a relative within the third degree of consanguinity of the physician or of the physician’s spouse or from the spouse of any such relative, or prescription drugs provided to a physician solely and exclusively for use by the physician’s patients.

‘Immediate family’, a spouse and any dependent children residing in the reporting person’s household.

‘Medical device’, an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is:

- (1) recognized in the official National Formulary, or the United States Pharmacopeia, or any supplement to them,
- (2) intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or
- (3) intended to affect the structure or any function of the body of man or other animals, and which does not achieve its primary intended purposes through chemical action within or on the body of man or other animals and which is not dependent upon being metabolized for the achievement of its primary intended purposes.

‘Person’, a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

‘Pharmaceutical marketer’, a person who, while employed by or under contract to represent a pharmaceutical manufacturing company, engages in pharmaceutical detailing, promotional activities, or other marketing of prescription drugs in this state to any physician, hospital, nursing home, pharmacist, health benefit plan administrator, or any other person authorized to prescribe, dispense, or purchase prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of chapter 112, a representative of such a distributor who promotes or otherwise markets the services of the wholesale drug distributor in connection with a prescription drug, or a retail pharmacist registered under section 37 of chapter 112 if such person is not engaging in such practices under contract with a manufacturing company.

‘Pharmaceutical manufacturing company’, any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs. The term does not include a wholesale drug distributor licensed under section 36A of chapter 112 or a retail pharmacist registered under section 37 of chapter 112.

‘Pharmaceutical manufacturer agent’, a pharmaceutical marketer or any other person who for compensation or reward does any act to promote, oppose or influence the prescribing of a particular prescription drug or medical device or category of prescription drugs or medical devices. The term shall not include a licensed pharmacist, licensed physician or any other licensed health care

professional with authority to prescribe prescription drugs who is acting within the ordinary scope of the practice for which he is licensed.

‘Physician’, a person licensed to practice medicine by the board of medicine pursuant to section 2 of chapter 112 who prescribes prescription drugs for any person, or the physician’s employees or agents.

‘Prescription drugs’, any and all drugs upon which the manufacturer or distributor has placed or must, in compliance with federal law and regulations, place the following or a comparable warning: “Caution federal law prohibits dispensing without prescription”.

‘Public official’, any state, municipal or county employee as defined in section 1 of chapter 268A of the general laws.

Section 2. No pharmaceutical manufacturer agent shall knowingly and willfully offer or give to a physician or a member of a physician’s immediate family or a health care facility or employee or agent of a health care facility or a public official, and no physician or health care facility or employee or agent of a health care facility or public official shall knowingly and willfully solicit or accept from any pharmaceutical manufacturer, gifts of any value.

Section 3. A person who violates this section shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 2 years, or both”.

The amendment was **adopted**.

Messrs. Berry, Moore, Morrissey, Creedon, O’Leary and Hedlund moved that the bill be amended by inserting, after section 104, the following new section:—

“SECTION _____. Notwithstanding the provisions of any general or special law to the contrary, the Inspector General is authorized and directed to make an investigation and study, including a cost-benefit analysis, of the potential impact on the Massachusetts health care delivery system, including, but not limited to, the potential impact on the cost of health insurance, Medicaid costs and the Uncompensated Care Pool, of any claims pertaining to, or including (1) services rendered in physician-owned multi-specialty ambulatory surgical centers, and for (2) any claims for medical, diagnostic or therapeutic services rendered in conjunction with innovative services and new technology as defined by the Department of Public Health. No later than March 1, 2007, the Inspector General shall make a report to the Joint Committee on Health Care Financing, the House Committee on Ways and Means and the Senate Committee on Ways and Means together with any recommendations with regard to the development and implementation of relevant health care quality improvement goals”.

The amendment was **adopted**.

Ms. Wilkerson moved that the bill be amended in section 2, in item 7003-0702, by inserting after the words “use technology” the following:—

“provided further that not less than \$300,000 shall be expended for Radius Specialty Hospital- Boston for the purposes of developing and implementing an information technology skill upgrading program for its employees”; and by striking out the figure “\$6,463,000” and inserting in place thereof the following figure: “\$6,763,000”.

The amendment was **adopted**.

At five o’clock P.M., the President declared a recess subject to the call of the Chair; and, at four minutes past six o’clock P.M., the Senate reassembled, the President in the Chair.

PAPER FROM THE HOUSE.

The Senate Order relative to creating a special joint committee on rain storm and flood recovery for the purpose of studying issues arising from the extraordinary rain and flooding events occurring in May 2006 in the Commonwealth (Senate, No. 2561),— came from the House passed to be engrossed, in concurrence with an amendment by inserting after paragraph (4) the following paragraph:

“5. The special joint committee shall also perform a comprehensive evaluation of any and all mechanisms for securing, administering, distributing and maximizing funding and other resources from the federal government on behalf of the commonwealth, its political subdivisions, residents and businesses, relative to any flooding in Massachusetts that has been designated by the Governor as a state of emergency”.

Senate Rule 36 was suspended, on motion of Mr. Lees, and the House amendment was considered forthwith. On further motion of Mr. Tarr, the Senate NON-concurred therein.

The order was returned to the House endorsed accordingly.

Order Adopted.

On motion of Mr. Morrissey,—

Ordered, That when the Senate adjourns today, it adjourn to meet again Tuesday next at eleven o’clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

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

The House Bill making appropriations for the fiscal year 2007 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain

permanent improvements (House, No. 4901),— was further considered, the main question being on ordering it to a third reading. Ms. Murray moved that the bill be amended by inserting the text of Senate document numbered 2291, being the text of the Senate amendments to the House Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4443). After remarks, The amendment was **adopted**.

Ms. Murray moved that the bill be amended by inserting the text of Senate document numbered 2264, being the text of the Senate amendments to the House Bill relative to the Commonwealth Investment Act (House, No.4429). After remarks, The amendment was **adopted**.

Ms. Murray moved that the bill be amended in section 2, in item 0330-0410, by striking out the figure “\$943,189” and inserting in place thereof the following figure:— \$967,326;
In item 0337-0002, by inserting after the words “including Berkshire,” the following words:—

“Bristol, Barnstable,”;
In item 0340-0200, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0300, by inserting after the words “\$35,000; provided further,” the following words:—

“that at least at least 30 days”;
In item 0340-0400, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0500, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0600, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0700, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0800, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-0900, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-1000, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0340-1100, by inserting after the words “and provided further,” the following words:—

“that at least 30 days”;
In item 0810-0338, by striking out the figure “\$280,164” and inserting in place thereof, in each instance, the following figure:—

“\$432,026”;
In section 2, in item 1599-1970, by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:—

“\$31,000,000”;
In item 3000-4050, by inserting after the words, “shall not be funded from this item;” the following words: “provided further, that all early education and care providers that are part of a public school system shall accept early education and care vouchers from recipients funded through this appropriation.”;
In item 4000-0112, by inserting after the words “Merrimack Valley YMCA” the following words:—

“in Methuen;”;
In said item 4000-0112, by striking out the figure “\$3,970,000” and inserting in place thereof the following figure:—

“\$4,348,100”.
In item 4000-0300, by striking out the figure “\$134,283,096” and inserting in place thereof the following:—

“\$136,945,096”.

In item 4000-0700, as amended, by striking out the figure “\$1,527,399,331” and inserting in place thereof the following:—

“\$1,532,399,331”.

In item 4000-0500, by inserting after the words:—

“said pediatric chronic and rehabilitation long-term care hospital” the following words:—

“for which federal financial participation and federal approval need not be obtained”;

In item 4403-2120, by adding the following words:—

“and provided further, that not less than \$1,000,000 shall be obligated for the purpose of increasing the operating budgets of family shelter and related homeless family programs”;

In said item 4403-2120, by striking out the figure “\$73,650,000” and inserting in place thereof the following figure:—

“\$74,650,000”;

In item 4512-0200, by adding the following words:—

“provided further, that not less than \$250,000 shall be expended for the restoration for 24 hour services at the Albany Street Shelter operated by the Cambridge and Somerville program for Drug and Alcohol Rehabilitation” and by striking out the figure “\$60,880,159” and inserting in place thereof the following figure:—

“\$61,130,159”;

In item 4800-0151, in the last proviso, by inserting after the words “social services” the following words:—

“, in collaboration with those agencies,”; and

In item 4800-1100, by inserting after the words, “shall be paid from this item;” the following words:—

“provided further, that the department may allocate funds, not to exceed \$800,000, from this item to item 4800-0015 for costs associated with creating new social worker positions to reduce the caseload ratio;”;

In item 5046-0000, by inserting after the words “single occupancy units” the following words:—

“and other units”;

In item 5055-0000, by striking out the words, “for the expansion of” and inserting in place thereof the following words:—

“to sustain and expand”.

In item 5920-2000, by striking out the words:—

“provided further that an additional \$304,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services to clients”;

In item 5920-2000, by striking out the figure “\$524,242,492” and inserting in place thereof the following figure “\$523,938,492”;

In item 5920-2025, by adding the following words:—

“provided that an additional \$304,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services to clients;” and

In item 5920-2025, by striking the words “chapter 149 of the acts of 2004” and inserting in place thereof the following words:—

“chapter 45 of the acts of 2005”;

In item 5920-2025, by striking out the figure “\$117,434,430” and inserting in place thereof the figure “\$117,738,430”;

In item 5920-3000, by striking the words “in fiscal year 2005 under item 5920-5000 of section 2 of chapter 149 of the acts of 2004” and inserting in place thereof the following words:—

“in fiscal year 2006 under item 5920-5000 of section 2 of chapter 45 of the acts of 2005”;

In item 5920-5000, by striking the following words “shall not annualize to more than \$13,600,000” and inserting in place thereof the following words:—

“shall not annualize to more than \$17,664,660”;

In item 7003-0702, by striking out the figure “\$6,463,000” and inserting in place thereof the following figure:—“\$7,840,000”;

In item 7004-0099, by inserting after the words, “town of Hopedale” the following words:—

“provided further, that not less than \$105,000 shall be expended for Food for the World Pantry in Lawrence; provided further, that not less than \$75,000 shall be expended for the Greater Gardner Community Development Corporation;”;

In item 7004-0099, by striking out the figure “\$8,262,633” and inserting in place thereof the following figure:—

“\$8,442,633”;

In item 7007-0515, by striking out the figure “\$600,000” and inserting in place thereof the following figure:—

“\$950,000”;

In item 7007-0900, by striking out the words “provided further, that not less than \$150,000 shall be appropriated to the Spanish American Union Incorporated in the city of Springfield;” and inserting in place thereof the following — “provided further, that not less than \$200,000 shall be appropriated to the Spanish American Union Incorporated in the city of Springfield;”;

In item 7007-0900, by striking out the words “provided further, that not less than \$100,000 shall be expended for the Bourne Financial Development Corporation,” and inserting in place thereof the following words:—

“provided further, that not less than \$250,000 shall be expended for the Bourne Financial Development Corporation”;

In item 7007-0900, by adding the following words:—

“provided further, that not less than \$100,000 shall be expended for the Pembroke Park Committee for the facility at Birch Street in Pembroke; provided further, that not less than \$100,000 shall be expended for the Harlow Old Fort House in the town of Plymouth”;

In item 7007-0900, by striking out the figure “\$20,605,032” and inserting in place thereof the following figure:—”\$24,043,032”;

In item 7035-0002, by inserting after the words “education programs and services” the following words:—

“provided further, that not less than \$200,000 shall be allocated to the Massachusetts Foundation for the Humanities in Northampton for an adult education program”;

In item 7035-0002, by striking out the figure “\$29,322,628” and inserting in place thereof the following figure:—

“\$29,522,628”;

In item 7061-0011, by striking out the words “and provided further, that no funds distributed from this item to a municipality shall be considered base aid nor used in the calculation of the required local contribution for fiscal year 2007” and inserting in place thereof the following:—

“and provided further, that no funds distributed from this item to a municipality shall be considered Chapter 70 aid nor used in the calculation of the required local contribution for fiscal year 2008”;

In item 8000-0010, by inserting after the words “non-related overtime”, the following words:—

“provided further, that \$10,000 shall be expended for community policing activities in the city of Revere; provided further, that \$30,000 shall be expended for community policing activities in the town of Lanesboro” and by striking out the figure “\$21,271,035” and inserting in place thereof the following figure:—

“\$21,311,035”;

In item 8910-0107, by striking out the figure “\$61,025,121” and inserting in place thereof the following figure:—

“\$62,711,438”; and by inserting after section 26 the following 5 sections:—

“SECTION 26A. Section 2 of chapter 70B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 68 and 69, the words ‘grant representing the commonwealth’s total contribution’ and inserting in place thereof the following words:— total grant with respect.

SECTION 26B. Section 3 of said chapter 70B, as so appearing, is hereby amended by inserting after the word ‘grants’, in line 6, the following words:— and loans.

SECTION 26C. Said section 3 is hereby further amended by striking out paragraph (r) and inserting in place thereof the following paragraph:—

(r) disburse amounts due to cities, towns and regional school districts pursuant to grants approved by the authority to finance or refinance costs of approved school projects and, in conjunction therewith, to finance or refinance the local share of costs of such projects, through the purchase of bonds, notes or other evidences of local indebtedness, at such rates and on such terms as the authority may in its discretion determine, and to provide for the payment of all costs of the authority, including professional and financial services incident to the conduct of its operations;.

SECTION 26D. Said chapter 70B, as so appearing, is hereby further amended by inserting, after section 3D thereof, the following new section:—

Section 3E. In addition to other remedies of the authority under any bond, note or other evidence of indebtedness, if at any time any amount is distributable or payable by the Commonwealth to any city, town or regional school district, there is due to the authority any sum from such city, town or regional school district, for any cause whatsoever, such sum so due to the authority, as certified by the authority to the state treasurer, should be deducted by the state treasurer from the amount so distributable or payable to the city, town or regional school district, and shall be paid promptly to the authority. Payment by the state treasurer under this section shall continue to be made until any such deficiency on the part of said city, town or regional school district

shall have been offset by the payments from the state treasurer. The authority may also recover from any such city, town or regional school district in an action in superior court any amount due the authority together with any other actual damages the authority shall have sustained from the failure or refusal of said city, town or regional school district to make payments owing to the authority.

SECTION 26E. Section 7 of chapter 70B, as most recently amended by section 22 of chapter 208 of the acts of 2004, is hereby further amended by striking said section 7 and inserting in place thereof the following new section:—

Section 7. There shall be a limit on the estimated amount of grants approved by the authority during a fiscal year. For fiscal year 2008 the limit shall be \$500,000,000. For each fiscal year thereafter, the limit shall be the limit for the previous fiscal year plus the lower of the rate of growth in the dedicated sales tax revenue amount, as defined in subsection (a) of chapter 35BB of the General Laws, or 4.5 per cent.”;

By inserting after section 44 the following 2 sections:—

“SECTION 44A. The first paragraph of section 10 of chapter 218 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the lines ‘district court of Greenfield’ and ‘district court of Franklin’.

SECTION 44B. The second paragraph of said section 10 of said chapter 218, as so appearing, is hereby amended by inserting after the line ‘district court of central Berkshire’, the line ‘district court of Greenfield’;”

By striking out section 45, and inserting in place thereof the following section:

“SECTION 45. Section 2A of chapter 101 of the acts of 1999, as amended by chapter 47 of the acts of 2003, is hereby amended by striking out item 1599-1499 and inserting in place thereof, the following:

“1599-1499 For a one-time grant to the city of Quincy for the purpose of facilitating the conversion of Quincy Hospital from ownership by the city of Quincy to ownership by a private nonprofit corporation; provided, that the proceeds of the grant shall be used by the city for the costs associated with the conversion, including, but not limited to, obligations of the hospital to the city for employee benefits and for any indebtedness incurred by the city on behalf of the hospital; provided, further, that the city, in collaboration with the corporation, shall file annually with the secretary of administration and finance and with the secretary of health and human services, the house and senate committees on ways and means and the joint committee on health care finance a report delineating the benchmarks and milestones established by the corporation to achieve financial viability and the status of the corporation in achieving the benchmarks and milestones, including changes in patient volume and payer mix, the establishment and maintenance of community benefits by the corporation and the results of affiliations with other health care providers and health care entities; provided, further, that the report shall be filed not later than the January 1 following the end of each hospital fiscal year

2000 to 2006, inclusive 12,100,000”;

By inserting after section 63 the following section:

“SECTION 63A. Chapter 208 of the acts of 2004 is hereby amended by inserting at the end thereof the following new section:—

Section 58. (1) A city, town, or regional school district may request, in writing no later than August 31, 2006, that the Authority remove a project on the list pursuant to section 45 and may request that a portion of the Authority’s anticipated grant for said project be applied to another project on said list pursuant to section 45 that is within the same city, town, or regional school district as the project being removed. Approval, if any, of such request shall be at the sole discretion of the Authority.

(2) Any project being so removed from said list:

(a) shall not have started construction prior to application to the Authority for removal of a project from the Waiting List;

(b) shall not be eligible to receive reimbursement from the Authority for any costs that may have been incurred for the project prior to said removal from said list;

(c) shall not be eligible to receive any reimbursement for interest on short or long term notes or bonds for the project;

(d) shall submit a plan to the Authority that demonstrates the city, town or regional district will be adequately able to accommodate any displaced school programs or services and a plan for accommodating district students within remaining school buildings.

(3) Any project on said list, for which funds may be reallocated in the sole discretion of the Authority, shall meet the following criteria:

(a) The project shall have begun construction after June 1, 2005.

(b) The project shall have overall project costs that are in excess of the Maximum Allowable Costs, as determined by the Authority, and that said excess costs are not related to changes in project scope.

(c) Reallocated costs shall only be used to reimburse approved, eligible costs, as determined by the Authority.

(d) The city, town or regional school district shall agree to work with the Authority in a value engineering exercise to determine any viable options to reduce the overall cost of the project.

(e) The city, town or regional school district shall have multiple projects on said list submitted pursuant to said section 45.

(f) The project on said list for which funds may be reallocated, at the sole discretion of the Authority, be within is the same city, town, or regional school district as the project being removed.

(g) The city, town or regional school district shall have submitted all audit materials for any other projects for which said audit materials have been requested by the Authority.

(h) The city, town or regional school district shall have executed a Project Funding Agreement with the Authority for any project on said list that has not completed construction.

(4) The Authority shall have sole discretion in determining the portion of grant, if any, which may be reallocated to another project. Any funds that may be reallocated in the sole discretion of the Authority, to another project shall only be used to cover approved, eligible costs that are in excess of the Maximum Allowable Cost that are not related to changes in project scope.

Reimbursements may be made under the existing grant program, as determined by the Authority. In no instance shall reimbursement rates for any project for which reallocated funds are distributed to by the Authority, exceed the reimbursement rates pursuant to subsection (iii) of said section 45. Any funds that may be allocated by the Authority, shall not be used for interest or costs related to any indebtedness, or for any expenditure that is deemed to be ineligible by the Authority. Any project removed from the list pursuant to section 45 shall no longer be eligible for any portion of the grant and shall have no entitlement to funds for said project at any time in the future. Any project removed from said list may apply to the Authority for funding after July 1, 2007 and shall be subject to the laws, rules and regulations governing school building construction in place at the time of application.”;

By inserting after section 72 the following 3 sections:—

“SECTION 72A. Section 3 of chapter 33 of the acts of 2006 is hereby amended by inserting at the end thereof the following:— and provided further, that the limitations relative to service and consumption in a tavern, club or war veterans organization licensed under this section shall not be considered to preclude the holder of the tavern, club or war veterans license from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the patron, member or guest in conjunction with a meal and not totally consumed by the patron, member or guest during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission.

SECTION 72B. Section 140 of chapter 58 of the acts of 2006 is hereby amended by striking the following:— ‘and 103’ and inserting in its place the following:— ‘103 and 128’.

SECTION 72C. Section 145 of said chapter 58 is hereby amended by striking the following:— ‘127 and 128’ and inserting in its place the following:— ‘and 127’;

In section 78, by striking out the figure ‘\$582,100,000’, in the first sentence, and inserting in place thereof the following figure:— ‘597,100,000’;

In section 85, by striking out the figure ‘\$350,000,000’ and inserting in place thereof the following figure:— ‘\$420,000,000’;”

By inserting after section 93 the following 4 sections:

“SECTION 93A. Notwithstanding any general or special law to the contrary, the corporations established pursuant to chapter 138 of the acts of 1992 and chapter 163 of the acts of 1997 shall not be considered auxiliary organizations of the university.

SECTION 93B. Notwithstanding any general or special law to the contrary, the fire department of the Massachusetts Port Authority shall be considered a fire department and the fire chief of the Massachusetts port Authority shall be considered the head of the fire department, for the purposes of receiving any delegation of powers or authority from the state fire marshal that the state fire marshal may be authorized to delegate to a head of the fire department of a fire department of a city or town.

SECTION 93C. Notwithstanding any general or special law to the contrary, the Massachusetts Port Authority shall have primary and exclusive jurisdiction and responsibility for fire prevention and fire fighting services on its projects as defined in chapter 465 of the acts of 1956. Said Authority may delegate such jurisdiction or responsibility for any project or portion of a project to the fire department of the city or town in which the project is sited, as the Authority may from time to time deem appropriate and proper.

SECTION 93D. Notwithstanding any general or special law to the contrary, the division of health care finance and policy and the secretary of health and human services shall verify any surplus community health center free care funds from fiscal years 2005 and 2006 within the Uncompensated Care Trust Fund established in section 18 of chapter 118G of the General Laws. The Comptroller shall, in consultation with the division and the secretary, develop a schedule for transferring said funds to the General Fund no later than October 1, 2006 in order to defray the cost associated with community health center Medicaid rate increases, authorized pursuant to item 4000-0700 of this act.”

The amendment was **adopted**.

After remarks, the question on adoption of the Ways and Means amendment, as amended, was determined by a call of the yeas and nays at twenty-nine minutes past six o’clock P.M., on motion of Mr. Lees, as follows, to wit (*yeas 39 — nays 0*) [**Yeas and Nays No. 281**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.

Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Tucker, Susan C.
Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
NAYS — 0.	

The yeas and nays having been completed at twenty-eight minutes before seven o’clock P.M., the Ways and Means amendment was adopted, as amended. **[For text of Senate amendments, see Senate, No. 2500, printed as amended.]**

The bill, as amended, was then ordered to a third reading, read a third time and was passed to engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Adjournment in Memory of Felix Juliani of Wellesley.

The Senator from Norfolk, Bristol and Middlesex, Mr. Brown, and the Senator from Middlesex and Norfolk, Ms. Creem, presented a request that when the Senate adjourns today, it do so as a mark of respect to the memory of Mr. Felix Juliani of Wellesley.

Felix Juliani, who passed away on May 24th at the age of 93, was a dedicated community activist and long-time member of the Wellesley Board of Selectmen.

Accordingly, as a mark of respect to the memory of Felix Juliani, at twenty-seven minutes before seven o’clock P.M. on motion of Mr. Lees, the Senate adjourned to meet again on Tuesday next at eleven o’clock A.M.