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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Thursday, November 3, 2005.*

Met at three minutes past one o'clock P.M. (Mr. Havern in the Chair).

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Department of Correction (under the provisions of Section 16 of Chapter 123A of the General Laws) submitting a copy of the annual report of the Massachusetts Treatment Center for Sexually Dangerous Persons (copies having been forwarded to the Senate Committee on Ways and Means and the Joint Committee on the Judiciary) (received Tuesday, November 1, 2005); and

A report of the Division of Unemployment Assistance (under the provisions of Section 14F of Chapter 151A of the General Laws, as most recently amended by Section 6 of Chapter 142 of the Acts of 2003) relative to the condition of the Unemployment Insurance Trust Fund for the month of September 2005 (received Tuesday, November 1, 2005).

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Middlesex County House of Correction and Jail (Billerica) (received Tuesday, November 1, 2005),—  
**was read and sent to the House for its information.**

#### *Reports of Committees.*

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill providing the town of Saugus financial assistance for the replacement of water mains located under certain portions of the state highway Rt. 1 in the town of Saugus (Senate, No. 1747);

**Read and, under Joint Rule 1F, referred to the committee on Bonding, Capital Expenditures and State Assets.**

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to the CPR certification of senior center employees (Senate, No. 1382); and

By the same Senator, for the same committee, on petition, a Bill to enhance emergency responses in public buildings and facilities (Senate, No. 1394);

**Severally read and, under Joint Rule 1E, referred to the committee on Health Care Finance.**

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill providing for the establishment of the Commonwealth emergency management and hazard mitigation trust fund (Senate, No. 1371);

By the same Senator, for the same committee, on petition, a Bill relative to property rights (Senate, No. 1373);

By the same Senator, for the same committee, on petition, a Bill relative to elevator regulations (Senate, No. 1378);

By the same Senator, for the same committee, on petition, a Bill relative to the penalties for illegal weapons possession (Senate, No. 1383);

By the same Senator, for the same committee, on petition, a Bill requiring payment by certain prisoners of the Commonwealth (Senate, No. 1389);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Resolve to create a Central Artery oversight commission (Senate, No. 1751); and

By the same Senator, for the same committee, on petition, a Bill making certain changes in the bidding of public construction contracts (Senate, No. 1779);

**Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

By Mr. Barrios, for the committee on Public Safety and Homeland Security, on petition, a Bill clarifying the enforcement provisions in relation to fire prevention (Senate, No. 1392);

By Ms. Wilkerson, for the committee on State Administration and Regulatory Oversight, on petition, a Bill to provide for the public inspection of records made or received by special state police officers at educational institutions and hospitals (Senate, No. 1735); and

By the same Senator, for the same committee, on petition, a Bill requiring sealed bids or competitive proposals for the award of school transportation contracts (Senate, No. 1739);

**Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

*Committee Discharged.*

Ms. Resor, for the committee on Environment, Natural Resources and Agriculture, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 500) of John A. Hart, Jr., Bruce J. Ayers and Martin T. Walsh for legislation to authorize and direct the Division of Waterways to dredge the harbor area surrounding several yacht clubs in Boston, Massachusetts; and

Of the petition (accompanied by bill, Senate, No. 519) of Michael W. Morrissey and Bruce J. Ayers for legislation to authorize and direct the director of the Division of Waterways to dredge the harbor area surrounding Marina Bay in Quincy, Massachusetts;

And recommending that the same severally be referred to the committee on Bonding, Capital Expenditures and State Assets.

**Under Senate Rule 36, the reports were severally considered forthwith and accepted.**

**Severally sent to the House for concurrence.**

PAPERS FROM THE HOUSE.

Bills

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Milford (House, No. 1420,— on Senate, No. 51 and House, No. 1420); and

Establishing “the welcome home bill” for Massachusetts service members, veterans and their families (House, No. 4469, amended,— on House, No. 4417);

**Were severally read and, under Senate Rule 27, referred to the committee on Ways and Means.**

There being no objection, at four minutes past one o’clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at nineteen minutes before two o’clock P.M., the Senate reassembled, the President in the Chair.

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

*Distinguished Guests.*

There being no objection, the President introduced, seated in the rear of the Chamber, Robert A. Brown, President of Boston University. Mr. Brown signed the guest book and withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Wilkerson, who introduced in the rear of the Chamber, Deborah Thompson and Glenda Washington of the Jacksonville, Florida Chamber of Commerce and Ken Covington, of the Jacksonville, Florida Electric Authority. The guests signed the guest book and withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Tarr, who introduced Frank McKenna, Canadian Ambassador to the United States. Ambassador McKenna briefly addressed the Chamber, signed the guest book and withdrew from the Chamber.

*Resolutions.*

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

Resolutions (filed by Mr. Brown) “congratulating Alice S. Morrison”;

Resolutions (filed by Mr. Joyce) “on the dedication of the William Albert Hodges Square in Stoughton”;

Resolutions (filed by Mr. Joyce) “on the dedication of the Alfred V. Silva Square in Stoughton”;

Resolutions (filed by Mr. Joyce) “on the dedication of the John C. Suslowicz, Sr. Square in Stoughton”;

Resolutions (filed by Mr. Tolman) “honoring Father Robert Vereecke”; and

Resolutions (filed by Ms. Tucker) “congratulating Cantor Donn Rosensweig.”

PAPER FROM THE HOUSE.

*Engrossed Bill.*

An engrossed Bill establishing the Massachusetts principal and income act (see House, No. 760) (which originated in the House), **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.**

*Recess.*

There being no objection, at a quarter before two o’clock P.M., the President declared a recess; and at three minutes past two o’clock P.M., the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

*Engrossed Bill — Land Taking for Conservation, Etc.*

An engrossed Bill authorizing the Division of Capital Asset Management to lease a certain parcel of land in the city of Boston (see Senate, No. 2181) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; 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 four minutes past two o’clock P.M., as follows, to wit (yeas 39 — nays 0) **[Yeas and Nays No. 176]**

**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 —
	<b>39.</b>
McGee, Thomas M.	

**NAYS — 0.**

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

A Bill relative to property in the town of Foxborough (House, No. 4332, amended,— on House, No. 3947),— was read.  
**There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

*Orders of the Day.*

The Orders of the Day were considered, as follows:

**Bills**

Authorizing the town of Fairhaven to issue a common victualer beer and wine license (House, No. 4425);

Authorizing the town of Middleborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4426); and

Authorizing the town of Fairhaven to issue a common victualer beer and wine license (House, No. 4427);

**Were severally read a second time and ordered to a third reading.**

The House Bill providing for the disposition of certain property in the town of Upton (House, No. 4371),— **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate.**

**Sent to the House for concurrence in the amendment previously adopted by the Senate.**

The Senate Bill establishing a Commonwealth citizen service initiative (Senate, No. 1119, amended) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed.**

**Sent to the House for concurrence.**

The Senate Bill clarifying the definition of loaded shotgun or loaded rifle (Senate, No. 2255),— **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill relative to disability or death caused by certain conditions of cancer (Senate, No. 2257),— was read a third time.

After remarks, the question on passing it to be engrossed was determined by a call of the yeas and nays, at thirteen minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 177**]:

**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 —
	<b>39.</b>

McGee, Thomas M.

**NAYS — 0.**

**The yeas and nays having been completed at sixteen minutes past two o’clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill providing further public information and strengthening petition anti-fraud safeguards for initiative and referendum questions (Senate, No. 2158),— was considered; the main question being on passing the bill to be engrossed.

The pending motion, previously moved Mr. Tisei, to lay the matter on the table was considered; and it was *negatived*.

The pending amendment, previously offered by Mr. Augustus to the pending new draft (Senate, No. 2251) in section 1, by striking out the words “objections under chapter 55B” and inserting in place thereof the following words:— “the nomination paper or petition with the state secretary”, was considered; and it was adopted.

The pending new draft (Senate, No. 2251) was then adopted, as amended.

**The bill (Senate, No. 2251, amended) was then passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill relative to rates of pilotage (Senate, No. 2204),— was considered; the main question being on ordering the bill to a third reading.

The pending motion, previously moved by Mr. Morrissey, to lay the matter on the table was considered; and it was *negatived*.

Pending the main question on ordering the bill to a third reading, Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following new section:—

“SECTION \_\_\_\_\_. Section 3 of Chapter 103 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end of the paragraph the following:— In determining the eligibility of applicants for consideration for appointment to any status as pilot candidate or for a warrant or full branch pilot commission, the pilot commission shall promulgate rules and regulations in regards to allowing applicants who are members of any uniformed service of the United States (including the Army, Navy, Air Force, Marine Corps, Coast Guard, or NOAA Officer Corps), any time during which the applicant is serving on active duty shall not accrue against time period that counts against the applicant. Military sea service in command of a vessel credits toward any requirements for service in the capacity of master, and military sea service as second-in-command of a vessel credits toward any requirements for service in the capacity of chief mate. Military sea service in a capacity

as an officer in charge of a navigational bridge watch credits toward any sea service requirement other than those in the capacity of master or chief mate. No person's status as a veteran or as a military reservist, and no person's susceptibility to recall to military active duty, shall diminish his or her eligibility for selection for Pilot Candidate Training or for warrant or full branch pilot commission."

**At the request of Messrs. Barrios and Augustus, the bill was laid over until the next session, under the provisions of Senate Rule 31.**

The Senate Bill facilitating homeowners in remediating heating oil spills (Senate, No. 538, amended),— was considered.

The question on passing it to be engrossed was determined by a call of the yeas and nays, at nineteen minutes past two o'clock P.M., on motion of Ms. Resor, as follows, to wit (yeas 39 — nays 0) [**Yeas and Nays No. 178**]:

#### **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 —
	<b>39.</b>
McGee, Thomas M.	

#### **NAYS — 0.**

**The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., the bill was passed to be engrossed.**

**Sent to the House for concurrence.**

#### *Recess.*

At twenty-three minutes past two o'clock P.M., at the request of Mr. Lees, for the purpose of a minority caucus, the President declared a recess; and, at three 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 relative to economic investments to promote job creation, economic stability, and competitiveness in the Massachusetts economy (House, No. 4429),— was read a second time.

The proposed amendment, previously recommended by the committee on Ways and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2256; by inserting before the enacting clause the following emergency preamble:—

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make forthwith supplemental appropriations for costs for certain capital spending, public investment, and bonded debt of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and by striking out the title and inserting in place thereof the following title: “An Act establishing a Commonwealth investment program.” [Estimated cost:— \$273,656,666 (operating funds); \$200,000,000 (bond authorization)],— was considered.

After debate and pending the question on adoption of the Ways and Means amendment, at twenty-eight minutes past three o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twelve minutes before four o'clock P.M., the Senate reassembled, the President in the Chair.

Mr. Tolman moved that the bill be amended by adding the following section:—

“SECTION \_\_\_\_ . \$100,000 for wellness counselors in schools, coordinated by the Massachusetts Interscholastic Athletic Association. Massachusetts Partners in Prevention is an organization that serves as a clearinghouse to offer opportunities for improved dissemination of materials and provision of structures that support healthy messages for youth. They coordinate with organizations who offer presentations in schools on topics ranging from cancer, eating disorders, and fitness to head injuries, alcohol, and other drugs”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting after section \_\_\_\_, the following section:—

“SECTION \_\_\_\_ . Subsection (a) of section 14 of Chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:—

(4) ‘Unemployment insurance taxable wage base’, with respect to the calendar years beginning on or after January 1, 2006, the term ‘unemployment insurance taxable wage base’ shall mean \$12,800.”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past four o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 7 — nays 32) [**Yeas and Nays No. 179**]:

#### **YEAS.**

Baddour, Steven A.	Lees, Brian P.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.— 7.
Knapik, Michael R.	

#### **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.	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 —  
32.

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

Mr. Tolman moved that the bill be amended in Section 2A, in item 1599-3751, by striking out the words "provided further, that the ability to ensure labor harmony during all phases of these projects shall be determined so as to most efficiently, economically and best serve the interests of the Authority; provided further, that the Authority may assess liquidated damages and terminate any contract for failure to maintain this labor harmony; and provided further, that the payment of prevailing wages shall be required for all phases of these projects" and inserting in place thereof the following words "provided further; that the Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages in accordance with Sections 26 through 27F, inclusive, of Chapter 149 of the General Laws shall be required for all phases of these projects."

After remarks, the amendment was **adopted**.

Mr. Tolman moved that the bill be amended in section 2B, in item 1599-3752, by striking out the words "provided further, that the ability to ensure labor harmony during all phases of these projects shall be determined so as to most efficiently, economically and best serve the interests of the Authority; provided further, that the Authority may assess liquidated damages and terminate any contract for failure to maintain this labor harmony; and provided further, that the payment of prevailing wages shall be required for all phases of these projects" and inserting in place thereof the following words "provided further, that the Authority shall require the assurance of labor harmony during all phases of development, including construction, reconstruction and capital and routine maintenance and shall provide adequate remedies to address the failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination; and provided further, that the payment of prevailing wages in accordance with Sections 26 through 27F, inclusive, of Chapter 149 of the General Laws shall be required for all phases of these projects."

The amendment was **adopted**.

Mr. Lees moved that the bill be amended by inserting the following items:—

#### EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.

##### *Office of the Secretary.*

1100-2700

For the Massachusetts Opportunity Relocation and Expansion Jobs Capital Programs related to site remediation, preparation and ancillary infrastructure improvement projects provided that the local executive government body where the project is located and the recipient of a Massachusetts Opportunity Relocation and Expansion Jobs Incentive Fund grant, jointly, submit a request for funding; provided further, that the secretary of economic development shall promulgate regulations or issue guidelines regarding the program; provided further, that annually, on or before December 31, the executive office of economic development shall issue a written report to the clerks of the house of representatives and the senate, which shall include detailed descriptions of any infrastructure improvement projects and all funds expended for this purpose .....200,000,000

1100-2701

For the Massachusetts opportunity relocation and expansion jobs partnership, to provide loans and grants to promote development and research and technology transfer facilities at institutions of higher education located within the commonwealth; provided that the assistance may be for the study, preparation of plans, construction, reconstruction, renovation and/or improvements; provided further, that no funds shall be made available for facilities which do not include a financial commitment for construction, equipment or operating costs from a private, non-affiliated third party; provided further, in the event that the facilities are housed on campus of the university of Massachusetts, no funds shall be made available for facilities which do not include a financial commitment for construction, equipment or operating costs from a private, non-affiliated third party which is not an instrumentality of the state; provided further, facilities housed on a campus of the university of Massachusetts, must be jointly approved by the chancellor of the university of Massachusetts system prior to the submission of the funding request to the secretary of economic development; provided further, that the secretary of economic development shall promulgate regulations or issue guidelines regarding the program; provided further, that annually, on or before December 31, the executive office of economic development shall issue a written report to the clerks of the house of representatives and the senate, which shall include detailed descriptions of any facilities that received financial support and the allocation of all committed and expended funds under this item .....100,000,000".



After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past four o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 6 — nays 33) [**Yeas and Nays No. 180**]:

**YEAS.**

Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.— <b>6.</b>

**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.
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.	Timilty, James E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — <b>33.</b>
Menard, Joan M.	

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

Mr. Lees moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION \_\_\_\_\_. Chapter 141 of the acts of 2003 is hereby amended by striking out sections 55 through 59, inclusive, and inserting in place thereof the following paragraphs:—

Section 55. Notwithstanding any general or special law to the contrary, on the second Saturday in August, no excise shall 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, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

Section 56. Notwithstanding any general or special law to the contrary, on the second Saturday in August, no vendor in the commonwealth shall add to the sales price or collect from any purchaser any 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 the second Saturday in August, but any excise erroneously or improperly collected on the second Saturday in August shall be remitted to the department of revenue. The provisions of this section shall not apply to the sale of telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

Section 57. Any 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 on the second Saturday in August.

Section 58. On or before December 31, 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.

Section 59. The commissioner of revenue shall issue any instructions or forms, or promulgate rules or regulations, necessary to carry out the purposes of this act.”.

Pending the question on adoption of the amendment (Lees), Mr. Pacheco moved that the amendment be amended by adding the following sections:—

“SECTION \_\_\_\_\_. Notwithstanding any general or special law to the contrary, any city or town declared to be in a State of Emergency by the Commonwealth and the city council or board of selectmen, and whose businesses were closed as a result of said emergency for four (4) or more consecutive days in 2005 shall not impose an excise upon non-business sales at retail, 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, for a period of two (2) consecutive days to be determined by the city or town, in conjunction with the Department of Revenue.

Notwithstanding any general or special law to the contrary, for the days selected in 2005, a vendor in the eligible city or town 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 the selected days, but any excise erroneously or improperly collected during those days 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.

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 on the selected days.

On or before December 31, 2005, 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.

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

SECTION \_\_\_\_\_. Notwithstanding any general or special law to the contrary, in any city or town declared to be in a State of Emergency by the Commonwealth and the local governing body, and whose businesses were closed as a result of the emergency for four (4) or more consecutive days in 2005 there shall be available a one-time \$2000 tax credit against the taxes imposed by chapters 62 and 63 to businesses that were closed as a result of the emergency. The eligibility of a business for the credit shall be determined by the city council or board of selectmen board in conjunction with the Department of Revenue.”.

**The further amendment was adopted.**

**The pending amendment (Lees) was then adopted, as amended.**

There being no objection, at twenty-three minutes past four o'clock P.M., the President declared a recess subject to the call of the Chair; and, at thirteen minutes past five o'clock P.M., the Senate reassembled, the President in the Chair.

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

Ms. Chandler, Ms. Wilkerson and Ms. Spilka moved that the bill be amended by inserting after section \_\_\_\_, the following section:—

“SECTION \_\_\_\_\_. Section 1 of Chapter 40Q of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the definition of ‘Inflation factor’.”

The amendment was **adopted**.

Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new sections:—

“SECTION \_\_\_\_\_. The first paragraph of section 9 of chapter 161A of the General Laws, as so appearing, 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 \_\_\_\_ Section 3 of chapter 161B of the General Laws, as so appearing, 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 and 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 \_\_\_\_ Said section 3 of said chapter 161B, as so appearing, 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. Moore moved that the bill be amended by placing at the end thereof the following new section:—

“SECTION XX. (a) Notwithstanding the provisions of any general or special law to the contrary, there is hereby established and set up on the books of the Commonwealth a separate trust fund to be known as the Massachusetts Nursing and Allied Health Workforce Development Trust Fund, hereinafter referred to as the health care workforce trust fund, to which shall be credited any appropriations, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto, and additional funds including federal grants or loans, or private donations made available to the chancellor of higher education for this purpose. The board of higher education shall hold the health workforce trust fund in an account or accounts separate from other funds or accounts. Amounts credited to the health care workforce trust fund shall be expended by the chancellor of higher education to carry out the purposes set forth in subsection (b). Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the general fund.

(b) The public purposes of the Massachusetts Nursing and Allied Health Workforce Development Trust Fund shall be to develop and support, in consultation with the Massachusetts Nursing and Allied Health Workforce Development Advisory Committee, short and long-term strategies that increase the number of Massachusetts public higher education faculty and students who participate in programs that support careers in fields related to nursing and allied health. The chancellor of higher education may expend from the health care workforce trust fund such administrative monies as may be necessary for the administration of the Massachusetts Nursing and Allied Health Workforce Development Initiative. In furtherance of these public purposes, the chancellor of higher education shall expend the health care workforce trust fund monies on activities that are calculated to increase the number of qualified nursing and allied health faculty and students in the commonwealth and improve the nursing and allied health educational offerings available in public higher education institutions. Grants and other disbursements and activities may involve, without limitation, the University of Massachusetts, state and community colleges, business and industry partnerships, regional alliances, workforce investment boards, 501(c)(3) organizations and other community groups which promote the nursing profession. Grants and other disbursements and activities may support, without limitation: (i) the goal of rapidly increasing the number of nurses and allied health workers (ii) enhancing the role of the system of public higher education, as institutions and in partnerships with other stakeholders, in meeting the short and long-term workforce challenges in the nursing and allied health professions and; (iii) the development and use of innovative curricula, courses, programs and modes of delivering education in nursing and allied health professions for faculty and students in these fields and; (iv) activities with the growing network of stakeholders in the nursing and allied health professions to create, implement, share and make broadly and publicly available best practices and innovative programs relative to instruction, development of partnerships and expanding and maintaining faculty and student involvement in careers in these fields; and (v) strengthening the institutional capacity to develop and implement long-term programs and policies to respond effectively to these challenges.”

The amendment was **adopted**.

Mr. Moore moved that the bill be amended by placing at the end thereof the following new section:—

“SECTION XX. Section XX. Every party having entered into a tax increment financing or economic opportunity area agreement shall be responsible for notifying the Economic Assistance Coordinating Council and the municipality of any substantial change to the tax increment financing or economic opportunity area agreement. Said notice shall be provided to the Economic Assistance Coordinating Council and municipality by writing within 90 days of occurrence and shall be provided annually to the Department of Revenue.

Substantial change as used herein shall mean the off-shoring of production or outsourcing of functions or relocation of business functions; or any operational changes in the nature of products or services; or any cessation or pause in operations; or any net workforce reduction or change in hiring plans; or any sale or transfer or change in ownership or structure of the company.

Violation of any of the foregoing shall result in a revocation of the tax increment financing or the economic opportunity area agreement by the municipality or Economic Assistance Coordinating Council at its discretion.”.

The amendment was **adopted**.

Ms. Resor moved that the bill be amended by inserting after section 45, the following new section:—

“SECTION 45A. Section 45 of Chapter 262 of the Acts of 2004 is hereby amended in the third paragraph by inserting, after the words ‘a corporation’s liability upon audit’ the following:— , nor limit his authority to consider an application for amendment to a certified or decertified project under this section.”.

The amendment was **adopted**.

Mr. Augustus and Ms. Chandler move to amend the bill by adding the following new section:—

“SECTION \_\_\_\_\_. Chapter 40 of the General Laws is hereby amended by adding after section 60 the following section:—

Section 60A. Manufacturing Workforce Training Tax Increment Financing Plan.

(a) Notwithstanding any general or special law to the contrary, a city or town by vote of its town meeting, town council or city council with the approval of the mayor where required by law, on its own behalf or in conjunction with 1 or more cities or towns and under regulations issued by the director of workforce development, in consultation with the department of economic development and the department of revenue, may adopt and prosecute a manufacturing workforce training tax increment financing plan, in this section referred to as a MWT-TIF plan, intended to encourage increased commercial growth of Manufacturing facilities that have been located in such city or town for not less than 2 years and do all things necessary thereto; provided, however, that the MWT-TIF plan shall:—

(i) designate the city or town as a manufacturing workforce training tax increment financing zone, in this section referred to as a MWT-TIF zone; provided, however, that the designation of a MWT-TIF zone shall be subject to the approval of the department of workforce development under regulations adopted by the department consistent with this section; provided further, that a city or town may not enter into any MWT-TIF agreement, as defined in clause (iv), unless the area governed by the MWT-TIF agreement is so designated and approved by the department of workforce development;

(ii) describe in detail all training, retraining and workforce repositioning that shall be eligible for the MWT-TIF;

(iii) authorize tax increment exemptions from property taxes, under clause Fifty-first of section 5 of chapter 59, for a specified term not to exceed 20 years, for any parcel of real property which is located in the MWT-TIF zone and for which an agreement has been executed in accordance with clause (v); provided, however, that the MWT-TIF plan shall specify the level of exemptions expressed as an exemption percentage, not to exceed 100 per cent to be used in calculating the exemption under said clause Fifty-first of said section 5 of said chapter 59; provided, further, that such exemptions shall be calculated for each such parcel as provided in said clause Fifty-first of said section 5 of said chapter 59 using an adjustment factor for each fiscal year since the parcel first became eligible for such exemption under this clause. The inflation factor for each fiscal year shall be a ratio:—

(1) the numerator of which, shall be the total assessed value of all parcels of all commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the commercial real estate as determined by the commissioner of revenue under paragraph (f) of section 21C of said chapter 59; or

(2) the numerator of which, in a MWT-TIF zone where the property includes commercial uses, shall be the total assessed value of all parcels of all commercial real estate that are assessed at full and fair cash value for the current fiscal year minus the new growth adjustment factor for the current fiscal year attributable to the commercial real estate as determined by the commissioner of revenue under said paragraph (f) of said section 21C of said chapter 59; and

(3) the denominator of which shall be the total assessed value for the preceding fiscal year of all the parcels included in the numerator; provided, however, that such ratio should not be less than 1.

(iv) include executed agreements, hereinafter referred to as MWT-TIF agreements, between a city and town and each eligible owner of real property which is located in a MWT-TIF zone, but each such agreement shall include, but not be limited to, the following: (1) all material representations of the parties which served as a basis for the descriptions contained in the MWT-TIF plan in accordance with clause (ii) and which served as a basis for the granting of a MWT-TIF exemption; (2) any terms deemed appropriate by the city or town relative to compliance with the MWT-TIF agreement including, but not limited to, what shall constitute a default by the property owner and what remedies shall be allowed between the parties for any such defaults,

including an early termination of the agreement; (3) provisions requiring that 75% of the eligible workforce shall receive training that is designed to retain employment in the city or town; (4) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to an agreement; and (5) a provision that the agreement shall be binding upon subsequent owners of the parcel of real property; and

(v) delegate to a board, agency or officer of the city or town, the authority to execute agreements in accordance with clause (iv).

(b) An executed MWT-TIF agreement shall be submitted by the applicable city or town to the department of workforce development for the approval of the director; provided, however, that the city or town shall, if it has not previously done so, submit a plan indicating the minimum projected economic impact of the training, the type of employees that should be trained, the accreditation level of the entities that will be eligible to provide the training and other items as the director may require; provided further, that the director shall certify, based upon the information submitted in support of the MWT-TIF plan by the city or town and through such additional investigation as the director shall make, that the plan and agreement are consistent with the requirements of this section and will further the public purpose of encouraging increased commercial growth and manufacturing employment in the commonwealth; provided further, that a city or town may, at any time, revoke its designation of a MWT-TIF zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements under clause (v) of subsection (a); provided, further, that a revocation shall not affect agreements relative to property tax exemptions said clause (v) of said subsection (a) or use restrictions or options to purchase and rights of first refusal required by this section which were executed before the revocation; provided further, that the board, agency, or officer of the city or town authorized under clause (vi) of said subsection (a) to execute agreements shall forward to the board of assessors a copy of each such agreement, together with a list of the parcels included therein; and provided further, that an executed and approved MWT-TIF shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies.

Chapter 62C of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding after section 67D the following section:—

Section 67E. (a) When used in this section, the following words shall have the following meaning:

‘Application year’, the calendar year for which a manufacturing company submits the information required for a determination as to a jobs incentive payment.

‘Business’, a corporation, sole proprietorship, partnership, limited liability company, or any other form of business organization.

‘Commissioner’, the commissioner of revenue.

‘Eligible Jobs’, a number determined by first multiplying each of the local jobs created by a manufacturing company during a single calendar year by the job qualifier for that job, and then totaling the number for all of the local jobs created.

‘Full time employee’, a person who is employed for consideration for at least 35 hours per week and whose wages are subject to withholding as provided in chapter 62B of the General Laws.

‘Jobs incentive payment’, a business employment incentive payment for manufacturing companies as provided for in this section.

‘Job Qualifier Fraction’, in the case of either a full or part time employee of a manufacturing company, a fraction that determines the extent to which the employee is engaged in providing employment services in Massachusetts during a single calendar year. The job qualifier fraction is determined for each employee by computing each of the following three percentages for such year, and then multiplying these percentages against one another. The first percentage is the extent to which the employee worked for the company on a weekly basis, e.g., 100% in the case of a full-time employee. The second percentage is the extent to which the employee performed employment services within Massachusetts as contrasted with the employee’s services both within and without the state, e.g., 100% in the case of an employee who performed services solely in Massachusetts. The third percentage is the extent to which the employee worked for the company during the year, e.g., 50% in the case of an employee who was hired mid-year.

‘Local Jobs Created’, the total number of jobs created by a manufacturing company during a single calendar year in which the new employees perform qualified services at one or more in-state locations, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the state.

‘Manufacturing company’, a business primarily engaged in manufacturing. This term shall include contract manufacturers engaged in the production of such products for a medical device manufacturing company or a biotechnology company.

‘Part time employee’, a person who is employed for consideration for less than thirty-five hours a week and whose wages are subject to withholding as provided in chapter 62B of the General Laws.

‘Participating Municipality’, a city or town that has adopted a Manufacturing Workforce Training Tax Increment Financing Plan pursuant to section 60A of chapter 40.

‘Payment years’, in the case of a manufacturing company that is determined to be eligible for a jobs incentive payment, the three calendar years following the application year.

‘Qualified services’, direct production manufacturing services performed by an employee of a manufacturing company during a calendar year.

‘Weighted average employment’, for a calendar year, the total number of jobs maintained by a biotechnology or medical device manufacturing company in which the employees performed employment services at one or more in-state locations. The number is to be determined by first multiplying each of the individual jobs maintained by the company for that year by the job qualifier fraction for that job and then totaling the number for all of these jobs.

(b) A city or town that adopts a manufacturing workforce training tax increment financing plan where a participating manufacturing company creates 10 or more eligible jobs in the commonwealth during a single calendar year shall be entitled to a jobs incentive payment, provided that its weighted average employment for such year reflects a net increase of at least 10 jobs over the company’s weighted average employment for the prior calendar year. The jobs incentive payment shall be equal to 50% multiplied by the applicable Massachusetts income tax rate for the wages paid to the persons that perform the newly created eligible jobs for the calendar year in question; provided, however, that such wages are subject to Massachusetts withholding pursuant to chapter 62B of the General Laws for such year. For purposes of this provision an eligible job is deemed created in the commonwealth on the first day for which Massachusetts withholding is required in connection with the compensation paid to the employee.

(c) The jobs incentive payment is to be paid to a city or town in three equal installments in each of the three calendar years commencing with the calendar year subsequent to the application year. However, if for the first or second payment year the company’s weighted average employment falls below its weighted average for the application year the company will be disqualified from receiving its subsequent installment payment. If a company is disqualified from receiving its second installment payment, it may still receive its third installment payment if its weighted average employment for its second payment year is above its weighted average employment for the application year.

(d) A city or town that seeks a jobs incentive payment must apply to the commissioner to receive such payment on a form to be prescribed by the commissioner. This form shall reference the necessary information concerning the eligible jobs created by a company, with which the city or town has an enforceable MWT-TIF, in the state during the application year and also the company’s weighted average employment for such year and the prior calendar year. The commissioner shall advise the company of his determination in writing.

(e) Not later than March 1st of each calendar year for which a city or town has been approved to receive a jobs incentive payment, the city or town shall submit to the commissioner, in a form prescribed by the commissioner, the information necessary to evaluate a participating company’s prior year weighted employment average.

(f) A city or town that has previously been approved to receive a jobs incentive payment is entitled to reapply for additional payments based on jobs created at other participating manufacturing companies. In such cases, the city or town may be entitled to receive a jobs incentive payment that relates to different application years in the same calendar year.

(g) The commissioner shall issue payments, as authorized in subsection (b), without further appropriation. The commissioner may issue rulings or regulations as necessary or helpful to implement the provisions of this act including rulings or regulations to ensure compliance with this act.

(h) This section shall be effective as to job incentive payment requests made by cities or towns that have adopted a manufacturing workforce training tax increment financing plan for manufacturing companies.”

The amendment was **adopted**.

Mr. Panagiotakos moved that the bill be amended in section 2A, in item 1599-3752, by striking out the words “provided further, that the University of Massachusetts Lowell may borrow up to an additional \$14,000,000 through the Massachusetts Health and Education Facilities Authority for the purposes of constructing a nano-manufacturing and biomanufacturing facility” and inserting in place thereof the following:— provided further, that not less than \$14,000,000 shall be used for the purposes of constructing a nano-manufacturing and bio-manufacturing facility at the University of Massachusetts Lowell; provided further, that the University of Massachusetts Lowell is hereby authorized to borrow up to an additional \$35,000,000 through the Massachusetts Health and Education Facilities Authority for the purpose of constructing a nano-manufacturing and bio-manufacturing facility;”.

The amendment was **adopted**.

Mr. Rosenberg moved that the bill be amended by adding the following new item:—

“7100-XXXX

For a one time appropriation for a public/private program of matching funds between the Food Science Department of the University of Massachusetts Amherst and private food industry businesses with the purpose of establishing the research, scientific and regulatory frameworks to expand the creation and production of high value, high growth and high profitability functional foods and to stimulate growth and profitability in the food producing industries in Massachusetts, provided, however, that the food industry must provide at least a 100% match 200,000”.

The amendment was **adopted**.

Messrs. Brewer and Antonioni moved that the bill be amended in section 2 by inserting after item 7007-1000, the following item:—

“7509-1000 ..... 150,000”.

By inserting after section 78, the following new section:—

“SECTION \_\_\_\_ . Item 7007-1000 of section 2 of chapter 45 of the acts of 2005 is hereby amended by adding the following words:— ; 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”.

The amendment was **adopted**.

Mr. McGee moved that the bill be amended in section 15 by inserting after the words “private colleges and universities”, in the third sentence of section 2MMM(b), the words “community based organizations including adult basic education providers, and non-profit education, training or other service providers” and by inserting after the words “experimental learning,” in section 2MMM(b)(i), the words “and e-learning.”.

The amendment was **adopted**.

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

“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 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 a 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 adopted.**

Mr. Lees moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION \_\_\_\_ . The lottery commission is hereby authorized and directed to investigate and study the implementation of a lottery game on Sunday. The proceeds of the investigated lottery game on Sunday shall be deposited in a small business assistance fund to be established. The purpose of the small business assistance fund is to provide grants, programs and services to small businesses in the commonwealth and to encourage the expansion or relocation of businesses to the commonwealth. The policies, rules and regulations of the small business assistance fund are to be promulgated by the executive office of economic development. The lottery commission shall file a report outlining the results of such study with house of representatives and senate ways and means committees within one year of the effective date of this act.”

**The amendment was adopted.**

Messrs. Brewer and Rosenberg moved that the bill be amended by inserting after section 41, the following new section:—

“SECTION 41A. Section 18 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the last paragraph the following new paragraph:—

(A)(1) The commissioner may issue to any manufacturer of food products, including ice cream, licenses as importers only to import alcoholic beverages into the commonwealth for use only in connection with the manufacture of such products by the holder of the license issued under this paragraph.

(2) Nothing contained in this paragraph shall authorize the holder of an importer’s license to sell such alcoholic beverages as he is licensed to import hereunder, or to export such alcoholic beverages from this commonwealth into any state or into any foreign country.

(3) No vote in any city or town under section eleven shall prevent the granting or renewal of a license under this paragraph.

(4) All alcoholic beverages purchased by any licensee under this paragraph, and all alcoholic beverages, shipped into the commonwealth pursuant to any such purchase, shall be warehoused at the warehouse facilities of such licensee and held in his physical possession at such warehouse.

(5) Every importer under this section shall keep such records as the commission may prescribe, and shall file with the commission, whenever and as often as it may require, duplicates of copies of such records. The commission shall at all times, through its designated officers or agents, have access to all books, records or other documents of every licensed importer relating to the licensee's importer business.

(6) The annual license fee for each importer shall be computed based on the barrelage imported by the importer as follows:

5,000 gallons or less per year \$22 per year.

More than 5,000 gallons and less than 20,000 gallons per year \$44 per year.

More than 20,000 gallons per year and less than 100,000 gallons per year \$82 per year.

More than 200,000 gallons and less than 1,000,000 gallons per year \$110 per year.

Each additional 1,000,000 per year \$111 per year.

For the above purposes, a barrel shall be thirty-one gallons.

(7) Every applicant for an importer license shall, at the time of filing an application, pay a license fee based on a reasonable estimate of the amount of alcoholic beverages to be imported during the year covered by the license. Persons holding importers licenses shall report annually at the end of the year covered by the license the amount of alcoholic beverages produced during such year. If the total amount of such alcoholic beverages exceeds the amount permitted by the fee already paid, the licensee shall pay whatever additional fee is owing under this section."

**The amendment was adopted.**

Messrs. Moore, Creedon and Joyce moved that the bill be amended by placing at the end thereof the following new section:—

“SECTION XX. The General Laws are hereby amended by inserting after Chapter 40S the following chapter:—

**CHAPTER 40T.**  
**SPECIAL DEVELOPMENT DISTRICTS.**

Section 1. Definitions.

In this chapter, unless a different meaning appears from the context, the following words and phrases shall have the following meanings:—

(1) ‘Committee’, the prudential committee established pursuant to this chapter.

(2) ‘District’, a special development district created by a municipality pursuant to this chapter.

(3) ‘Improvement plan’, a plan setting forth the proposed improvements, services and programs, revitalization strategy, update mechanism, the cost estimates for said improvements, the specific powers the district shall adopt from those listed in section 7, the analysis of any costs of financing said improvements, the method and structure of any assessments, betterments, special assessments or fees, the selection of any or all of the assessing powers listed in sections 11 and 12 that shall be utilized, the participation, if any, in a district improvement financing program as described in section 25, and if so, a description of any assessing powers to be utilized, and the initial district budget to be levied on the real estate in the district.

(4) ‘Improvements’, the acquiring, laying, constructing, maintaining, improving and operating of storm drainage systems, sewage treatment plants, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, including garages, public safety and public works buildings, parks and recreational facilities and fiber and telecommunication systems and other infrastructure improvements.

(5) ‘Municipal governing body’, the city council with the approval of the mayor, and in a city having a Plan D or E form of charter, the city council with the approval of the city manager, or a town council with the approval of the mayor, if required, or the town meeting in a town with a town meeting form of government.



(6) 'Municipality', a Massachusetts city or town or cities and towns, if the district is located in more than 1 town or city.

(7) 'Proprietors', the record owner, from time to time, of 1 or more assessed parcels of land lying within the district. For the purposes of this chapter, a proprietor shall be deemed to include not only natural persons, but also entities empowered to own real estate in the commonwealth including corporations, partnerships, realty trusts, limited liability companies, associations and federal, state and local governmental units. Persons or entities who shall jointly own a lot within the district shall collectively constitute a proprietor of that lot for all purposes hereunder.

(8) 'Special development district', a district created pursuant to this chapter and located in a municipality.

## Section 2. Legislative declarations.

It is hereby found and declared that the inability of the Commonwealth and its cities and towns to fully finance essential governmental functions including infrastructure such as roads, water and sewer systems, parking facilities, parks and recreational facilities and fiber optic and telecommunication systems necessary to support residential, commercial and industrial development affects the safety and welfare of the residents of the Commonwealth; that such inability to fully finance such infrastructure improvements constitutes an economic liability, substantially impairing or arresting the growth of the Commonwealth's housing stock and retards the economic well being of the Commonwealth; that such lack of public investment for such infrastructure improvements decreases the value of private investments and threatens the sources of public revenue; that such inability to fully finance such infrastructure improvements inhibits the attraction of new private investment necessary to increase the Commonwealth's housing stock, the retention of existing industries and the attraction of new industries and the promotion of the sound economic growth of the Commonwealth and its cities and towns; that the exercise of the powers of a special development district created pursuant to this section and any assistance given by a municipality or the Commonwealth, or any other public body in connection therewith are public uses and purposes for which public money may be expended for the good and welfare of the municipality establishing said special development district and of this Commonwealth.

## Section 3. Establishment of special development districts.

There is hereby authorized in each municipality in the Commonwealth, the organization of 1 or more special development districts, each a body politic and corporate and a political subdivision of the commonwealth. No special development district, however, shall be organized, transact any business, employ any personnel or exercise any powers until the municipal governing body shall by vote, as described hereafter, declare a need for such district and authorize its creation.

In the event that 2 or more municipalities wish to jointly establish or consolidate their districts, each such municipality desirous of such a joint establishment or consolidation shall so vote as a municipality in the manner herein described. Such a vote may be made at the same time as the vote to organize the district or may be made at a time subsequent thereto.

## Section 4. Initiation of organization of district; contents of petition.

The organization of a special development district shall be initiated by a petition of the proprietors owning real estate within the proposed district that shall be filed in the office of the clerk of the municipality.

Such petition shall contain:

1. A legal description of the external boundaries of the district.
2. The written consent to the establishment of the district by proprietors of at least 80 percent of the real property acreage to be included in the district, or documentation demonstrating that the petitioners have control by deed, trust agreement, or contract of said acreage, and when real property to be included in the district is owned by a governmental entity, and it will be assessed by the district, the written consent by such governmental entity, which consent in the case of city shall be given by the mayor or city manager, as the case may be, in the case of a town with a town council by the mayor, town manager or town administrator, as the case may be, and in any other town by the board of selectmen.
3. A designation of 5 persons that are proprietors or representatives of proprietors to be the initial members of the prudential committee, who shall serve in that office for an initial term of years not to exceed 7 years as specified in the petition (which may include staggered terms) until replaced by members appointed as provided hereafter.
4. The name of the district.
5. A map of the proposed district showing its boundaries, current roads, major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district improvements and the estimated cost of completing the proposed improvements. These estimates shall be submitted in good faith but shall not be binding and may be subject to change.

7. The improvement plan for the district.

8. The description of the mechanism for reimbursing the municipality for any costs incurred in establishing the district, and for costs to be incurred in collecting any future district fees on behalf of the district.

#### Section 5. Hearing on petition; findings; declaration of organization; notice.

The municipality's city council, town council, or board of selectmen, as the case may be, shall hold a public hearing within 30 days of the receipt by the clerk of the municipality, of a petition described in section 4. Written notification of such hearing and a summary of the improvement plan shall be sent by the clerk of the municipality to each proprietor within the boundaries of the proposed district at least 14 days prior to such hearing, by mailing notice to the address listed in the municipality's property tax records. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the municipality at least 14 days prior to such hearing. Such public notice shall contain the proposed boundaries of the district, the proposed basis for determining any betterments, assessments, special assessments, and fees, as well as the proposed benefits to be provided by the district and the location or locations for viewing and copying the improvement plan.

At the public hearing, the city council, town council or board of selectmen, as the case may be, shall determine if the petition satisfies the purposes set forth therein and the district establishment criteria of this chapter and shall obtain public comment regarding the improvement plan and the affect that the proposed district will have on the proprietors, tenants, and others within the district, the municipality or adjacent communities. If it appears that said petition is not in conformity with the purposes and establishment criteria, the city council, town council or board of selectmen, as the case may be, shall deny the petition.

Within 45 days after the close of the public hearing, the municipal governing body, except that in the case of a petition in a town that is signed, or consented to, by all the proprietors within the proposed district, the board of selectmen, without town meeting approval, shall make the following findings:

1. All statements contained within the petition have been found to be true and correct.
2. The establishment of the district is consistent with any applicable element or portion of any master plan of the municipality.
3. The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as outlined in the improvement plan.
4. That the powers of the district provide a reasonable method for financing the improvements and delivering the services to the area that will be served by the district as described in the improvement plan.
5. That the proposed improvements in the district will be compatible with the capacity and uses of existing local and regional infrastructure services and facilities.
6. That the area that will be served by the district is amenable to separate, limited purpose, special district government.
7. That the initial prudential committee shall serve in office for the term specified in the petition.

If the municipal governing body, or the board of selectmen in the case of a petition signed by all the proprietors of the proposed district, makes all of the above findings, it shall by a vote declare the district is needed and organized and describe the boundaries of the district. Upon such declaration, the special development district may commence operations. Notice of the establishment of the district shall be filed with the municipal clerk, the Attorney General and the Secretary of the Commonwealth and shall be published for 2 consecutive weeks in a newspaper of general circulation in the municipality.

Notwithstanding anything to the contrary contained above, in any situation in which a petition in a town is signed, or consented to, by all the proprietors within the proposed district, the board of selectmen, may, in lieu of making the findings and passing the vote described above, submit the petition to a duly called town meeting for the purpose of making such findings and passing such vote.

#### Section 6. Purpose.

The purpose of the district shall be in general to provide essential governmental functions and enhance its economic development and, more specifically, to serve the needs of its residents, proprietors, tenants and the general public visiting the district, by: acquiring, laying, constructing, maintaining, improving and operating the improvements, whether located within the district or outside the district, if reasonably related to the improvements within the district or that provide a service to the property within

the district or its residents or businesses, contracting with the municipality, the Commonwealth, cities or towns or other political entities and private and public utilities serving the district and the municipality in connection with the improvements, and financing, refinancing, or reimbursing the cost of the design, acquisition or construction of the improvements, and assessing and raising revenues for such economic and community development purposes and the construction, acquisition, operation and maintenance of the improvements and the district itself, in such manner as the proprietors and prudential committee may determine are in the best interest of the district.

#### Section 7. Powers.

The district, acting through its prudential committee, upon establishment in the manner set forth hereinbefore, shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter, not inconsistent with the improvement plan as approved by the municipal governing body, including, but without limiting the generality of the foregoing, the following rights and powers:

- (a) to adopt by-laws for the regulation of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in connection with the performance of its functions and duties, and to fix, enforce and collect penalties for the violation thereof; provided, however, that any by-laws, rules, regulations and procedures shall be consistent with the powers conferred by this chapter and with other applicable provisions of the General Laws, and that any by-laws with respect to the removal of members of the prudential committee shall be consistent with the laws, statutes, and ordinances applicable to the municipality;
- (b) to adopt an official seal and alter the same at its pleasure;
- (c) to maintain an office at such place or places within the district or the municipality as it may determine;
- (d) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power granted to the district by this chapter including agreements with the municipality, the Commonwealth and any other city, town or political entity or utility providing services that are necessary to the acquisition, construction or operation of the improvements within the district;
- (e) to acquire by eminent domain, with the approval of the municipal governing body, under the provisions of chapters 79, 79A, 80 and 80A of the General Laws, subject to the provisions of this chapter, and as provided for in clause (f), real and personal property located within the district, and to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to obtain or grant options for the acquisition of, any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties; provided that the district may only acquire real estate or any interest therein, within the boundaries of the district itself, except that the district may acquire real estate or any interest therein outside the boundaries of the district, other than by eminent domain, necessary for the acquisition, construction, maintenance and operation of the improvements or services relating thereto that are located within the district or are related to, or provided by the district;
- (f) to construct, improve, extend, equip, enlarge, rehabilitate, maintain and repair improvements for the benefit of the district within, or (subject to clause (e) above) without the district; to acquire existing improvements or construct new improvements, including those located under or over any roads, public ways or parking areas, and to enter upon and dig up any private land within the district for the purpose of constructing said improvements and of maintaining and repairing the same. Chapter 30B of the General Laws shall apply to the district, except that section 16 of said chapter 30B shall not apply. Chapter 31 of the General Laws shall not apply to any person employed or engaged by the district under this chapter. With respect to any construction or repair work undertaken by it pursuant to this clause, the district shall be deemed to be a public agency for purposes of section 26 and sections 44A to 44H, inclusive of chapter 149 of the General Laws. Said provisions of chapters 30B and 149 shall not be applicable to improvements acquired by but not constructed by the district itself. All other applicable provisions of the General Laws protecting public health, welfare and safety shall be applicable;
- (g) to accept gifts or goods of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter and the terms and conditions hereof;
- (h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to any property, real or personal, tangible or intangible, of the district, or any interest therein;
- (i) to pledge or assign any money, fees, charges, receipts, betterment fees, assessment fees, and special assessments, or other revenues of the district and any proceeds derived by the district;
- (j) to borrow money and incur indebtedness and issue bonds or notes as hereinafter provided;
- (k) to enter into contracts and agreements with, but not limited to, the municipality, the proprietors of the district and any public or private utility with respect to all matters necessary, convenient or desirable for carrying out the purposes of this chapter

including, without limiting the generality of the foregoing, the acquisition of existing improvements (including utilities or infrastructure outside the district but benefiting the district), collection of revenue, data processing, and other matters of management, administration and operation; to make other contracts of every name and nature; and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;

(l) to assess and collect betterments, assessments and special assessments, and fees as described in this chapter; to exercise the powers and privileges of, and to be subject to the limitations upon, towns and cities provided by provisions of sections 38 to 42K, inclusive, of chapter 40 of the General Laws, chapter 80 of the General Laws and chapter 83 of the General Laws, in so far as such provisions may be applicable and are consistent with the provisions of this chapter; provided, however, that any requirement in said sections or chapters for a vote by the governing body of a district, town or city or for a vote by the voters of a town, city or district shall be satisfied by a vote or resolution duly adopted by an annual or special meeting of the prudential committee in accordance herewith;

(m) to sue and be sued in its own name; provided, however, that neither the district nor any member of the prudential committee, officer or employee thereof shall be liable in tort except pursuant to the provisions of chapter 258 of the General Laws; provided, further, that the district may indemnify its officers and employees to the extent provided in said chapter 258; and provided further, that the property of the district other than revenues pledged to the payment of notes or bonds shall not be subject to attachment, or be levied upon by execution or otherwise;

(n) to invest any funds of the district in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a municipality;

(o) to employ such assistants, agents, employees and persons, including consultant experts as may be deemed necessary in the prudential committee's judgment, and to fix their compensation;

(p) to procure insurance against any loss or liability that may be sustained or incurred in carrying out the purposes of this chapter in such amount as the district shall deem necessary and appropriate and with 1 or more insurers who shall be licensed to furnish such insurance in the Commonwealth;

(q) to apply for any loans, grants or other type of assistance from the United States Government, the Commonwealth of Massachusetts or any other government or agency thereof;

(r) to adopt an annual budget and to raise, appropriate, and assess funds in amounts necessary to carry out the purposes for which the district is formed as described in this chapter; and

(s) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter.

#### Section 8. The prudential committee.

The prudential committee shall initially consist of the 5 persons listed in the petition, who shall serve from the date of the declaration of approval of the district by the municipal governing body, until their successors are appointed and qualified. Successor members of the prudential committee shall be appointed by the mayor, town council or board of selectmen, as the case may be, in the municipality upon the expiration of the member's term of office for a term not to exceed 7 years and shall serve until their successors are appointed and qualified.

Within 14 days of the declaration of approval of the municipal governing body and thereafter, according to its by-laws, the prudential committee shall meet and shall take the following actions:

(a) elect a chairman and vice-chairman, who shall preside at all meetings of the prudential committee in the absence of the chairman or in the event of his inability to act or because of a conflict of interest and elect a clerk and treasurer;

(b) adopt district by-laws and other rules for the general conduct of its business and adopt a district seal;

(c) adopt a budget for the fiscal year or the remainder of the fiscal year, as the case may be, and to appropriate of monies to be raised pursuant to this chapter in support thereof; and include in its initial and in all subsequent annual appropriations, compensation for the municipality's assessors and tax collector and, as necessary the municipality's treasurer, pursuant to the provisions of section 108B of chapter 41 of the General Laws, with respect to their duties and expenses hereunder.

(d) consider such other business as shall be consistent with the power and authority conferred by this chapter.

The prudential committee shall otherwise meet as necessary, and according to its by-laws, but in no event less frequently than every 6 months. A quorum of the prudential committee shall be required at all meetings for the conduct of any business thereat and shall consist of a majority of its members.

All actions permitted to be taken by the prudential committee shall require a majority vote of its members present at said meeting who shall constitute a quorum in accordance with this chapter or the by-laws of the district.

Meetings of the prudential committee shall be governed by chapter 39 of the General Laws except as otherwise provided in this chapter. Any action by the prudential committee shall take effect immediately unless otherwise provided and need not be published or posted.

#### Section 9. Powers and duties of the prudential committee; expenditures; auditor.

The prudential committee shall have and shall exercise all of the powers of the district as described in section 7 and in addition thereto shall enjoy the following powers and duties:

- (a) to expend money appropriated, raised, borrowed and collected by the district, for the purposes permitted to the district;
- (b) to prepare, annually, a budget for the management and operation of the district;
- (c) to apply, in the name of the district, for grants, loans and other assistance from both governmental and non-governmental entities;
- (d) subject to its prior appropriation therefor, to enter into agreements and contracts involving the purchase or lease of real and personal property, services, equipment and supplies consistent with the powers granted by this chapter;
- (e) subject to its prior appropriation therefor, to hire, supervise, suspend and discharge such employees as the committee shall deem necessary or appropriate for the conduct of the work to be performed by the district including, but not limited to, a district superintendent;
- (f) to exercise such other authority conferred upon it by the district's by-laws, except as otherwise expressly provided in this chapter.
- (g) to take such other actions as they deem reasonably necessary or appropriate to effectuate the intent of this chapter.

No monies shall be drawn from the district treasury except upon signature of the district treasurer and upon prior authorization by the prudential committee. In addition, the prudential committee shall appoint an auditor who shall have the powers and duties set forth in sections 50 to 52 of chapter 41 of the General Laws.

#### Section 10. Duties and responsibilities; notice of meetings.

The duties and responsibilities of the district officers shall be as provided in the district by-laws. All meetings of the prudential committee shall be posted in the offices of the clerk of the municipality at least 48 hours prior to said meeting.

#### Section 11. Betterments, assessments, special assessments, and fees; public hearing; other governmental agencies and bodies; sufficiency to cover financing and other expenses.

Consistent with the improvement plan, the prudential committee is authorized and empowered to fix, revise, charge, collect and abate betterments, assessments, special assessments, and fees, and other charges for the cost of the improvements and other services and commodities furnished or supplied to the real property, its proprietors and tenants in the district. In providing for the payment of the cost of the improvements or for the use of the improvements, the prudential committee may avail itself of the provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of infrastructure charges, including betterments, assessments, special assessments, and fees, or the establishment of liens therefor and interest thereon. Notwithstanding any provisions of the General Laws to the contrary, the district may pay the entire cost of any improvements, including the acquisition thereof, during construction or after completion, or the debt service of notes or bonds used to fund such costs, from betterments, assessments, special assessments or fees, and may establish said betterments, assessments, special assessments or fees, prior to, during, or within 1 year after completion of construction or acquisition of any improvements. The prudential committee may establish a schedule for the payment of betterments, assessments, special assessments or fees of up to 30 years. The prudential committee may determine the circumstances under which the betterments, assessments, special assessments, and fees, and other charges, may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district. In order to provide for the collection and enforcement of its betterments, assessments, special assessments, and fees, the prudential committee is hereby granted all the powers and privileges with respect thereto held by the municipality on the effective date of this chapter or as otherwise provided in this chapter, to be exercised concurrently with the municipality.

The special assessments, fees, assessments, betterments and other charges of general application may be increased in accordance with the procedures to be established by the prudential committee for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The prudential committee shall hold at least 1 public hearing on its schedule of

special assessments, fees, betterments and assessments and other charges or any revision thereof prior to adoption by the prudential committee, notice of which shall be delivered to the municipality and be published in a newspaper of substantial circulation in the municipality at least 1 month in advance of the hearing. No later than the date of such publication, the prudential committee shall make available to the public and deliver to the municipality the proposed schedule of special assessments, fees, betterments, assessments and other charges.

The betterments, assessments, special assessments, and fees, and other charges established by the prudential committee shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the Commonwealth or any of its political subdivisions, including without limitation, the municipality, nor shall the district be subject to the provisions of section 20A of chapter 59 of the General Laws.

The betterments, assessments, special assessments, fees, and other charges established by the prudential committee in accordance with this chapter shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient (i) to pay the current expenses of the district, (ii) to pay the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness issued by the district under this chapter as the same becomes due and payable, (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds, (iv) to provide funds for paying the cost of necessary repairs, replacements and renewals of the infrastructure system or systems and (v) to pay or provide for any amounts that the district may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes, provided that the district shall not be required to increase any mandatory assessments, special assessments, betterments, fees or other charges by virtue of any individual proprietor delinquencies.

Section 12. Special assessments; method of calculation; details of assessments; prepayment; collection and security.

As an alternative to levying betterments, assessments, and fees, under any other provisions of this chapter or the General Laws, the district may levy special assessments on real estate in the district to finance the cost of improvements. In determining the basis for and amount of the special assessment, the cost of improvements, including the cost of the repayment of the debt issued or to be issued to finance the improvements, may be calculated and levied using any of the following methods that result in fairly allocating the costs of the improvements to the real estate in the district:

- (a) Equally per length of frontage, or by lot, parcel, or dwelling unit, or by the square footage of a lot, parcel or dwelling unit; or
- (b) According to the value of the property as determined by the municipality's board of assessors.

The district may also provide for the following:

- (a) A maximum amount to be assessed with respect to any parcel;
- (b) A tax year or other date after which no further special assessments under this section shall be levied or collected on a parcel;
- (c) The levy can be collected annually without subsequent approval of the district; and
- (d) The circumstances under which the special assessment levied against any parcel may be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel or any other parcel within the district.

The district may establish procedures allowing for the prepayment of special assessments, assessments, betterments, and fees, under this chapter.

Special assessments, betterments, assessments, and fees, levied under this chapter shall be collected and secured in the same manner as property taxes, betterments, and assessments owed to the municipality unless otherwise provided by the district and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for such property taxes, betterments and liens owed to the municipality. Any liens imposed by the municipality for the payment of property taxes shall have priority in payment over any liens of the district.

Section 13. District bonds.

The district is hereby authorized and empowered to provide by resolution of its prudential committee from time to time, for the issuance of bonds of the district for any of its corporate purposes. Bonds issued hereunder shall be special obligations payable solely from particular funds and revenues as provided in such resolution. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying, constructing, maintaining, and reconstructing the improvements. 'Cost' shall include the cost of: (a) Construction, reconstruction, renovation and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or to be acquired by the district, the municipality, the Commonwealth or any other Massachusetts governmental entity; (b) All machinery and equipment including machinery and equipment needed to expand or enhance services from the

municipality, the Commonwealth or any other Massachusetts governmental entity to the district; (c) Financing charges and interest prior to and during construction, and for a limited time after completion of the construction, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of financial guaranty and costs of issuance; (d) Extensions, enlargements, additions, and enhancements to improvements; (e) Architectural, engineering, financial and legal services; (f) Plans, specifications, studies, surveys and estimates of costs and of revenues; (g) Administrative expenses necessary or incident to the construction, acquisition, and financing of the improvements; and (h) Other expenses as may be necessary or incident to the construction, acquisition, and financing of the improvements. The bonds of each issue shall be dated, shall bear interest at the rates, including rates variable from time to time, and shall mature at the time or times not exceeding 30 years from their date or dates, as determined by the prudential committee, and may be redeemable before maturity, at the option of the prudential committee or the holder thereof, at the price or prices and under the terms and conditions fixed by the prudential committee before the issuance of the bonds. The prudential committee shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the Commonwealth and such other locations as designated by the prudential committee. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds shall be issued in registered form. The prudential committee may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the district.

Before the preparation of definitive bonds, the prudential committee may, under like restrictions, issue interim receipts or temporary bonds exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The prudential committee may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. The issue of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the duties of the district in respect of the same shall be governed by this chapter insofar as the same may be applicable.

While any bonds or notes issued by the district remain outstanding, the powers, duties or existence of the district or the prudential committee shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise authorized by law, shall not be deemed to constitute a debt of the Commonwealth or the municipality, or a pledge of the faith and credit of the Commonwealth or of the municipality, but the bonds or notes shall be payable solely by the district or as special obligations payable from particular district funds. Any bonds or notes issued by the district shall contain on the face thereof a statement to the effect that neither the Commonwealth nor the municipality shall be obliged to pay the same or the interest thereon, and that neither the faith and credit nor taxing power of the Commonwealth or of the municipality is pledged to the payment of the bonds or notes. All bonds or notes issued under this chapter shall have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in sections 3-104 of chapter 106 of the General Laws.

Issuance by the district of 1 or more series of bonds or notes for 1 or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or any other project; provided, however, that the resolution or trust indenture wherein any subsequent bonds or notes may be issued shall recognize and protect any prior pledge made for any prior issue of bonds or notes unless in the resolution or trust indenture authorizing such prior issue the right is reserved to issue subsequent bonds on a parity with such prior issue.

#### Section 14. Trust agreement.

In the discretion of the prudential committee the bonds may be secured by a trust agreement between the district and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds and other assets or property held or to be received by the district, including without limitation all monies and investments on deposit from time to time in any fund of the district or any account thereof and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the district, and the proceeds thereof. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the district concerning the custody, investment and application of monies, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. It shall be lawful for any bank or trust company to act as a depository of any fund of the district or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the prudential committee may require. Any assignment or pledge of revenues, funds and other assets and property made by the district shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the district shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records

of the prudential committee and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the district is an exercise of its political and governmental powers, and revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment.

#### Section 15. Notes in anticipation of aid and bonds.

The district is hereby authorized and empowered to issue, from time to time, notes of the district in anticipation of federal, state or local grants for the cost of acquiring, constructing or improving the district's improvements and utilities or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other provisions of this chapter. Such notes shall mature at such time or times as provided by the issuing resolution of the prudential committee and may be renewed from time to time; provided, however, that all such notes and renewals thereof shall mature on or prior to 20 years from their date of issuance.

#### Section 16. Credit enhancements.

In addition to other security provided herein, or otherwise by law, bonds, notes or obligations issued by the district under any provision of this chapter, may be secured, in whole or in part, by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility for the purpose of providing funds for payments in respect of bonds, notes or other obligations required by the holder thereof to be redeemed or repurchased prior to maturity or for providing additional security for such bonds, notes or other obligations. In connection therewith, the district may enter into reimbursement agreements, remarketing agreements, standby bond purchase agreements and any other necessary or appropriate agreements. The prudential committee may pledge or assign any of the district's revenues as security for the reimbursement by the district to the issuers or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities of any payments made under the letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities.

#### Section 17. Other financing agreements.

In connection with or incidental to the issuance of bonds, notes or other obligations the district may enter into such contracts as the prudential committee may determine to be necessary or appropriate to place the bonds, notes or other obligations of the district, as represented by the bonds or notes, or other obligations in whole or in part, on such interest rate or cash flow basis as the prudential committee may determine, including without limitation, interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the prudential committee may deem appropriate and shall be entered into with such party or parties as the district may select, after giving due consideration, where applicable, for the credit worthiness of the counter party or counter parties, including any rating by a nationally recognized rating agency, the impact on any rating on outstanding bonds, notes or other obligations or any other criteria the prudential committee may deem appropriate.

#### Section 18. Purchasing and refunding district bonds.

The district shall have the power out of any funds available therefor to purchase its bonds or notes. The district may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders. The prudential committee may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the prudential committee deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide for the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing the bonds. All other provisions relating to the issuance of refunding bonds shall be as set forth in this chapter.

#### Section 19. Trust funds.

All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds or notes, or as revenue or otherwise, shall be deemed trust funds to be held and applied solely as provided in this chapter.

#### Section 20. Bonds and notes as legal investments.

Bonds or notes issued under this chapter are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar



nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations that may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of chapter 167E of the General Laws. The bonds or notes are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the Commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164 of the General Laws, railroad corporations as defined in section 1 of chapter 160 of the General Laws, financial institutions, trustees and the municipality may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, notes, securities or other evidence of indebtedness of the district provided that they are rated similarly to other governmental bonds or notes, and to make contributions to the district, all without the approval of any regulatory authority of the Commonwealth.

#### Section 21. Bond or note holder rights.

Any holder of bonds or notes issued under this chapter, and a trustee under a trust agreement, except to the extent its rights may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce all rights under the laws of the Commonwealth or granted hereunder or under the trust agreement, and may enforce and compel the performance of all duties required by this chapter or by the trust agreement, to be performed by the district or by any officer thereof.

#### Section 22. Bonds and notes as investment securities.

Notwithstanding any of the provisions of this chapter or any recitals in any bonds or notes issued under this chapter, all such bonds or notes shall be deemed to be investment securities under the provisions of chapter 106 of the General Laws.

#### Section 23. Other approvals for bonds or notes.

Bonds or notes may be issued under this chapter without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth or the municipality, and without any proceedings or the happening of any other conditions or things than those proceedings, conditions or things that are specifically required thereof by this chapter, and the validity of and security for any bonds or notes issued by the district shall not be affected by the existence or nonexistence of any such consent or other proceeding conditions, or things.

#### Section 24. Exemption from taxation.

The district and all its receipts, revenues, income and real and personal property shall be exempt from taxation and from betterments and assessments and the district shall not be required to pay any tax, excise or assessment to or from the Commonwealth or any of its political subdivisions. Bonds or notes issued by the district and their transfer and their interest or income, including any profit on the sale thereof, shall at all times be exempt from taxation within the Commonwealth. Provided that nothing in this chapter shall act to limit or restrict the ability of the Commonwealth or the municipality to otherwise tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the district.

#### Section 25. District improvement financing.

With the approval of the municipal governing body and the Massachusetts Economic Assistance Coordinating Council, the district may issue its bonds pursuant to, and according to the terms of chapter 40Q of the Massachusetts General Laws, provided that the municipality has fulfilled all requirements set forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said chapter 40Q. Additionally, the municipality shall include in its invested revenue district development program, as defined in said chapter 40Q, a description of the rights and responsibilities of both the district and the municipality with respect to said program. In such case, the municipality may designate the district as the issuer of bonds pursuant to said chapter 40Q for the purpose of financing any 'project costs' as defined in said chapter 40Q and that are located in, or functionally serving the needs of the district. The municipality shall determine the percentage of the 'captured assessed valuation,' as defined in said chapter 40Q, of property within the boundaries of the district that the municipality is pledging pursuant to an 'invested revenue district development program' as defined in said chapter 40Q for the payment of the district's bonds. With the written agreement of the proprietor or proprietors of 1 or more specific parcels in the district, the district may adopt a plan whereby any of the assessing powers described in this chapter are made applicable exclusively to said parcels in order to secure and fund the debt service for the bonds. The 'project costs' as defined in said chapter 40Q, shall not be reduced by the amount of the revenues derived pursuant to sections 11 and 12 of this chapter and said revenues may be made contingent upon or abated, in whole or in part, by the district upon the receipt of the anticipated revenues generated through the pledged

captured assessed valuation. At the option of the municipality, the adjustment for the 'inflation factor' described in said chapter 40Q, may be waived in order to increase the captured assessed valuation available to the district. The district and the municipality shall enter into an intermunicipal agreement delineating the rights and responsibilities of each pursuant to the district improvement financing.

#### Section 26. Water pollution abatement revolving loan program.

The district shall be included within the definition of a 'local governmental unit' as defined in chapter 29C of the General Laws and its bonds and notes shall be included within the definition of 'local governmental obligations' as defined in said statute.

#### Section 27. Records; accounts; audits.

The prudential committee and the district's officers shall at all times keep full and accurate accounts of the district's receipts, expenditures, disbursements, assets and liabilities, which shall be open to inspection by a proprietor, or duly appointed officer or duly appointed agent or the Commonwealth or the municipality. The fiscal year of the district shall be the same fiscal year as established by the General Laws for cities and towns in the Commonwealth. The district shall be subject to an audit of its accounts in the manner provided in section 40 of chapter 44 of the General Laws. Before the issuance of any bonds or notes under the provisions of this chapter, any officer of the district or of the prudential committee charged with responsibility of the issuance thereof, shall each execute a surety bond in the sum of \$250,000 payable to the district, or in lieu thereof, the prudential committee shall obtain a blanket position bond covering any member of the prudential committee, or officer of the district, charged with responsibility for the issuance of any bond or notes, such surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be executed by a surety company authorized to transact business in the Commonwealth as a surety and approved by the prudential committee. For the purposes of chapter 268A of the General Laws, the district shall be considered a municipal agency. The members of the prudential committee and employees of the district, together with any person who performs professional services for the district on a part-time, intermittent or consultant basis, such as those of an architect, attorney, engineer, planner, or construction, financial, or real estate expert, shall be special municipal employees.

#### Section 28. Representations and information.

The district may make representations and agreements for the benefit of the holders of the district's bonds and notes or other obligations to provide secondary market disclosure information. The prudential committee or an officer authorized by the prudential committee may make such representations and agreements on behalf of the district or may delegate such authority to any other officer or employee of the district. Any such agreement may include (a) covenants to provide secondary market disclosure information, (b) arrangements for such information to be provided with the assistance of a paying agent, trustee, dissemination or other agent, and (c) remedies for breach of such agreements, which remedies may be limited to specific performance.

#### Section 29. Collection of fees; disbursement of funds; liens.

The collector-treasurer of each municipality, at the option of the municipality, is authorized to collect any district betterments, assessments, special assessments, and fees, including any recording fees, on behalf of the district pursuant to an agreement between the municipality and the district and to disburse the funds to any designated management entity or financial institution selected by the prudential committee. The collector-treasurer shall disburse revenues to the management entity or financial institution within 30 days of the collection of such fees, together with the interest earned on the holding of such fees.

Following establishment of the district, all betterments, assessments, special assessments, and fees, including any recording fees, billed by or on behalf of the district and unpaid after 30 days from the date of billing shall become a lien on the property within the district, if notice of the lien is duly recorded by the district in the appropriate registry of deeds or land court registry district.

#### Section 30. Remedy; municipal resolutions and ordinances; chapter 44 inapplicable.

The provisions of this chapter shall be deemed to provide an exclusive, additional, alternative and complete method of accomplishing the purposes of this chapter and exercising the powers authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the district by law; provided, however, that insofar as the proceedings of this chapter are inconsistent with the provisions of any general or specific law, administrative order or regulation, or any resolution or ordinance of the municipality, the provisions of this chapter shall be controlling. Without limiting the generality of the foregoing, no provision of any resolution or ordinance of the municipality requiring ratification by the voters of certain bond issues shall apply to the issuance of bonds or notes of the district pursuant to this chapter, nor shall the provisions of chapter 44 of the General Laws be applicable to the manner of voting or the limitations as to the amount and time of payment of debts incurred by the district.

Except as specifically provided in this chapter, all other statutes, ordinances, resolutions, rules and regulations of the Commonwealth and the municipality shall be fully applicable to the property, proprietors, residents and businesses located in the

district. Nothing in this chapter, by itself, shall in any way obligate the municipality to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the district.

#### Section 31. Liability of the municipality.

The district is a distinct and separate entity from the municipality, and the municipality shall not be subject to any claims, actions or liabilities as a result of the establishment of the district, its operations or the actions or inactions of its officers or its prudential committee or employees and there shall be no recourse against the municipality on account of, or arising from such obligations.

#### Section 32. Termination of the district; district property.

Provided that all district bonds, notes and other obligations have been paid or satisfied, the municipal governing board of the municipality in which the district is located, on petition of proprietors owning 80 percent of the real property acreage within the district, may vote to terminate the district at any time after 35 years from the date of the declaration of the district's existence by the municipality. Upon such termination all of the property of the district shall be deemed transferred to the municipality.

#### Section 33. Liberal construction.

This chapter, being necessary for the welfare of the district, the municipality and its inhabitants, shall be liberally construed to affect the purposes hereof.”

#### **The amendment was adopted.**

Ms. Resor moved that the bill be amended by inserting after section 75, the following new section:—

“SECTION 75A. Notwithstanding any general or special law to the contrary, the department of conservation and recreation is hereby authorized to enter into a Memorandum of Agreement (MOA) with the Island Alliance, a duly authorized non-profit organization dedicated to promoting awareness and usage of the Boston Harbor Islands national park area, to assist in the development and improvement of the Boston Harbor Islands.

The MOA may extend for an initial period of not more than thirty years and may authorize the Island Alliance, notwithstanding sections 38A½ to 38O, inclusive, if chapter 7 and sections 44A to 44J, inclusive of chapter 149 of the General Laws, but in accordance with procurement and construction guidelines as approved by the division of capital asset management and as set forth in the memorandum of agreement; to provide the following services: procurement, undertaking studies and designs, obtaining permits, entering into and managing contracts for construction and operations.

The MOA may allow for the Island Alliance to accept funds and directed grants from the Department or on behalf of the Department from another agency and such other services as the Department shall determine to be appropriate.

The MOA may permit the Island Alliance to retain funds generated by its activities pursuant to the MOA so long as such funds are used for the further purposes and promotion of the islands owned by the Commonwealth within the Boston Harbor Islands national park area.”

#### **The amendment was adopted.**

Messrs. Tolman, Creedon, Montigny, Ms. Resor and Mr. Antonioni moved that the bill be amended by adding at the end thereof the following sections:—

“Section 1. There is hereby established a special commission to consist of two members of the senate appointed by the Senate President; two members of the house of representatives appointed by the Speaker of the House; the treasurer and receiver general; the secretary of the executive office of administration and finance or his designee; the director of the department of housing and community development or his designee; the secretary of the executive office of health and human services or his designee; the director of the department of economic development or his designee; the chairman of the board of higher education or his designee; one of whom shall be a representative of the Massachusetts Community Action Program Directors' Association; one of whom shall be a representative of the Massachusetts Association of Community Development Corporations; one of whom shall be a representative of the Massachusetts Individual Development Account Solutions; and, eleven persons appointed by the Governor, one of whom shall be a representative of the general public who has participated or is participating in an individual development account administered by a community based organization based in Massachusetts; one of whom shall be a representative from the general public who manages an existing Individual Development Account program in Massachusetts; two of whom shall be representatives of the Massachusetts Bankers Association; one of whom shall be a representative of a private philanthropy or private foundation; one of whom shall be a representative of the Women's Educational and Industrial Union; one of whom shall be a representative of the Asset Development Institute at the Heller School for Social Policy and Management at Brandeis University; one of whom shall be a representative of a public or private institution of higher education; one of whom shall be a representative of the Massachusetts Institute for a New Commonwealth; one of whom shall be a representative of the Massachusetts AFL-CIO; and, one of whom shall be a representative of the Federal Reserve Bank of Boston.

Section 2. The commission is created for the purpose of studying and making recommendations concerning the development of financial assets as a way to ensure that all people in the state of Massachusetts achieve long-term and sustainable economic security and self-sufficiency and enjoy economic opportunity.

Said commission shall examine the success of low-income workers of the Commonwealth in saving money and building assets, and the reasons why some people have had less success than others; assess the impact of current state policies and private sector practices on saving and asset-building; identify strategies that offer a real promise of significantly increasing the numbers of those who save and build assets and the amounts they accumulate; and make recommendations — consistent with the state's short- and long-term fiscal condition — for state policies and practices, including action in coordination and collaboration with businesses and financial institutions, labor organizations, community- and faith-based organizations, to implement those strategies.

The commission, in formulating its recommendations, shall take account of the best policies and practices in other states and jurisdictions, particularly, but not limited to those relating to Individual Development Accounts for low-income and low-asset households.

The focus of the commission shall include but not be limited to asset development strategies for low-income and low-asset individuals and families living in Massachusetts.

Where relevant, the commission shall consider the impact of labor market, education and training, and family-support policies and practices on opportunities for financial asset-building.

The commission shall be empowered to hold regular, public meetings and fact-finding hearings and other public forums, as it deems necessary.

Section 3. Said commission shall file its recommendations together with recommendations for legislation, if any, with the house and senate clerks who shall forward the same to the general court no later than two years after the passage of this act.”

**The amendment was adopted.**

Ms. Creem moved that the bill be amended in section 2B, in item 1100-8000, by adding at the end thereof the following:— “provided further, that not less than \$500,000 be allocated to the Massachusetts Bay Transportation Authority for enhanced safety devices at the Wellesley Farms commuter rail station track crossing;” and by striking out the figure “\$76,910,000” and inserting in place thereof the following figure:— “\$77,410,000”.

**The amendment was adopted.**

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further, that not less than \$1,000,000 shall be expended the purchase of certain property and for the design, planning and construction of green space and expanded parking in the town of Groveland”.

**The amendment was adopted.**

Mr. Antonioni moved that the bill be amended in section 2, in item 1100-8000, by inserting the following words:— “provided further, that not less than \$1,000,000 be expended for the Leominster Flood mitigation project.”.

**The amendment was adopted.**

Messrs. Tisei and McGee moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof 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”.

**The amendment was adopted.**

Mr. Tisei moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof 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”.

**The amendment was adopted.**

Ms. Tucker moved that the bill be amended in item 1100-8000, by inserting after the words “Cranberry Bog Renovation Innovation Program”, the following:— “provided further, that \$1,000,000 shall be expended for the Our House for Design and Technology Center in the city of Lawrence”.

**The amendment was adopted.**

Ms. Spilka moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$500,000 shall be expended for the Ashland Vision downtown renovation and redevelopment project in the Town of Ashland”.

**The amendment was adopted.**

Ms. Spilka moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$500,000 shall be expended for the Framingham Downtown Renaissance economic revitalization consortium and the development of a capital plan to assess infrastructure enhancement needs to support further development in the Town of Framingham”.

**The amendment was adopted.**

Mr. Montigny moved that the bill be amended in item 1100-8000, by inserting at the end the following language:— “; provided further, that not less than \$250,000 shall be expended for a study to revitalize commercial and economic development in the city of New Bedford through redevelopment of the waterfront to a mixed commercial and residential zone”.

**The amendment was adopted.**

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in the city of Pittsfield”, the following:— “provided further, that not less than \$200,000 shall be expended for the planning, design and construction of a new visitors’ center on Route 127 in the town of Rockport”.

**The amendment was adopted.**

Mr. Nuciforo moved that the bill be amended by inserting after section 78, the following new section:—

“SECTION 79. Item 2100-2012 of chapter 236 of the acts of 2002 is hereby amended by deleting, at line 29, the words ‘that \$1,200,000 shall be expended for capital repairs and improvements to the Vietnam Veterans Skating Rink in the City of North Adams’ and inserting in place thereof the following:— 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 City of North Adams.”

**The amendment was adopted.**

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

“SECTION \_\_\_\_ . Section 1 of chapter 275 of the acts of 1998, as amended by chapter 183 of the acts of 2002, is hereby amended by inserting at the end thereof the following new section:—

Section 6. The department of conservation and recreation shall enter into a license agreement with Mini-Fenway Park, Inc., for a term or terms not to exceed fifty years, for the installation and operation of appropriate signage to feature sponsors as shown on the plan of land entitled ‘Exhibit A, Ruccutti Drive, Quincy, Mass.,’ prepared by Harry R. Feldman, Inc. dated July 13, 2005; provided that, the signage shall be used for, but is not limited to, the purpose of promoting the events and programs offered by Mini-Fenway Park, Inc. together with other educational and recreational opportunities offered by private and public entities; provided further, that the signage shall not exceed 360 square feet in dimension, on parcels of land owned by the Commonwealth and under the control of the department. Said license agreement shall not be subject to local approval or local ordinance and code, but is subject to the State Building Code and other appropriate state laws and regulations.”

**The amendment was adopted.**

Mr. Joyce moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$8,650,000” and inserting in place thereof the figure:— “\$8,750,000”; and in section 53, in item 7007-0900 by adding the following:— “; and provided further, that not less than \$100,000 shall be expended for certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center”.

**The amendment was adopted.**

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$8,650,000” and inserting in place thereof the following figure:— “\$8,665,000” ; and in section 53 by inserting at the end thereof the following:— “; provided further, that \$15,000 shall be transferred to the town of Spencer for the installation of markers at historic sites”.

**The amendment was adopted.**

Messrs. Tisei and McGee moved that the bill be amended in section 53 by inserting at the end thereof 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”.

**The amendment was adopted.**

Mr. Tarr moved that the bill be amended in section 53 by inserting after the words “restoration of the theatre”, the following:— “provided further, that not less than \$200,000 shall be expended for the reconstruction of the pier facilities at the Maritime Heritage Center in the city of Gloucester”.

**The amendment was adopted.**

Mr. Lees moved that the bill be amended in section 53 by inserting after the words “Forest Park Zoo”, the following:—  
“provided further, that not less than \$50,000 shall be expended for City Stage in the city of Springfield;”.

**The amendment was adopted.**

Ms. Spilka moved that the bill be amended in section 53 by inserting at the end thereof the following language:— “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 adopted.**

Ms. Wilkerson moved that the bill be amended in item 7027-0016, by adding after the words “emerging technologies” the following:— “provided further, that \$350,000 shall be expended for a pilot program targeting Roxbury/Mission Hill/Dorchester residents, including veterans, for a workforce development recruiting and training program center at Roxbury Community College in collaboration with community based organizations and medical and academic institutions in the Longwood area of the city and the Medical Academic and Scientific Community Organization Inc.”.

**The amendment was adopted.**

Mr. Lees moved that the bill be amended in section 63 by striking out the third paragraph and inserting in place thereof the following paragraph:—

“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 the senate; 1 member to be appointed by the minority leader of the senate; 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; 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; 1 member from JFYNetWorks 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 2 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 amendment was adopted.**

Messrs. Havern and Tolman moved that the bill be amended in section 2, in item 6033-0430, by striking out the language “not less than \$12,500,000 for the planning, design and construction of roadway improvements to Sears rotary, Ipswich street, Maitland street, Francis street, Brigham circle, and Yawkey way,” and inserting in place thereof the following language:— “not less than \$12,500,000 for the planning, design, and construction of roadway improvements to the Sears Rotary, Ipswich Street, Maitland Street, Francis Street, Brigham Circle, the Honorable Phillip Griggs Bowker Interchange, and Yawkey Way in the City of Boston.”.

**The amendment was adopted.**

Messrs. Tarr, O’Leary and Hedlund moved that the bill be amended in section 2A, by inserting after item 2511-2000, the following item:—

*“Department of Fish and Wildlife.*

2330-0100

For the purpose of paying for lab costs and extra personnel wages that were incurred during the recent Red Tide Event and to provide for a future event .....340,000”.

**The amendment was adopted.**

Ms. Fargo, Mr. Brown, Ms. Resor and Mr. Tarr moved that the bill be amended by striking out section 49 and inserting in place thereof the following section:—

“SECTION 49. Item 7003-0702 of said section 2 of said chapter 45 is hereby amended by striking out the words ‘and provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner’ and inserting in place thereof the following words:— provided further, that not less than \$7,500 shall be provided for the Bonnie Brae Camp in the city of Gardner; and provided further, that not less than \$200,000 shall be expended for a pilot program to provide employment

training and job placement by the Center for Adaptive Learning and Programs, provided that the contribution of funds for said Center shall be matched by contributions from private entities equal to 1 times the expenditures from this item, provided further, that not less than \$150,000 shall be expended for Barn-Raising.org in the town of Wayland.”.

**The amendment was adopted.**

Mr. Lees moved that the bill be amended by striking out item 7007-0333 and inserting in place thereof the following item:—

“7007-0333

For the establishment within the Massachusetts office of business development of a Massachusetts in-state sales force for the marketing and promotion of the commonwealth and to increase economic development within the commonwealth; provided, that said sales force’s duties shall include, but not be limited to, the encouragement of retention, expansion, and creation of businesses and industries within the commonwealth, and the development of standards and measures to monitor and report the progress of its actions; provided further, that the Massachusetts office of business development shall aggregate all such data and annually submit a report to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, and the joint committee on small business and community development on the activities and expenditures undertaken with funding from this item; provided further, that funds are available for expenditure through June 30, 2007 1,500,000.”.

**The amendment was adopted.**

Ms. Wilkerson moved that the bill be amended in section 2 by adding the following item:—

“2511-0100 .....75,000”;

and by adding the following section:—

“SECTION \_\_\_\_\_. Chapter 45 of Acts of 2005 is hereby amended by adding in section 2, in item 2511-0100, the following words:— “provided further, that \$75,000 be awarded for the Boston Public Market Association to perform pre-development activities relative to creation of a year-round market in Boston, including the establishment of interim markets in the South Station and Longwood Medical Areas.”.

**The amendment was adopted.**

Ms. Wilkerson moved that the bill be amended in section 6 by striking out the words “a representative of a minority-or-female led firm” and inserting in place thereof the following:— “a representative of a minority business enterprise; a representative of a women business enterprise”.

**The amendment was adopted.**

Mr. Lees moved that the bill be amended by striking out section 22 and inserting in place thereof the following section:—

“SECTION 22. Said chapter 30B is hereby amended by adding the following:—

Section 20. (a) Notwithstanding any general or special law to the contrary, and to the extent permitted by federal law, a governmental body may, by a majority vote, establish a preference for products of agriculture as defined in section 1A of chapter 128, including but not limited to fruits, vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value added products as part of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

(b) Wherever a governmental body by a majority vote establishes a preference for the procurement of products of agriculture grown or produced using products grown in the commonwealth, the procurement officer responsible for procuring agricultural products on behalf of the governmental body shall effectuate the preference in (1) advertising for bids, contracts, or otherwise, and making reasonable efforts to facilitate the purchase of such products of agriculture grown or produced using products grown in the commonwealth; and (2) purchasing such products of agriculture grown or produced using products grown in the commonwealth, unless the price of the goods exceeds, by more than 10 per cent, the price of agricultural products grown or produced outside of the commonwealth.”

**The amendment was adopted.**

Mr. Lees moved that the bill be amended by striking out section 44 and inserting in place thereof the following section:—

“SECTION 44. The first paragraph of section 390 of chapter 149 of the acts of 2004 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— The advisory board shall consist of 12 members including: the executive department’s chief information officer; the judicial department’s chief information officer; the treasurer or his designee; the attorney general or his designee; the secretary of the commonwealth or his designee; the auditor or his designee; 1 member appointed by the president of the senate; 1 member appointed by the speaker of the house; 1 member appointed by the minority leader of the senate; 1 member appointed by the minority leader of the house of representatives; and 2 members appointed by the governor for terms of 1 year each, 1 of whom shall have expert knowledge in the area of information

technology, 1 of whom shall represent the interests of business and the other interests of the consumers.”.

**The amendment was adopted.**

Mr. Morrissey moved that the bill be amended in section 2 by inserting after item 7004-0089, the following new item:—

“7004-0090

For a one time grant to the city of Quincy for use by the city in the financing of the Quincy Center revitalization initiative 5,000,000”.

**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 were *rejected*, to wit:**

Mr. Havern, Ms. Chandler and Mr. Augustus moved that the bill be amended by adding, at the end thereof, the following sections:—

“SECTION \_\_. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting, after the word ‘corporation’, in line 247, the following words:— or a domestic research and development corporation.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting in after the word ‘corporation’, line 249, the following words:— or a domestic research and development corporation.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word ‘purposes.’, in line 262, the following words:— This clause, as it applies to a domestic research and development corporation as defined in section 38C of chapter 63 or a foreign research and development corporation as defined in section 42B of said chapter 63, shall take effect upon its acceptance by any city or town.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word ‘corporation’, in line 269, the first time it appears, the following words:— or a domestic research and development corporation.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting in after the word ‘corporation’, line 270, the following words:— or a domestic research and development corporation.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting in after the word ‘manufacturing’, in line 285, the following words:— or research and development.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word ‘manufacturing’, in line 288, the following words:— or research and development.

SECTION \_\_. Said section 5 of said chapter 59, as so appearing, is hereby further amended by inserting after the word ‘manufacturing’, in line 292, the following:— or research and development.

SECTION \_\_. Said chapter 63, as so appearing, is hereby further amended by striking out section 38C and inserting in place thereof the following section:—

Section 38C. A corporation organized under, or otherwise subject to chapter 156B, and a limited liability company organized under chapter 156C which is not classified as a partnership and has elected to be taxed as a corporation separate from its members for federal income tax purposes which is engaged in manufacturing in the commonwealth, or in research and development in the commonwealth shall, for the purposes of this chapter, be deemed to be a domestic manufacturing corporation or a domestic research and development corporation. A domestic manufacturing corporation shall be taxed in the same manner and shall have the same duties under this chapter and chapter 62C as a domestic business corporation, except insofar as the determination of the excise under this chapter may be affected by reason of the exemption from local taxation of the machinery of a domestic manufacturing corporation.

A domestic research and development corporation for the purposes of this section is one whose principal activity in the commonwealth is research and development and which, during the taxable year, derives more than 2/3 of its receipts attributable to the commonwealth from the activity or incurs more than 2/3 of its expenditures attributable to the commonwealth, allocable to such activity. Corporations engaged in both research and development and in manufacturing shall exclude expenditures related to manufacturing from total expenditures for the purpose of assessing whether 2/3 of expenditures are allocable to research and development, whether or not the manufacturing activities of the corporation are substantial. Receipts from research and development shall include receipts from the provision of research and development services and from royalties or fees derived from the licensing of patents, know-how or other technology developed from research and development. For purposes of this section, research and development is experimental or laboratory activity having as its ultimate goal the development of new products, the improvement of existing products, the development of new uses for existing products, the development or improvement of methods for producing products, and does not include testing or inspection for quality control purposes,



efficiency surveys, management studies, consumer surveys or other market research, advertising or promotional activities, or research in connection with literacy, historical or similar projects.”

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION \_\_\_\_\_. Section 27 of chapter 23G of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 75, by inserting, after the word “loans,” the following language:— working capital and contract based loans.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end the following section:—

“SECTION XXX. Section 51 of Chapter 59 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by adding the following at the end thereof:—

With respect to each parcel of real property classified as class three, commercial, or class four, industrial, in each city or town certified by the Commissioner to be assessing all property at its full and fair cash valuation, and at the option of the Board of Selectmen or Mayor, with the approval of the City Council, as the case may be, by vote of July first of each fiscal year, there shall be an exemption equal to not more than twenty percent of the value of each parcel; provided, however, only the assessed owner or the subsequent owner applies by August first following the acceptance by each city or town in each fiscal year, that such exemption shall apply to property that is occupied by business that, at that location and all other combined, have an average annual employment of no more than ten people during the previous calendar year as certified by the Commissioner of the Department of Employment and Training and the assessed valuation of which is less than one million dollars. In properties where all businesses do not qualify, the exemption shall be prorated according to the percentage of square footage of the building that does qualify. The exemption granted under this provision shall be prorated with the owner of the real estate receiving fifty percent of the benefit and the remaining fifty percent being prorated to the owners of the business that qualify by the owners of the real estate unless lease agreements provide otherwise. This exemption shall be in addition to any exemption allowable under Section five. The value of exemptions granted under this Section shall be borne by the combined value of class three, commercial property and class four, industrial property.”

The amendment was *rejected*.

Ms. Creem moved that the bill be amended by adding, at the end thereof, the following new sections:—

“SECTION XXX. The General Laws are hereby amended in chapter 63, as appearing in the 2002 Official Edition, by adding the following new section after section 38Q:—

Section 38T. (a) A corporation subject to tax under this chapter shall be allowed a credit against its excise due under this chapter, in addition to any other allowable credit under this chapter, equal to 30 percent of its contributions, for the purposes of promoting biomedical research, to institutions of higher education, non-profit organizations or the Massachusetts Life Sciences Investment Fund established pursuant to section 2QQQ of chapter 29.

(b) The credit allowed hereunder for any taxable year shall not reduce the excise to less than the amount due under subsection (b) of section thirty-two, subsection (b) of section thirty-nine, or section sixty-seven and under any act in addition thereto.

(c) In the case of corporations filing a combined return of income under section thirty-two B, a credit generated by an individual member corporation under the provisions of this section shall first be applied against the excise attributable to that company under section thirty-two or thirty-nine, subject to the limitations of paragraph (b). A member corporation with an excess credit under this section may apply its excess credit against the excise of another group member, to the extent that such other member corporation can use additional credits under the limitations of said paragraphs (b). Unused, unexpired credits generated by a member corporation shall be carried over from year to year by the individual corporation that generated the credit. Nothing in this section shall alter the provisions of paragraph (h) of section thirty-one A.

(d) The tax credit shall be taken against the taxes imposed under this chapter and shall not be refundable. Any amount of the tax 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.

(e) All or any portion of tax credits issued in accordance with the provision of this subsection may be transferred, sold or assigned to other taxpayers subject to tax under this chapter 63 in accordance with rules promulgated by the commissioner. Any tax credit that is transferred, sold or assigned and taken against taxes imposed by this chapter shall not be refundable. Any amount of the tax credit that exceeds the tax due for a taxable year may be carried forward by the transferee, buyer or assignee to any of the 10 taxable years succeeding the year of original transfer.

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

SECTION XXX. The General Laws are hereby amended in chapter 62, as appearing in the 2004 Edition, by adding the following new clause after clause 13 in section 3(B)(a):—

(14) An amount equal to the amount of a contribution to a Massachusetts institution of higher education, a Massachusetts non-profit organization, or the Massachusetts Life Sciences Investment Fund established pursuant to section 2QQQ of chapter 29, for the purposes of promoting biomedical research.”

The amendment was *rejected*.

Messrs. Morrissey, Montigny, Nuciforo and Ms. Tucker moved that the bill be amended in section 40 by striking out the figure “\$30,000,000” and inserting in its place the following figure:— “\$50,000,000”; and in section 30 by striking out the figure “\$30,000,000” and inserting in its place the following figure:— “\$50,000,000”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2A, in item 1599-3751, by inserting after the words “operating costs related thereto;” the following words:— “provided further, that not less than \$40,000,000 shall be expended for the construction of a new science and technology building at Fitchburg State College;”; and by striking out the figure “\$21,000,000” and inserting in its place the following figure:— “\$61,000,000”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by striking out item 1599-3748, in its entirety, and inserting in place thereof the following:—

“1599-3748

For a reserve to fund costs at the state and community colleges associated with planning, and studies, the preparation of plans and specifications, construction, renovation, reconstruction, improvement, demolition, expansion, repair, including furnishings and equipment and related administrative expenses at the state and community colleges for campus facilities and grounds capital projects; provided, that funds expended from this item shall be prioritized to address the rehabilitation, renovation and maintenance of infrastructure identified as posing an immediate hazard to public safety; and provided further, that funds appropriated herein shall be based upon a report submitted by the board of higher education in consultation with the state and community colleges detailing the list of projects scheduled to receive prioritized funding through these funds; and provided further, that said report shall be filed with the house and senate committees on ways and means, the joint committee on higher education, and the secretary of administration and finance on or before February 21, 2006 .....50,000,000”.

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended in item 1599-3752, by inserting, after the words “University of Massachusetts at Dartmouth,” the following:— “provided further, that \$15,000,000 shall be provided for a technology center at Northern Essex Community College in Lawrence;”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 2A, by adding after item 1599-1966, the following new item:—

“1599-3748

For a reserve to fund capital projects at state and community colleges provided that not less than \$10,000,000 shall be expended for a new Science and Allied Health building at Cape Cod Community College in the Town of Barnstable .....10,000,000”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in Section 2B, by inserting the following new item:—

“7112-0101

For the Christa McAuliffe Center for Education and Teaching Excellence at Framingham State College; provided, that not less than \$7,300,000 shall be expended for the expansion of facilities and programs at the McAuliffe Center to develop science technology, engineering and mathematics curriculum and distance learning programs, to further outreach activities, to increase the capacity of the Challenger Learning Center to expand the number of students and teachers served, and to increase professional development programming for in-service and pre-service teachers .....7,300,000”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 2A by adding a new item:—

“7515-0100

For Roxbury Community College for repair and replacement of academic and administrative computers .....105,600”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended by inserting, after section\_\_\_\_, the following new section:—

“SECTION \_\_\_\_\_. The department of education is hereby authorized and directed to expend an amount not to exceed \$5,000,000 for the purposes of establishing a fund to assist Chapter 74 programs with the rehabilitation and replacement of vocational education equipment throughout the Commonwealth. The department will distribute matching grants, not to exceed \$250,000, for the sole purpose of updating the equipment for Chapter 74 programs in each school district. Applicants may only receive a maximum of \$250,000 per annum.”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in section 55, by adding at the end thereof, after the word “Massachusetts”, the following:— “Provided further, that this fund shall make grants of no less than \$1,250,000 available for programs that offer an associate of science degree in medical electronics engineering technology for students desiring to become biomedical technicians and maintain, repair and calibrate the electronic medical instruments used in healthcare and that the program chosen to receive such funding shall be one which serves a student population that is at least 60% minority and 60% economically disadvantaged and that the program chosen shall partner with a medical institution.”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in section 57, in item 7035-0002, by striking out the figure “\$32,322,628 and inserting in place thereof the following figure:— “\$35,322,628”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended in section 57, in item 7035-0002, by striking out the figure “\$32,322,628” and inserting in place thereof the following figure:— “\$35,822,626”.

The amendment was *rejected*.

Mr. Nuciforo moved that the bill be amended in section 70, by striking out the figure “\$3,000,000” and inserting in place thereof, the following figure:— “\$1,500,000”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by inserting at the thereof the following new section:—

“SECTION \_\_\_\_\_. Notwithstanding any General Law or Special Law to the contrary, municipal, state agencies and state authorities owning or controlling property within Suffolk County are hereby authorized and directed to identify and establish mooring, landings and docking facilities for public access for pleasure boats within Suffolk County; provided, that there shall be a priority made to public access to Boston Harbor. Said municipalities, state agencies or state authorities shall issue one or more public Requests for Proposals to solicit provision to the general public of the necessary or appropriate capital facilities and operations and maintenance services, with a particular emphasis on establishing new mooring or docking facilities available to the general public for short term usage as well as on a seasonal basis; provided that, said municipalities, state agencies or state authorities may lease property, purchase property and/or enter into memoranda of agreement with private entities or other municipality, agencies or authorities to improve public navigational access to Boston Harbor and the Harbor Islands for pleasure boating and to facilitate creation of boat, mooring, landing or docking facilities available to the general public; provided further, that a said entities may charge a reasonable fee public access and said fee shall be used to defray the costs of creation and maintenance of any public mooring and access and said fee shall be equitable any person seeking access; and provided further, entities that enter into public/private partnership may into a contract and retain revenue a portion of said revenue on behalf the municipality, the state authority or the Commonwealth as the case may be.

Nothing in this section shall be construed to limit the provision of boating facilities to the general public by private or non-profit service providers. Municipalities under this section shall expend funds under section 5G of chapter 40 of the General Laws to satisfy the requirements of this section. All state and municipal, agencies and authorities owning or controlling property in the City of Boston jointly or separately shall file a report with the Joint Committee on Environment, Natural Resources and Agriculture, the Department of Conservation and Recreation, and the Public Access Board on or before January 1 of each year reporting on the locations for public tie up, mooring, landing, or docking within Suffolk County including, but not limited to, the Inner Harbor of the Port of Boston and non-seasonal, transient, short term public facilities.”

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting after section \_\_\_\_, the following sections:—

“SECTION \_\_\_\_\_. Section 11C of Chapter 25A of the General Laws is hereby amended by striking out subsections (a) through (e) and inserting in place thereof the following:

(a) As used in this section, the following words and terms shall have the following meanings:

‘Energy savings measure,’ a program, facility or alteration thereto designed to produce energy savings, including but not limited to the following:

Insulation and/or reduced air infiltration of a structure and/or its walls, ceilings, roof or any systems within the structure.

Storm windows or doors, caulking or weather-stripping, multiglazed windows or doors, heat absorbing or heat reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

Automated or computerized energy control systems, including computer software and technical data licenses.

Heating, ventilating, or air conditioning system modifications or replacements.

Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system.

Indoor air quality improvements.

Energy recovery systems.

Electric systems improvements.

Life safety measures that provide long-term operating cost reductions.

Building operation programs that reduce operating costs.

Cogeneration systems that produce steam or forms of energy such as heat or electricity for use primarily within a building or complex of buildings.

Water and other natural resource conservation.

Other energy conservation related improvements or equipment, including improvements or equipment related to renewable energy.

‘Energy savings’, a measured reduction in fuel, energy, operating or maintenance costs resulting from the implementation of one or more energy savings measures when compared with an established baseline of previous fuel, energy, operating or maintenance costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed pursuant to the guaranteed energy savings contract. For new construction, a projected reduction in fuel, energy, operation or maintenance costs created from the implementation of one or more energy conservation measures when compared with the projected fuel, energy, operation or maintenance costs for equipment if a guaranteed energy savings contract was not implemented.

‘Guaranteed energy savings contract’, a contract for the evaluation, recommendation and/or implementation of one or more energy savings measures in which payments are based, in whole or in part, on any energy savings attributable to the contract.

‘Person’, any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals.

‘Public agency’, a department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.

‘Qualified provider’, a person experienced in the design, implementation, and installation of energy savings measures.

‘Request for qualifications’, a solicitation directed to qualified providers issued by a public agency to obtain energy savings measures pursuant to a guaranteed energy savings contract subject to the provisions of this section. The request for qualifications shall include the following:

1. The name and address of the public agency.
2. The name, address, title, and phone number of a contact person.
3. The date, time, and place where qualifications must be received.
4. The evaluation criteria for assessing the qualifications.
5. A statement that the public agency may cancel the request for qualifications, or may reject in whole or in part any and all energy savings measures, when the public agency determines that cancellation or rejection serves the best interests of the public.
6. Any other stipulations and clarifications the public agency may require.

(b) A public agency may enter into a guaranteed energy savings contract in order to achieve energy savings at facilities in accordance with this section.

(c) All energy savings measures shall comply with current local, state, and federal construction and environmental codes and regulations.

(d) Before entering into a guaranteed energy savings contract, a public agency shall issue a request for qualifications. Public notice of the request for qualifications shall conform to the procedures set forth in subsection (1) of section forty-four J of chapter one hundred and forty-nine. Qualifications shall be opened publicly, in the presence of two or more witnesses, at the time specified in the request for qualifications, and shall be available for public inspection. The provisions of sections forty-four A, forty-four B and forty-four E through forty-four H, inclusive, of chapter one hundred and forty-nine shall not apply to contracts procured pursuant to this section. The provisions of section forty-four D of chapter one hundred and forty-nine shall apply as appropriate to qualifications submitted for contracts under this section, and every such qualification shall be accompanied by (1) a copy of a certificate of eligibility issued by the commissioner of the division of capital asset management, and (2) by an update statement.

The public agency shall evaluate the qualified providers to determine which best meet the needs of the public agency by reviewing the following:

- (1) References of other energy savings contracts performed by the qualified providers;
- (2) The certificate of eligibility and update statement provided by the qualified providers;
- (3) Quality of the products proposed;
- (4) Methodology of determining energy savings;
- (5) General reputation and performance capabilities of the qualified providers;
- (6) Substantial conformity with the specifications and other conditions set forth in the request for qualifications;
- (7) Time specified in the qualifications for the performance of the contract; and
- (8) Any other factors the public agency deems reasonable and appropriate, which factors shall be made a matter of record.

The public agency shall conduct discussions with, and may require public presentations by, each person who submitted qualifications in response to the request for qualifications regarding their qualifications, approach to the project, and ability to furnish the required services. The public agency shall select in order of preference three such persons (unless fewer persons respond) they deem to be the most highly qualified to perform the required services. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations conducted pursuant to subsection (e).

(e) The public agency shall negotiate a contract with the most qualified person at compensation which the public agency determines is fair, competitive, and reasonable. Should the public agency be unable to negotiate a satisfactory contract with the person considered to be the most qualified at a price the public agency determines to be fair, competitive, and reasonable, negotiations with that person must be formally terminated. The public agency shall then undertake negotiations with the second most qualified person. Failing accord with the second most qualified person, the public agency must terminate those negotiations and then undertake negotiations with the third most qualified person. Should the public agency be unable to negotiate a satisfactory contract with any of the selected persons, the public agency may select additional qualified providers who responded to the request for qualifications, in the order of their competence and qualification, and continue negotiations in accordance with this subsection until either an agreement is reached or the public agency cancels the request for qualifications.

(f) The public agency shall provide public notice of the meeting at which it proposes to award a guaranteed energy savings contract, of the names of the parties to the proposed contract, and of the purpose of the contract. The public notice shall be made at least 10 days prior to the meeting. The public agency shall promptly publish in the central register notice of the contract award.

(g) The decision of a public agency as defined by section 1, regarding the selection of a 'Qualified Provider' shall be final and not subject to appeal except on the grounds of fraud or collusion.

(h) The guaranteed energy savings contract shall include a written guarantee of the qualified provider that either the amount of energy savings guaranteed will be achieved or the qualified provider shall reimburse the public agency for the shortfall amount. Methods for measurement and verification of guaranteed savings shall conform to those outlined in the International Performance Measurement and Verification Protocol (IPMVP). The value of guaranteed savings may represent either all, or part of annual

payments at the discretion of the agency. The guaranteed energy savings contract term for providing guarantee M&V, maintenance, service and installment and/or lease payments shall not exceed 20 years.

(i) Before entering into a guaranteed energy savings contract, the public agency may require the qualified provider to file with the public agency a payment and/or a performance bond relating to the installation of energy savings measures, in an amount the public agency finds reasonable and appropriate.

(j) Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective.

SECTION \_\_\_\_ Paragraph 1 of subsection (b) of Section 1 of Chapter 30B of the General Laws is hereby amended by inserting, after the word 'thirty' the following:—, section eleven C of chapter twenty-five A.

SECTION \_\_\_\_ Local authorities may amend existing energy service agreements to bring products and services to additional buildings or assets in the community. Such amendments may be accomplished through negotiation with the selected energy services provider.

SECTION \_\_\_\_ All Guaranteed Energy Savings Contracts, as defined by section 1, shall be compliant with all prevailing wage statutes, Sections 26 through 27D, inclusive, of Chapter 149 of the General Laws.

SECTION \_\_\_\_ Any 'Person' working for a 'Public Agency', as defined by Section 1 of this bill, shall abide by all applicable licensing statutes set forth by the Commonwealth for contracts or work awarded under provisions of this act. Such work categories shall include, electrical, heating, plumbing, air conditioning and other work categories previously listed in Section 1 of this act.

SECTION \_\_\_\_ This act shall take effect upon its passage.”.  
The amendment was *rejected*.

Mr. Brewer, Ms. Resor and Mr. Nuciforo moved that the bill be amended by inserting after section 28, the following new sections:—

“SECTION 28A. Section 6 of Chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following new subsection:—

(1) Land Conveyed for Conservation Purposes. There shall be allowed as a credit against the tax liability imposed by this chapter, an amount equal to fifty percent of the fair market value of any qualified donation of certified land located in Massachusetts, by a landowner taxpayer to a public or private conservation agency.

As used in this subsection the following words shall have the following meanings:

(I) 'Bargain sale', shall mean 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.

(II) 'Certified land' or 'certified lands', shall mean 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 the executive office 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 assure that all certified lands are protected in perpetuity.

(III) 'Interest in real property', shall mean 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.

(IV) 'Public or Private Conservation Agency', shall mean the Commonwealth of Massachusetts, or any subdivision thereof, 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.

(V) 'Qualified donation', shall mean 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).

(VI) 'Taxpayer' shall mean a taxpayer subject to income tax under chapter 62 of the General Laws or a taxpayer subject to excise tax under chapter 63 of the General Laws.

(2) 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(a)(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 subsection, the taxpayer shall file with the Massachusetts Department of Revenue at the same time as the taxpayer files a return for the taxable year in which the credit is claimed, a summary of a Qualified Appraisal, or if requested by said Department, the taxpayer shall submit the appraisal itself.

(3) The amount of the credit that may be claimed by a taxpayer for each qualified donation shall not exceed fifty thousand dollars.

(4) In any one tax year the credit used may not exceed the amount of individual or corporate excise tax otherwise due by the taxpayer.

(5) Any portion of the credit, which is unused in any one tax year, may be carried over for a maximum of ten consecutive tax years following the tax year in which the credit originated until fully expended.

(6) The secretary of environmental affairs shall promulgate regulations that define land eligible for certification under this subsection. Regulations shall be promulgated within ninety days of passage of this Act.

(7) The commissioner of the department of revenue, in consultation with the secretary of environmental affairs, shall promulgate regulations to administer this subsection. Such regulations shall include provisions to prevent the generation of multiple credits with respect to the same property.

(8) The tax credits provided by this subsection shall apply to transfers of interests in real property in taxable years beginning on or after January 1, 2005 and consecutive taxable years thereafter.

(9) The tax credits provided by this subsection 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.

(10) Any taxpayer claiming a state income tax or excise tax credit under this subsection may not claim an additional state income tax or excise tax credit during any one tax year for costs related to the same interest in certified lands.

(11) Any tax credits which arise under this subsection from the qualified donation of certified land by a pass-through tax entity such as a trust, estate, partnership, corporation, limited partnership, limited liability partnership, limited liability corporation, subchapter S organization, 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.

(12) Any tax credits which arise under this subsection 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 by this subsection on a separate return.

(13) Nothing in this subsection shall be interpreted in any way to alter or amend any permitting requirements, reporting requirements, allocation procedures, or other requirements set forth in any other provision of the General Laws.

SECTION 28B. The secretary of the executive office of environmental affairs, within five years of passage of this act, 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 pursuant to the subsection established in section 28A of this act.

SECTION 28C. The commissioner of the department of revenue, within five years of passage of this act, 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 pursuant to the subsection established in section 28A of this act.

SECTION 28D. There shall be a commission to study the transferability of tax credits under the subsection established in section 28A of this act. The commission shall be composed of 11 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; three members of the house of representatives, two to be appointed by the speaker of the house of representatives and one to be appointed by the house minority leader; three members of the senate, two to be appointed by the president of the senate and one

to be appointed by the senate minority leader; 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 drafts of legislation necessary to put its recommendations into effect, with the joint committee on revenue and joint committee on environment, natural resources and agriculture on or before January 1, 2007.”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION \_\_. Section 16G of chapter 6A of the General Laws is amended by adding at the end thereof the following new paragraph:—

In addition to the other powers and duties set forth in this chapter, the secretary shall be consulted on any highway project proposed to be undertaken by any agency, department, board, commission, or authority of the Commonwealth the construction of which is estimated to cost greater than ten million dollars in the manner more specifically set forth in this section. Prior to the placement of any such project on the Commonwealth’s statewide transportation plan, or prior to the rescheduling of any such project on the statewide transportation plan, the secretary shall consult with the sponsor of such project, the office of transportation planning, the applicable metropolitan planning organization and other interested parties, and shall issue a statement on the economic benefits of each such project. Such statement shall include, at a minimum, a finding as to whether the project is consistent with the needs for commercial and industrial or residential growth in the Commonwealth and a comment as to whether the project is likely to improve the economic vitality of the Commonwealth. All such statements, findings, and comments shall be considered by the office of transportation planning and metropolitan planning organizations in recommendations pertaining to the statewide transportation improvement plans.”

The amendment was *rejected*.

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

“SECTION 1. *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for relief and assistance in order to maintain the sustainability and economic viability of the commercial fishing industry, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of a significant public interest.

Section 1. The sums expended herein in section 2A and 2B shall be distributed pursuant to a plan developed and administered by the Seaport Advisory Council, so-called, in consultation with the Division of Marine Fisheries and the Massachusetts Fisheries Recovery Commission. The development of said plan shall include but not be limited to three public hearings in geographically diverse regions and in coastal communities. Said plan shall seek, to the extent possible, to facilitate the continued economic viability of the commercial fishing industry of the Commonwealth in conjunction with continuing efforts by the federal and state government to rebuild fish stocks and maximize the socio-economic benefit derived from those stocks. The plan developed pursuant to this section shall be fair and equitable with regard to geographic locations and gear sectors within the commercial fishing industry.

Section 2A. Pursuant to this act grants, low-interest loans or other forms of financial assistance shall be made available for purposes including but not limited to the following:

The acquisition, upgrade, maintenance or operation of electronic Vessel Monitoring Systems or other similar electronic equipment which may now or in the future be required by federal, state or local regulation for participation in one or more fisheries, provide that such equipment is acquired by and installed aboard a vessel having its principal port in the Commonwealth as documented by federal and state permits for participation in those fisheries.

The acquisition, upgrade or maintenance of durable safety equipment with a reasonably expected useful life of five years or greater, which is either required by applicable federal and state regulation for a vessel engaged in commercial fishing, or is otherwise necessary and appropriate to the protection of life at sea while engaged in commercial fishing, provided that such equipment is acquired by and installed aboard a vessel having its principal port in the Commonwealth as documented by federal and state permits for participation in commercial fisheries.

The modification, repair, or other improvement of a commercial fishing vessel with its principal port in the Commonwealth, as documented by federal and state permits for participation in commercial fisheries, and which shall have a reasonably expected useful life of five years or greater, and which shall either increase the viability or sustainability of the vessel for commercial fishing, or improve the safety of the vessel while engaged in a commercial fishery.

The research and development of fishing gear and technology to promote sustainable fishing, the conservation and rebuilding of particular stocks or the protection of habitat, and commercialization of such gear. Provided further, that sums may be expended for the acquisition of such gear by (Massachusetts Vessels)



Section 2B. Funds from the amount provided herein may be expended for the purpose of research and/or monitoring of the socio-economic impacts on the commercial fishing industry and/or the economy of the Commonwealth as a result of these expenditures contained in this act or any existing federal or state commercial fishing regulations or proposed changes thereto.

Section 3. In carrying out the provisions of this act the Commonwealth may enter into agreements or contracts with institutions of higher learning, either public or private, non-profit organizations or commercial fishing or trade regulations.

Section 4. To meet a portion of the expenditures necessary in carrying out the provisions of section 2A and 2B 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 \$20,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Fisheries Sustainability 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 Fisheries Fund. Bonds and interest thereon issued under the authority of this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer pursuant to 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. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Special Obligation Revenue Highway Improvement Loan Act of 2004 and shall be issued for a 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 on such obligations shall be payable from the Infrastructure Fund established in section 20 of said chapter 29. Special obligation bonds issued pursuant to this section shall be special obligations of the commonwealth payable solely in accordance with the provisions of said section 20 of said chapter 29.”

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following 2 sections:—

“SECTION XXX. The Massachusetts Development Finance Agency is hereby authorized and directed to expend an amount not to exceed ten million dollars for the purpose of establishing a revolving fund to make interest-free or low interest loans to rehabilitate existing infrastructure in waterfront areas to encourage and assist industrial and commercial development and activities.

SECTION XXX. To meet expenditures necessary in carrying out the provisions of Section 1 of this Act, the State Treasurer shall, upon request of the Governor, issue and sell bonds of the Commonwealth, to an amount specified by the Governor from time to time, not exceeding in the aggregate, the sum of ten million dollars. All bonds issued by the Commonwealth shall be designated on their face, Waterfront Rehabilitation Capital Loan Act of 2005, and shall be issued for such maximum term of years not exceeding twenty 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, 2025. Bonds and interest thereon issued under the authority of this Section shall, notwithstanding any other provisions of this Act, be general obligations of the Commonwealth.”

The amendment was *rejected*.

Ms. Chandler and Mr. Joyce moved that the bill be amended by inserting after section \_\_\_, the following new section:—

“SECTION \_\_\_. Section 22 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following:— Such decision may be reviewed in the superior court in accordance with the provisions of this section and the provisions of chapter thirty A. In the event of a conflict, the provisions of this section shall govern. A person aggrieved by the issuance of a comprehensive permit shall identify in its complaint the specific reasons why the project fails to satisfy the requirements of the chapter or applicable local law. The court shall uphold the issuance of the comprehensive permit and the housing appeals committee’s decision unless the court concludes that the zoning board of appeal or the housing appeals committee abused its discretion. A person aggrieved by the issuance of a comprehensive permit, challenging the approval of a project under chapter 40B, shall post a bond in an amount to be set by the court that is sufficient to cover twice the estimated cost of (a) interest at the statutory rate on the current value of the property, computed on the basis of the project being approved, plus (b) an amount sufficient to cover the defendants’ attorneys fees, all of which shall be computed over the estimated period of time during which the appeal is expected to delay the start of construction, which bond shall be forfeited to the property owner in an amount sufficient to cover the property owner’s carrying costs and legal fees less any net income received by the plaintiff from the property during the time of the appeal in the event that the plaintiff does not

substantially prevail on its appeal. The court exercising jurisdiction over an appeal shall give priority to appeals under this section.”.

The amendment was *rejected*.

Ms. Chandler and Mr. Joyce moved that the bill be amended by inserting after section \_\_\_\_, the following new section:—

“SECTION \_\_\_\_. Section 9 of Chapter 40A, as appearing in the 2004 Official Edition, is hereby amended by striking out the fifteenth paragraph and inserting in place thereof the following:—

Zoning ordinances or by-laws shall also provide that research and development uses, whether or not such uses are currently permitted as a matter of right, may be permitted in any non-residential zoning district upon the issuance of a special permit provided the granting authority finds that such uses do not substantially derogate from the public good. ‘Research and development uses’ shall include any one or more of investigation, development, laboratory and similar research uses and any related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing in any field of science. ‘Limited manufacturing’ shall, subject to the issuance of such special permit, be an allowed use provided that the following requirements are satisfied:

- (1) such manufacturing activity is related to research uses;
- (2) no manufacturing activity customarily occurs within fifty (50) feet of a residential district; and
- (3) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to such conditions as may be imposed in the special permit.”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION \_\_\_\_. Chapter 138 of the General Laws are hereby amended by adding after section 19D the following new section:—

Section 19E. Direct Shipment of Wine (1) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in any other state as wine producer, supplier, importer, wholesaler, distributor or retailer who obtains an out-of-state shipper’s license, as provided below, may: (a) ship up to twenty-four cases per year of wine directly to a resident who is at least 21 years of age for such resident’s personal use and not for resale and (b) ship up to 5000 cases per year to Section Licensees under Sections 12-15.

(2) Before sending any shipment to a resident of Massachusetts the out-of-state shipper must first:

- (a) File an application with the Commission;
- (b) Pay a one hundred dollar (\$100) registration fee;
- (c) Provide to the Commission a true copy of its current alcoholic beverage license issued in another state, and
- (d) Obtain from the Commission an out-of-state shipper’s license.

(3) All out-of-state shipper licensees shall:

- (a) Not ship more than twenty-four cases per year to any person;
  - (b) Ensure that all containers of wine shipped directly to a resident in this state are conspicuously labeled with the words ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.’
  - (c) Report to the Commission annually the total of alcoholic beverages, by type, shipped into the state the preceding calendar year.
  - (d) Annually pay to the Department of Revenue all taxes due, the amount of such taxes to be calculated as if the sale were at the location where delivery is made.
  - (e) Permit the Commission or the Department of Revenue to perform an audit of the out-of-state shipper’s records upon request.
  - (f) Be deemed to have consented to the jurisdiction of the Commission or any other state agency and the courts concerning enforcement of this section and any related laws, rules or regulations.
- (4) The out-of-state shipper may annually renew its license with the Commission by paying a one hundred dollar (\$100) renewal fee and providing the department a true copy of its current alcoholic beverage license issued in another state.

(5) The Commission and the Department of Revenue may promulgate rules and regulations to effectuate the purposes of this law.

(6) The Commission may enforce the requirements of this section by administrative proceedings to suspend or revoke an out-of-state shipper's license, and the department may accept payment of a fine or an offer in compromise in lieu of suspension, such payments to be determined by rules promulgated by the department.

(7) Shipments of wine from out-of-state direct to consumers from persons who do not possess a current out-of-state shipper's license or other permit or license from the Commission are prohibited. Any person who knowingly makes, participates in, transports, imports or receives such a shipment from out-of-state commits a deceptive trade practice as defined in chapter 93A.

SECTION 2. Section 22 of said chapter 138, as so appearing, is hereby amended by striking out lines 52 through 66, inclusive, and inserting in place thereof the following:—

Notwithstanding any other provision of this section, any individual, partnership, or corporation, regularly and lawfully conducting a parcel delivery service, or a general express or trucking business, or regularly and lawfully engaged in the business of leasing trucks for hire, with or without drivers, may make application to the commission and shall be issued a permit to transport or deliver the products sold by farmer-winery licensees under section nineteen B. There shall be no fee for such permit, and persons operating a vehicle when engaged in such transportation or delivery shall not be required to carry such permit or certified copy thereof. Parcels transported or delivered under this paragraph shall be clearly labeled as containing alcoholic beverages and requiring the signatures of, and delivery to, a person legally authorized to consume alcoholic beverages in the state of the recipient, or to a licensee with a valid alcoholic license in the state where the delivery is made. Record-keeping for shipments and deliveries shall strike a balance between facilitating timely audits and avoiding excessive burdens of documentation.

SECTION 3. This act shall take effect upon passage.”

The amendment was *rejected*.

Ms. Walsh and Mr. Creedon moved that the bill be amended by inserting after section \_\_\_\_ the following new sections:—

“SECTION \_\_\_\_ . Notwithstanding any general or special law to the contrary, the comptroller shall transfer \$91,000,000 from the Commonwealth Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the Substance Abuse Treatment and Homelessness Prevention Fund established pursuant to section 35BB of chapter 10 of the General Laws.

SECTION \_\_\_\_ . Chapter 10 of the General Laws is hereby amended by inserting after section 35AA the following section:—

Section 35BB. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Substance Abuse Treatment and Homelessness Prevention Fund. Amounts credited to the fund shall be expended, without further appropriation, by the department of public health to provide funding for the following purposes, including any personnel related or other administrative costs, in addition to any state, federal or private funds received through appropriation or grant:

(1) for a comprehensive substance abuse treatment program for the treatment of individuals who are dependent on or addicted to alcohol or controlled substances, or to both alcohol and controlled substances, and who lack public or private health insurance that would provide coverage for such treatment;

(2) for a comprehensive program to assist homeless individuals and families. For the purposes of this section, homeless shall include: (1) persons who are homeless and disabled by alcohol or drug addiction, mental illness, chronic physical illness or disability or developmental disability; (2) persons who are homeless who have frequent histories of hospitalization, unstable employment and incarceration; (3) persons who use shelters repeatedly or infrequently; and (4) persons who satisfy any other definition of homeless under any other federal or state law, rule, or regulation;

(3) subject to the approval of the department of public health, for substance abuse treatment programs administered by the office of community corrections, the department of correction, the department of social services, the department of youth services, the commissioner of probation, and the drug court department of the Boston municipal court and other district courts to the drug court program to treat substance-abusing offenders;

(4) subject to the approval of the department of public health, for comprehensive school health education programs to be administered by the department of education; provided, however, that such programs shall incorporate information relating to the hazards of alcohol and controlled substances use; and

(5) for community and for workplace-based substance abuse prevention and drinking cessation programs, for substance abuse-related public service advertising and for drug and alcohol education programs to be administered by the department of public health.

(b) The commissioner of public health may expend up to 50 per cent of the revenue credited to the fund each year, less the aforementioned administrative and personnel related costs, to provide substance abuse treatment and prevention programs, either directly or through contract, which may include but shall not be limited to: prevention service programs; short and long-term residential treatment programs; ambulatory service programs, including outpatient counseling, day treatment and intensive outpatient treatment programs, opioid treatment and acupuncture services; compulsive gambling services; aftercare and recovery support services; abuse shelters and post detoxification, pre-recovery programs; driving under the influence programs, including first offender driver alcohol education programs, second offender 14-day residential program for driving under the influence of alcohol and second offender aftercare programs; and, treatment, including detoxification and subsequent clinical treatment, for persons who are homeless and disabled by alcohol or drug addiction.

(c) The commissioner of public health, after consultation with the commissioner of the department of transitional assistance, may expend up to 50 per cent of the revenue credited to the fund each year, less the aforementioned administrative and personnel related costs, in providing homelessness assistance and prevention programs, either directly or through contract, which may include but shall not be limited to: programs that assist individuals and families who are homeless or in danger of becoming homeless, including assistance to organizations that provide food, shelter, housing search and limited related services to the homeless and indigent prevention service programs; for expanding the following services provided by the emergency assistance program: (i) contracted family shelters, (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties, (iv) residential education centers for single mothers with children; (v) intake centers, and (vi) voucher shelters; homelessness prevention and discharge planning services, data gathering assistance, affordable housing, abuse shelters; and treatment, including detoxification and subsequent clinical treatment, and for persons who are homeless and disabled by alcohol or drug addiction.

The commissioner shall further assist cities and towns that provide programs to aid and prevent homelessness, either directly or through contract, through a municipal grant program consisting of an amount to be determined annually by the commissioner from the revenue credited to the fund under this sub section (c).

In awarding grants through regulations promulgated to implement this subsection, the commissioner may consider the following criteria set forth herein to determine the total points for each grant application, a municipality's population density per square mile, the percent of households below the poverty level within the municipality, the median income for families and unrelated individuals within the municipality, and the number of uninsured residents as a percentage of the municipality's population as measured by the latest division of health care finance and policy statistics. The commissioner may award up to 10 additional points to a municipality that has voted to override a local debt limit or property tax limit for the purpose of providing funds to help treat or prevent substance abuse or homelessness in the preceding 2 fiscal years.

Notwithstanding any general or special law to the contrary, grants awarded through this municipal grant program may be for up to 90 per cent of the total cost of the approved project, including planning, design, award and implementation. For the purposes of this section, municipalities shall be divided into deciles based on the relative ranking of equalized property valuations per capita of all municipalities in the commonwealth, as determined by the secretary of administration and finance. Municipalities in the decile ranking of the lowest property valuations per capita shall be eligible annually for up to 90 per cent state reimbursement of the total approved cost, and municipalities in each subsequently higher decile shall be eligible for up to 3 per cent less than the immediately preceding decile. The commissioner may grant up to an additional 10 per cent annually to the percentage a municipality is eligible for, as determined by this subsection, if the commissioner determines the municipality is of extreme critical need.

The commissioner shall set aside 30 per cent of the amount set aside for such municipal grant program for the purposes of awarding grants to municipalities that are included within the lowest 3 deciles of equalized property valuations per capita of all municipalities in the commonwealth. The commissioner shall actively encourage applications from the municipalities and shall provide technical assistance to the municipalities to assist with the application process.

The total amount expended shall be determined annually by the commissioner in a manner that distributes the maximum amount available to each participating municipality.

The commissioner may use revenue set aside for the municipal grant program for any necessary administrative expenses incurred in administering said program. After distributing revenue in accordance with said program and after the commissioner has accounted for any administrative expenses, any remaining revenue shall be kept in the trust fund for distribution in the following year.

A city or town that receives a grant under this section may issue, from time to time, general obligation bonds or notes in anticipation of revenues to be received under this section. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after the revenues are collected as is expedient. Cities or towns that issue bonds shall make every effort to limit the administrative costs of issuing the bonds by cooperating among each other using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Bonds or notes issued pursuant to this section shall be subject to chapter 44. The maturities of bonds or notes issued under this section may be arranged so that for each issue

the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.”

Pending the adoption of the pending amendment (Walsh-Creem), Mr. Tarr moved that the amendment be amended by inserting, after the word “Barnstable,” the following word:— “Essex,”.

The further amendment was *rejected*.

The pending amendment (Walsh-Creedon) was then *rejected*.

Mr. Buoniconti moved that the bill be amended by inserting the following language:—

“SECTION \_\_\_\_ . Item 4406-3000 of Chapter 45 of the Acts of 2005 is hereby amended by inserting after the words ‘percentage share of funds in fiscal year 2005’ the following language:— provided further that not less than \$250,000 shall be expended for Open Pantry Community Services, Inc in the City of Springfield.”

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting at the end thereof the following section:—

“SECTION \_\_\_\_ . Notwithstanding chapter 151A of the General Laws or any other general or special law to the contrary, no benefits payable by the Social Security Administration shall be deducted from the amount payable by the commonwealth to an individual collecting unemployment compensation benefits.”

The amendment was *rejected*.

Mr. Lees 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 further in section one of chapter one hundred and fifty-one.”.

The amendment was *rejected*.

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

“SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting a new section 40 as follows:—

(a) Notwithstanding any general or special law to the contrary, the division of occupational safety shall apply federal occupational and health standards applicable to private sector employees to employees of the Commonwealth and its political subdivisions. Such standards shall include all statutory and regulatory requirements enforced by the occupational safety and health administration with respect to private sector employees, including, without limiting the generality of the foregoing, the general duty clause. Nothing herein shall affect any state standard that exceeds the standards applied by the occupational health and safety administration.

(b) The division shall have authority to conduct investigations. The commissioner shall have authority to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and/or the production of documents.

(c) The commissioner of the division may promulgate regulations and may issue corrective orders where he has found a violation of this section or regulations promulgated hereunder. Proceedings concerning the issuance of regulations or corrective orders to public officials shall be adjudicatory proceedings pursuant to chapter 30A and shall be subject to judicial review accordingly.

(d) With respect to the exercise of its responsibilities under this section, the division shall be within the department of labor but not subject to its direction and control.

(e) The effective date of this section with respect to cities and towns shall be subject to the provisions of section 27C of chapter 29 of the General Laws.”

The amendment was *rejected*.

Messrs. Nuciforo and Antonioni moved that the bill be amended by inserting after section 78, the following new section:—

“SECTION 79. (A) As used herein, the following words shall have the following meanings:—

‘Art dealer’, a person engaged in the business of selling works of art, other than a person exclusively engaged in the business of selling goods at public auction.

‘Artist Enterprise Zone’, an economic development zone in a city or town, to be designated by the Mayor and the city council in the case of a city, or by the board of selectmen in the case of a town, for the economic stimulus of works of arts.

‘Artist’, the person who creates a work of art.

‘Work of art’, an original and creative work, whether written, composed or executed for ‘one-of-a-kind limited’ production and which falls into 1 of the following categories: a painting; sculpture; drawing; work of graphic art, including an etching, lithograph, offset print, silk screen, or work of graphic art of like nature; a work of calligraphy; or a work in mixed media including a collage, assemblage, or any combination of the foregoing art media; a book or other writing; a play or the performance of said play; a musical composition or the performance of said composition; traditional and fine crafts; the creation of a film or the acting within said film; the creation of a dance or the performance of said dance; any product generated as a result of any of the above categories; provided that a ‘work of art’ shall not apply to any piece or performance created or executed for industry oriented or related production.

‘Department’, the department of revenue.

‘On-location sale’, a sale transacted in-person, not by telephonic or other electronic means, within an Artist Enterprise Zone.

(B) There are hereby established a Pilot Artist Enterprise Zone in the city of Pittsfield and a Pilot Artist Enterprise Zone in the city of Fitchburg. No later than July 1, 2006, the mayor and city council for the city of Pittsfield are authorized to designate a specific area located in the ‘downtown’ of Pittsfield as the Artist Enterprise Zone. No later than July 1, 2006, the mayor and city council for the city of Fitchburg are authorized to designate a specific area located in the ‘downtown’ of Fitchburg as the Artist Enterprise Zone.

(C) Notwithstanding section 2 of chapter 64H or any other provision of General or special law to the contrary, in tax years 2006 and 2007 no excise shall be imposed upon on-location sales of works of art. The department shall establish guidelines regarding the implementation of this section and shall require the submission of evidence relating to the publication, production or creation of the works as may be deemed necessary by the department for the purposes of the exemption. The department may also require an annual submission of an accounting of the numbers of works sold, the type of work sold and the date of the sale. Failure to file this report may terminate an individual’s eligibility for the exemption.

(D) Notwithstanding sections 3 and 4 of chapter 62 or any other provision of General or special law to the contrary, in tax years 2006 and 2007 an artist to whom this section applies and who duly makes a claim to the department in that behalf shall, subject to paragraph (2) below, be entitled to have the profits or gains arising to him or her from the publication, production or sale of a work of art or works of art be taken as a modification reducing Massachusetts taxable income.

(2) The modification authorized by this section shall apply to the year in which the profit or gain from the publication, production or sale of a work of art is realized. The total modifications allowed in any taxable year shall not exceed \$100,000 for any artist.

(3) This section shall only apply to an artist who is a resident of an Artist Enterprise Zone.

(4) The department shall establish guidelines regarding the implementation of this section and shall require the submission of evidence relating to the publication, production or creation of the works as may be deemed necessary by the department for the purposes of the exemption. The department may also require an annual submission of an accounting of the numbers of works sold, the type of work sold and the date of the sale. Failure to file this report may terminate an artist’s eligibility for the exemption.”

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in item 1100-8000, by inserting at the end thereof the following:— “; provided further that \$2,500,000 be expended for infrastructure improvements to the intersection at the Plainville Crossing Commercial Center in the town of Plainville”.

The amendment was *rejected*.

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$5,000,000 shall be expended to build a 360-space parking garage in the Town of Natick to replace a rapidly deteriorating parking structure”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in the town of Nantucket”, the following:— “provided further that not less than \$365,000 shall be expended for the reconstruction and repaving of certain

roadways in the town of Essex”;  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further that not less than \$350,000 shall be expended for updates to traffic signals and the installation of loop detection in Georgetown Square in the town of Georgetown;”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further that not less than \$103,000 shall be expended for the mapping, design and construction of drainage systems in the town of Hamilton;”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in the town of Nantucket”, the following:— “provided further that not less than \$70,000 shall be expended for the planning, design, and construction of a pedestrian pathway from Bridge Street to Essex Street in the town of Hamilton;”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further that not less than \$250,000 shall be expended for the planning, design and construction of sidewalks in the town of Middleton;”.  
The amendment was *rejected*.

Mr. Augustus and Ms. Chandler moved that the bill be amended in section 2B, in item 1100-8000, by inserting after the words “Nantucket Memorial Airport”, the following:—

“For the purpose of upgrading existing lighting and navigational aids at Worcester Regional Airport in order to improve ORH’s all-weather capability, analyzing construction of runway extensions at ORH to accommodate longer haul routes, analyze costs associated with the development of a parallel taxiway to increase effi-

ciency of commercial aircraft operations 5,100,000.00”.  
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in item 1100-8000, by inserting at the end thereof the following:— “; provided further that \$35,000 shall be expended for emergency repairs to the Oak Grove Playground subject to not less than a 1:1 matching requirement by the town of Millis”.  
The amendment was *rejected*.

Mr. Brown and Ms. Spilka moved that the bill be amended in item 1100-8000, by inserting at the end thereof the following:— “; provided further that \$300,000 be expended for the a program to eradicate non-native invasive aquatic plants at Lack Cochituate State Park located in the towns of Natick, Wayland and Framingham”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in the city of Pittsfield”, the following:— “provided further that not less than \$150,000 shall be expended for the maintenance and upkeep of a pedestrian bridge at Good Harbor Beach in the city of Gloucester;”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in the city of Pittsfield”, the following:— “provided further that not less than \$150,000 shall be expended for an architectural assessment of certain municipal and historic buildings in the town of North Reading”.  
The amendment was *rejected*.

Mr. Brown moved that the bill be amended in item 1100-8000, by inserting at the end thereof the following:— “; provided further that \$4,500,000 be expended for the Liberty Lane Extension project for economic development and revitalization in the town of Norfolk”.  
The amendment was *rejected*.

Ms. Spilka and Mr. Brown moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$200,000 shall be expended for the downtown revitalization activities of the Franklin Downtown Partnership in the Town of Franklin”.  
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$200,000 shall be expended for economic development activities along the historic Washington Street commercial district in the Town of Holliston”.  
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$200,000 shall be expended for economic development activities in the Town of Medway to support commercial revitalization of the town’s commercial districts”.  
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following language:— “provided further, that not less than \$200,000 shall be expended for economic development activities in the Town of Medway to support commercial revitalization of the town’s commercial districts; provided further, that not less than \$200,000 shall be expended for the downtown revitalization activities of the Franklin Downtown Partnership in the Town of Franklin; provided further, that not less than \$200,000 shall be expended for economic development activities along the historic Washington Street commercial district in the Town of Holliston; provided further, that not less than \$200,000 shall be expended for economic development activities in the Town of Natick”.  
The amendment was *rejected*.

Mr. Tisei moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following:— “provided further, that not less than \$400,000 shall be expended for the costs associated with the completion of an architectural design plan for the Center for Performing Arts in the town of Wakefield”.  
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further that not less than \$70,000 shall be expended for the purchase of a generator for the emergency shelter at the Pine Grove School in the town of Rowley;”.  
The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended in item 1100-8000, by inserting the following words:— “provided further, that \$7,000,000 shall be expended for demolition and clean up costs at the former Northampton State Hospital to expedite economic development projects;”; and by striking out the figure “\$76,910,000” and inserting in place thereof the following figure:— “\$83,910,000”.  
The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 2A, by inserting after item 7004-0089, the following item:—

“7004-0093  
For the revitalization of downtown Hingham 100,000”.  
The amendment was *rejected*.....

Mr. McGee moved that the bill be amended by adding at the end thereof the following new language:—

“To support a Workforce Development Initiative at North Shore Community College, including establishment of an Economic Development Center linked to the SEWIB (Southern Essex Workforce Investment Board) and North Shore Career Center; transitional employment training to meet Adult Basic Education/GED needs, instruction for TAFDC recipients, and ESOL students in Career Institute programming in health care, technology, and human service fields; entrepreneurship/small business program

for unemployed workers 500,000”.  
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$8,650,000” and inserting in place thereof the following figure:— “\$8,700,000”; and in section 53 by inserting at the end thereof the following:— “; provided further, that \$50,000 shall be transferred to the town of Ware to design and plan the excavation of the Veterans Memorial Park”.  
The amendment was *rejected*.

Mr. Brewer moved that the bill be amended in section 2, in item 7007-0900, by striking out the figure “\$8,650,000” and inserting in place thereof the following figure:— “\$8,670,000”; and in section 53 by inserting at the end thereof 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. Tarr moved that the bill be amended in section 53, by inserting after the words “restoration of the theatre”, the following:— “provided further that not less than \$200,000 shall be expended for the acquisition, design and reconstruction of a performance center for the Rockport Chamber Music Festival”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in section 53, by inserting after the words “restoration of the theatre”, the following:— “provided further that not less than \$200,000 shall be expended for the planning, design and construction of a new visitors’ center on Route 127 in the town of Rockport;”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in section 2, in item 7003-0702, by inserting the following language:— “Not less than \$200,000 shall be expended for summer employment for at-risk youth in the City of Springfield;”; and by striking out the figure “\$700,000” and inserting in place thereof the following figure:— “\$900,000”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in item 7007-1111, by adding after the words “emerging technologies” the following:— “provided further that \$350,000 shall be expended for a pilot program targeting Roxbury/Mission Hill/Dorchester residents, including veterans, for a workforce development recruiting and training program center at Roxbury Community College in collaboration with community based organizations and medical and academic institutions in the Longwood area of the city and the Medical Academic and Scientific Community Organization Inc.”.

The amendment was *rejected*.

Mr. McGee and Ms. Jehlen moved that the bill be amended by adding at the end thereof the following new sections: —

“SECTION 1. Subsection (c) of section 30 of chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the words ‘industrial or vocational training to realize appropriate employment’, in lines 30-31, and inserting in place thereof the following words:— industrial, vocational, adult basic education or English for speakers of a second language training to realize sustainable employment.

SECTION 2. Said subsection (c) of section 30 is further amended by striking out the words ‘industrial or vocational’ in line 33.

SECTION 3. Said subsection (c) of section 30 is further amended by inserting, after the words ‘commissioner; provided’, in line 34, the following words:— provided, that the length of the training program shall be completed within two years or three years if the program includes a combination of adult basic education, general equivalency diploma or English for speakers of a second language with vocational or industrial training.

SECTION 4. Said subsection (c) of section 30 is further amended by striking out the words ‘tolled because of the individuals need to address the physical, psychological and legal effects of domestic violence;’ in lines 43-45, and inserting the following words:— including, but not limited to, where staff of the Division of Unemployment Assistance, or its agents, have given the applicant misinformation that causes the applicant to miss the 15 week deadline; the applicant is working with, or has attempted to initiate a working relationship with, a one-stop career center for the purpose of securing a spot in a training program, but has not yet been able to enroll in an appropriate program; the applicants need to address the physical, psychological and legal effects of domestic violence; and other good cause to be determined by the commissioner;.

SECTION 5. Said subsection (c) of section 30 is further amended by striking out the word ‘program’, in line 46, and inserting the following words:— appropriate program for which funding is available.”

The amendment was *rejected*.

Messrs. McGee and Augustus moved that the bill be amended in section 11, by inserting after the words “...repayment rights.”, the following words:— “Notwithstanding the provisions of any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, all eligible projects as defined in this section, shall comply with Sections 26 through 27D, inclusive, of Chapter 149 of the General Laws.”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 52, by inserting, after the words “For one-stop career centers;”, the following words:— “provided, that not less than \$2,750,000 shall be expended for the one-stop career centers that were in existence on May 1, 1997, located in the Boston, Hampden county and the metro north service delivery areas and any satellite offices thereof which opened on or before December 1, 1997;”.

The amendment was *rejected*.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 55, by inserting at the end thereof the following wording:— “; and provided further, that not less than \$1,000,000 shall be provided to the Central Massachusetts Regional Employment Board for operation of the Central Massachusetts Institute for Workforce Development located at the Worcester Vocational High School.”; and in section 55, by striking out the figure “\$4,269,566” and inserting in place thereof the following

figure:— “\$5,269,566”.  
The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended by inserting the following section:—

“SECTION \_\_\_\_\_. Said section 2 of said chapter 45 is hereby further amended by striking out item 2511-3002 and inserting in place thereof the following item:—

“2511-3002  
For the Integrated Pest Management program ..... 300,000.”.  
The amendment was *rejected*.

Ms. Resor moved that the bill be amended in section 26, by striking out the definition for “Priority Development Site”, section 2 of chapter 43D, in its entirety, and inserting in place thereof the following:—

“Priority Development site”, a privately or publicly owned property that is (1) commercially or industrially zoned, (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building of at least 50,000 square feet of gross floor area in new or existing buildings or structures, and (3) near transit stations, including rapid transit, commuter rail and bus and ferry terminals, or near areas of concentrated development, or near areas of existing infrastructure, transportation access, and existing underutilized facilities, and (4) designated as a priority development site by the board. Several parcels or projects may be included within a single priority development site.”; and in paragraph (b) of section 3 of chapter 43D by inserting, after the words “consulting services”, the following words:— “qualified consulting services from public interest organizations, regional planning agencies and private consultants, drawn from a list of pre-qualified vendors approved and maintained by the department of economic development”.

Pending the question on adoption of the amendment, Mr. O’Leary moved that the amendment be amended by adding at the end thereof the following:— in section 9, by striking out the second paragraph, and replacing it with the following paragraph:—

“If the Martha’s Vineyard commission as described in chapter 831 of the acts of 1977 or the Cape Cod commission as described in chapter 716 of the acts of 1989 require or allow referral of a permit application, the 180-day time period as described in this act shall be suspended upon receipt of said permit application. The 180-day time period shall recommence at the completion of the regional commission’s review; provided however that if either commission denies a regional permit on a priority development site section 7 of this act shall not apply and the issuing authority upon receipt of the denial notice shall permanently cease the 180-day time period.”.

The further amendment was *rejected*.

The pending amendment (Resor) was then considered; and it was *rejected*.

Messrs. Hedlund and Tarr moved that the bill be amended in section 2A, by inserting after item 2511-2000, the following item:—

#### **“OFFICE OF WATERWAYS.**

2810-0103

For the dredging of waterways or purchase of dredging equipment, provided, that preference of funding for the dredging of these waterways shall be allocated based on hazard to public safety or impact to local economy .....10,000,000”.  
The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 2A, in item 6033-0430, by inserting at the end thereof the following language:— “provided further, that not less than \$3,500,000 shall be expended for planning and implementation of improvements in the Town of Ashland and that not less than \$5,500,000 shall be expended for planning and implementation of improvements in the Town of Framingham to conduct a study of the impact on automobile and pedestrian travel from increased train traffic on the Worcester to Boston rail line as said trains cross major north-south roadways in the town centers of both Framingham and Ashland. Said study shall produce a proposal(s) to promote reduced traffic congestion and increased housing and commercial development in the immediately adjacent area.”.  
The amendment was *rejected*.

Mr. O’Leary 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, 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. Tarr moved to amend the bill by inserting at the end the following:—

“SECTION XXX. The Massachusetts General Laws are hereby further amended by adding, after section 176N, the following new section:—

#### SECTION 176O.

##### Section 1. Definitions.

A. ‘Board’ shall mean the Board of Directors of the Small Group Purchasing Program established by Section 4.

B. ‘Carrier,’ an insured, licensed or otherwise authorized to transact accident and health insurance under Chapter 175; non-profit hospital service corporation organized under Chapter 176A; a non-profit medical service corporation organized under Chapter 176B; a health maintenance organization organized under Chapter 176G; and an insured group health benefit plan that includes a preferred provider arrangement organized under Chapter 176I; which issues a health benefit plan to one or more eligible insured on or after March 1, 1992.

C. ‘Commissioner,’ the Commissioner of the Division of Insurance.

D. ‘Eligible Employee,’ an employee who works on a full-time basis and has a normal work week of thirty or more hours. The term includes a sole proprietor, a partner of a partnership, and an independent contractor, if the sole proprietor, partner or independent contractor is included as an employee under a health benefit plan of a small employer, but does not include an employee who works on a part-time, temporary or substitute basis.

E. ‘Health Benefit Plan,’ any individual, general, blanket, or group policy of health, accident and sickness insurance issued by an insurer licensed under Chapter 175; a group hospital service plan issued by a non-profit hospital service corporation under Chapter 176A; a group medical service plan issued by a non-profit hospital service corporation under Chapter 176B; a group health maintenance contract issued by a health maintenance organization under Chapter 176B; an insured group health benefit plan that includes a preferred provider arrangement under Chapter 176I; and any multiple employer welfare arrangement (MEWA) required to be licensed under Chapter 175’ offered to an eligible business. The term ‘health benefit plan’ shall not include accident only, credit, dental or disability income insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers’ compensation or similar law, automobile medical payment insurance, insurance under which beneficiaries are payable with or without regard to fault and which is statutorily required to be contained in a liability insurance policy or equivalent self-insurance, long-term care only insurance, or any group blanket or general policy which provide supplemental coverage to Medicare or other governmental programs.

F. ‘Health Insurance Purchasing Co-operatives,’ (HIPC), a private, non-profit entity established pursuant to Section 5 of this Act through which small employers may voluntarily obtain health care coverage.

G. ‘HIPC Area,’ the geographic region within which an HIPC operates under this Act, as determined by the Board.

H. ‘Member Small Employer,’ a small employer who enrolls with an HIPC.

I. ‘Participating Health Partnership,’ a carrier offering coverage under this Act through a contract with an HIPC, as established in section 7.

J. ‘Plan of Operation,’ the articles, bylaws and operating rules adopted by the Board in accordance with Section 3(F).

K. ‘Service Area,’ a geographic region in which a carrier is authorized or licensed to operate.

L. ‘Small Employer,’ (Insert the definition of small employer contained in the Commonwealth’s small employer market reform statute. If the Commonwealth has not enacted such a statute, use the following definition): A person, firm, corporation, partnership, or association who is actively engaged in business who, on at least 50 percent of its working days during the preceeding calendar quarter, employed at least three but no more than fifty full-time employees, the majority of whom were employed within this state. In determining the number of full-time employees, companies which are affiliated companies, or which are eligible to file a combined tax return for purposed of state taxation, shall be considered one employer.

M. ‘Standard health benefit plan,’ a health benefit plan developed by the Board of Reinsurance Program pursuant to Section 8 of Chapter 176J. If the Board of Reinsurance Program has not developed a standard health benefit plan then a standard health benefit plan shall be developed by the Board of the Small Group Purchasing Program.

## Section 2. Creation of the Program.

A. There is created a non-profit legal entity to be known as the Massachusetts Small Group Purchasing Program. The program shall perform its functions under the plan of operation established and approved under Section 3(F) and shall exercise its powers through a Board of Directors established under Section 4.

B. Said program shall come under the immediate supervision of the Commissioner. As needed, the Commissioner will provide technical assistance to the Program and to the Program's Board of Directors.

## Section 3. Powers and Duties of the Programs.

The Program, acting through the Board, shall have the following powers and duties to:

A. Define, within 120 days of the appointment of the initial Board, a standard health benefit plan has not been developed by the Board of Reinsurance Program.

B. Establish, within 120 days of the appointment of the Board, HIPC areas which shall be contiguous and which in total shall encompass the entire Commonwealth. To the largest extent possible HIPC shall reflect metropolitan standard areas and other existing markets.

C. Develop a carrier comparison form to be used in providing member small employers and their eligible employees with information regarding participating health partnerships.

D. Develop a dispute resolution procedure to be used in resolving disputes between a HIPC and a member small employers and enrollees. The dispute resolution procedure shall include the right to appeal to the Commissioner the Program's resolution of the dispute.

E. Report annually to the Governor and the General Assembly on the operation of the Program, the HIPCs, and the participating health partnerships. Such report shall also be made available to the public.

F. (1) Submit to the Commissioner, within 120 days of the appointment of the initial Board, a plan of operation necessary or suitable to assure the fair, reasonable, and equitable administration of the Program, and submit to the Commissioner any subsequent amendments to such plan of operation. The plan of operation and any amendments thereto shall become effective, after appropriate notice and hearing, upon the Commissioner's written approval or unless the Commissioner has failed to approve it within 120 days.

(2) If the Program fails to submit a suitable plan of operation within 120 days following the appointment of the initial Board, or if at any time thereafter the Program fails to submit suitable amendments to the plan of operation, the Commissioner shall, after notice and hearings, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this Act. Such rules shall continue in force until superseded by a plan of operation submitted by the Program and approved by the Commissioner.

(3) All participating health partnerships, member small employers and HIPCs shall comply with the plan of operation.

G. Develop standard enrollment procedures to be used in enrolling small employers and their eligible employees and dependents.

H. Establish participation requirements to be used by member small employers. The participation requirements must be applied consistently by the HIPCs and the participating health partnerships which contract with the HIPCs.

I. Develop uniform standards for use by HIPCs and participating health partnerships in reporting medical outcomes data and other data from participating health partnerships. In formulating such standards, the Program shall be consistent with health care data collection activities in effect in this and/or nationally. Any data collection requirements promulgated by the Program shall be based on a study of the feasibility and cost-effectiveness of the requirements and on the credibility of the data collected, including the constituency with national standards for electronic data interchange and their necessity for supporting evaluation of participating health partnerships with respect to cost containment, quality, control of technology expense, and customer satisfaction.

J. Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this Act.

K. Sue or be sued.

L. Determine an annual budget which shall be submitted to and approved by the Commissioner. The Program shall raise the monies necessary to fund its budget by assessing all HIPCs on a prorata basis based on the number of individuals participating in the HIPC. The Program's assessment shall be funded by each HIPC through the surcharge permitted under Section 6(B).

M. Establish operating procedures and reporting requirements for HIPCs to assure that they are operating in accordance with the provisions of this Act and to conduct audits of HIPCs as appropriate.

N. Establish operating procedures for the electronic transfer of information between participating health partnerships and the HIPC following the ANSI 12 standards and the guidelines developed by the Workgroup on Electronic Data Interchange.

O. Conduct a study to determine whether a risk adjustment mechanism should be developed for use by HIPCs.

#### Section 4. Board of Directors.

A. A Board of Directors for the Massachusetts Small Group Purchasing Program is hereby created. The Board shall consist of nine members, composed and appointed in accordance with the following:—

(1) The Commission, who shall also serve as the Board's chair;

(2) One representative of consumers employed by small employers;

(3) The representatives of health benefit plans, one of whom shall be a representative of an insurance company with experience in the small employer market, one of whom shall be a representative of a health maintenance organization, and one of whom shall be a representative of either a hospital or health services plan corporation;

(4) Two representatives of small employers; and

(5) Two representatives of the medical community, one of whom shall be a representative of hospitals and one of whom shall be a representative of other medical providers.

B. With the exception of the Commissioner, each Board member shall be appointed by the Governor within 60 days of the effective date of this Act.

C. With the exception of the Commissioner, four members of the initially appointed Board shall be appointed to serve two-year terms and the remaining four members shall be appointed to serve four-year terms. Thereafter, with the exception of the Commissioner, the terms of all Board members shall be four years.

D. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member of the Board, or its employees or agents, for any action taken in good faith by them in the performance of their powers and duties as set forth under this Act.

#### Section 5. The Establishment of Health Insurance Purchasing Cooperatives.

A. The Board shall establish geographic HIPC areas each of which shall be contiguous. To the largest extent possible HIPC areas shall reflect metropolitan standard areas and other existing markets.

B. The Board shall create a single HIPC within each designated geographic HIPC area for the benefit of its member small employers. Each HIPC shall be operated as a state chartered, non-profit private organization.

C. Each HIPC shall be operated by a Board of Directors which shall consist of seven members each of whom shall be representatives of small employers. The Program's Board of Directors shall appoint each HIPC's initial Board of Directors. Four members of the initial Board shall be appointed to one-year terms and the remaining three members shall be appointed to two-year terms. Subsequent members of the HIPC Board of Directors shall be elected according to the by-laws of the HIPC.

D. Each HIPC Board shall adopt by-laws that include a procedure for the election of HIPC Board members by the HIPC's member small employers.

E. HIPCs may not purchase both health care services, assume risk for the cost or provision of health care services, or otherwise contract with health care providers for the provision of health care services to member small employers.

F. HIPCs may not deny membership to any small employer.

G. No state funds shall be used to fund the operation of a HIPC nor to subsidize the coverage provided by participating health partnerships through HIPC.

H. In order to participate in the HIPC, a member small employer must provide a reasonable contribution toward the cost of coverage of its eligible employees.

#### Section 6. Powers and Duties of Health Insurance Purchasing Cooperatives.

HIPCs shall have the following powers and duties exercisable in accordance with any guidelines established by the Program:

A. Enter into contracts with participating health partnerships to provide standard health benefit plans to member small employers, eligible employees and their dependents. Each HIPC shall contract with participating health partnerships separately for its HIPC area. Each HIPC shall contract with each carrier in its area that is designated by the Commissioner, under Section 7, participating health partnership and shall offer to member small employers every standard health benefit plan of each participating health plan.

B. Surcharge member small employers a reasonable fee in connection with their premium payments for necessary costs incurred in connection with the operation of the HIPC and the Program. Such surcharge shall be based on a small employer's number of enrollees in a participating health plan.

C. Establish procedures for the collection of premiums and surcharges from member small employers, including remittance of the share of premium paid by enrollees.

D. Pay participating health partnerships their contracted rates on a monthly basis or as otherwise specified under by the contract.

E. Determine how to enroll small employers and their employees and how to make participating health partnerships available to member small employees and their eligible employees and dependents.

F. Publicize the existence of the HIPC.

G. Collect and make available to member small employers and their employees marketing materials that participating health partnerships have voluntarily provided by the HIPC.

H. Prepare and make available to member small employers and their employees comparison sheets which fairly and accurately summarize the health care plans, rates, cost, and other relevant information of each participating health partnership.

I. Establish administrative and accounting procedures for the operation of the HIPC.

J. Contract with, if deemed necessary by the HIPC, a small employer carrier or other administrator to provide administrative services to the HIPC.

K. Appoint committees, hire personnel, and enter into contracts with third parties for any service necessary to carry out the powers, duties, and responsibilities of the HIPC.

L. Report annually to the Program on the operations of the HIPC and its contracts with participating health partnerships and on such other information as may be requested by the Board.

M. Notify the Commissioner of any potential violations of the Act by a participating health partnership.

N. Hire an executive director.

#### Section 7. Designation of Participating Health Partnership.

A. Within 90 days of the formation of the HIPC, the Commissioner shall establish a process whereby a carrier that fulfills the qualifications of Subsection (B) of this section shall be designated by the Commissioner as a participating health partnership.

B. Upon application, a carrier shall be designated as a participating health partnership if it meets the following operating characteristics:

- (1) Licensed with the Division of Insurance;
- (2) The capacity to administer the approved health care plans;
- (3) The ability to provide for utilization management;
- (4) The ability to monitor and evaluate the quality and cost-effectiveness of care;
- (5) The ability to demonstrate, consistent with plan requirements, that enrollees have adequate access to providers of health care including geographic availability and adequate numbers and types of providers;
- (6) A satisfactory grievance procedure, including the ability to respond to an enrollee's calls, questions and complaints;

(7) Financial solvency, including the ability to assume the risk of providing and paying for covered services, as applicable. A participating health partnership may utilize reinsurance, provider risk sharing, and other appropriate mechanisms to share a portion of the risk;

(8) Ability to provide to the Program information on medical outcome data and other data as required by the Program under Section 3(I).

C. In order to be designated a participating health partnership, a carrier must be willing to contract with the HIPC to provide a standard health benefit plan to any of the HIPC's member small employers and their eligible employees and dependents; provided, however, a participating health partnership's area.

D. Participating health partnerships must submit to the HIPC, on a quarterly basis, the premium rates for the standard health benefit plans that the participating health partnership's service area.

#### Section 8. Conditions Applicable to Participating Health Partnerships.

A. Participating health partnerships shall be subject to the following provisions of Chapter 176J Sections 2 through 8 of the Insurance Code.

B. A carrier may participate as a participating health partnership in more than one HIPC and within any one HIPC a participating health partnership may offer more than one variation of a standard health benefit plan through either an indemnity plan or managed care network or both.

C. A participating health partnership may elect to terminate its contract with the HIPC. A participating health partnership that elects to terminate its contract with the HIPC shall provide at least 120 days notice of its decision to the HIPC prior to the nonrenewal of any coverage provided by the participating health partnership to a member small employer.

D. A participating health partnership that elects to terminate its contract with the HIPC shall be prohibited from contracting with the HIPC for three years following the effective date of the termination of its contract with the HIPC.

E. After notice and hearing, the Commissioner may suspend or revoke the designation as a participating health partnership within an HIPC of any carrier that fails to maintain compliance with the requirements of this Act.

F. A participating health partnership shall offer coverage to enrollees throughout its entire service area within an HIPC geographic region, it shall offer that coverage in that entire county.

G. A participating health partnership may not be required to offer coverage or accept enrollments if:

- (1) The eligible employee or dependent does not reside within the participating health partnership's service area; or
- (2) A participating health partnership provides ninety days prior notice to the Commissioner and the HIPC that it will not have the capacity to deliver services adequately in its approved service area to additional enrollees; or
- (3) The Commissioner determines that acceptance of an application or applications would place a participating health partnership in a financially impaired condition.

H. A participating health partnership that cannot offer coverage pursuant to paragraph 8(G)(2) may not offer coverage to any new employer group or individual within the service area until the later of ninety days following such refusal or the date on which the participating health partnership notifies the Commissioner and the HIPC that it has regained the capacity to deliver services in the service area. A participating health partnership that cannot offer coverage pursuant to paragraph 8(G)(3) may not offer coverage or accept applications for any individual or employer group until a determination by the Commissioner that acceptance of an application will not put the participating health partnership in a financially impaired condition.

I. Nothing in this Act shall prohibit a participating health partnership from providing coverage in the HIPC through a managed care system, and from contracting either directly or indirectly through a third party, with particular health care providers or types, classes or categories of health care providers. Further, nothing in this Act shall prohibit an accountable health partnership from contracting with third parties to perform certain functions.

J. Nothing in this Act shall prohibit a participating health partnership from establishing its own level of payment for reimbursement health care providers providing health care services to enrollees.

K. A participating health partnership shall comply with all claims handling, sales solicitation, unfair trade practices, licensing, capitalization, reserve, investment standards, and other financial solvency provisions of the Insurance Code.

#### Section 9. Marketing Requirements.

- A. Each HIPC shall use appropriate and efficient means to notify small employers of the availability of coverage through HIPC.
- B. Each HIPC shall make available to all member small employers the cost comparison from which fairly and accurately summarizes the benefit plans, rates, cost, and other relevant information on participating health partnerships available through the HIPC.
- C. Nothing in this Act shall be construed to prohibit a participating health partnership from using the services of a licensed agent or broker in order to assist in marketing.
- D. HIPCs shall comply with all sales, solicitation, and unfair trade practices provisions of the Insurance Code.
- E. The member small employer shall make available to its eligible employees cost comparison sheets which fairly and accurately summarize the benefit plans, rates, costs, and other relevant information on any plans offered by the member small employer.
- F. Member small employers shall select a participating health partnership from the HIPC. Member small employers may select as many shared standard health benefit plans from the participating health partnership as the small employer deems appropriate.
- G. An HIPC must provide member small employers an opportunity to change participating health partnerships during a period.”  
The amendment was *rejected*.

Mr. O’Leary 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 comptroller shall transfer, not less than 10 days after the effective date of this act, the amount of \$10,000,000 from the General Fund to the Massachusetts Research Center Matching Fund established pursuant to section 4F of chapter 40J of the General Laws.”  
The amendment was *rejected*.

Ms. Spilka and Mr. Hedland 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, 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 funds 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 department of Public Health is hereby appropriated \$5,000,000 for such purpose; provided that the department shall spend not more than \$1,000,000 from the funds appropriated for this section for agency administrative and infrastructure costs related to the implementation of the study and provided further that each qualifying hospital shall be granted not less than \$500,000 to fund the startup costs incurred in initiating and participating in the study.”  
The amendment was *rejected*.

Messrs. Antonioni, Brewer, Augustus and Ms. Chandler moved that the bill be amended in section 13, by striking out section 3, subsection (i), and inserting in place thereof the following:—

“Section 3. (i) The comptroller shall annually transfer not less than \$10,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund, established pursuant to section 2JJJ of chapter 29 of the General Laws, for fiscal years 2006 to 2010, respectively. Add \$5 million to the Fiscal Year 2006 transfer of funds from the Tobacco Settlement Fund to the Massachusetts Life Sciences Fund. The Center’s operational and administrative budget shall not exceed 15% of its annual allocation.”.  
The amendment was *rejected*.

Mr. Antonioni, Ms. Chandler and Messrs. Brewer and Augustus moved that the bill be amended in section 13, by inserting after section 7, the following:—

“Section 8. Unless the board established by Chapter 23H of the General Laws makes a written determination, supported by specific factual findings, that making such a grant was not in the interests of the commonwealth, said board shall establish a Program for Intelligent High Throughput Biology which shall be located in the Central Area, as that area is defined in section 6A of chapter 40J of the General Laws. Such Program shall receive five million dollars for equipping, establishing and operating six shared resource core facilities utilizing high throughput techniques to speed the development of new hypotheses; to create and make available to scientists at small institutions and companies the tools of genomic medicine; and to create the resources to facilitate the development and study of the interactions of chemical compounds, gene products, cells and organisms and the networks formed by these interactions. Not less than three million of these funds shall be used to acquire equipment providing access to state-of-the-art productivity enhancing tools such as robotics of plate and liquid handling, transfection/infection, washing, incubation, plate assay/reading and informatics including but not limited to gene silencing, proteomics and protein fractionation, microarray, sequencing and synthesis chemical biology screening and bioinformatics.



Section 9. Unless the board established by Chapter 23H of the General Laws makes a written determination, supported by specific factual findings, that making such a grant was not in the interests of the commonwealth, the board shall establish a Program for Stem Cell Biology and Regenerative Medicine which shall be located at the institution providing a public institutional review board pursuant to Chapter 111L of the General Laws. The Program for Stem Cell Biology and Regenerative Medicine shall receive ten million dollars for recruitment of ten tenure track faculty scientists committed to translational research that concentrates on the basic biological issues that constitute the present roadblocks to stem cell therapy and continued advances in applied frontiers; provided that not more than two million dollars shall be committed in any one fiscal year. All intellectual property generated by research within the Center shall be identified on the Center's internet site and offered on a first negotiation basis to Massachusetts companies expressing interest. The Board shall also provide funds to create a Stem Cell Biology Core within such Program to serve as a resource/registry for all established and newly established stem cell lines; provide the expertise to grow and characterize such stem cell lines and make them readily available at cost to the academic and industrial scientific community in the commonwealth; and serve as a catalog and data warehouse storing all new data which becomes available from studies conducted on such stem cell lines. One million dollars shall be made available for the operations of such Stem Cell Biology Core; provided that not more than three hundred thousand dollars shall be spent to subsidize such services in any one fiscal year.

Section 10. If federal funding restrictions on the use of all stem cell lines remain in effect on July first, two thousand and six, the board established by Chapter 23H of the General Laws shall make a written determination, supported by specific factual findings as to whether the commonwealth would be served by supporting construction of a facility in a building independent of federally supported research, or a segregable part of a larger building program. If such determination is made, the board shall provide for such purpose up to twenty million dollars to the university of Massachusetts to support a facility developed by construction or purchase of the university, the university of Massachusetts building authority or the corporation established pursuant to chapter 138 of the acts of 1992, as amended, of such funds to be committed as a one time grant or structured as contract assistance such that it guarantees an equivalent amount of university initiated financing.”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by striking out section 61.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 7002-0013, by inserting after the words “municipality and region”, the following:— “; and provided further that not less than \$300,000 shall be expended for the operation of the Affirmative Market Program;”.

The amendment was *rejected*.

Ms. Chandler moved that the bill be amended by inserting after section \_\_\_, the following new section:—

“SECTION \_\_\_. Section 56 of Chapter 23A, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following:—

(a) There shall be within the department of economic development a Massachusetts quasi-public corporation and public purpose agency planning council, hereinafter referred to as the council, which shall not be subject to the control of the department except as provided in this section. The purpose of said council shall be to ensure regular communication and coordination between the quasi-public corporations and public purpose agencies as to their economic development projects, programs and plans. Said council shall consist of the chief executive officers or their designees from each of the following agencies: the executive office of economic development, whose designee shall serve as chair of the council; the office of business and technology; the Massachusetts Alliance for Economic Development; the Commonwealth Corporation; the department of workforce development; the Massachusetts Community Development Finance Corporation; the Massachusetts Development Finance Agency; the Massachusetts Technology Development Corporation; the Massachusetts Technology Park Corporation; the Economic Stabilization Trust; the Massachusetts Port Authority; the office of international trade and investment; the office of travel and tourism; the Massachusetts Business Development Corporation; the University of Massachusetts; the board of higher education; the Massachusetts Workforce Investment Board; and the Massachusetts Small Business Development Center. The chairs of the joint committee on economic development and emerging technologies shall serve as ex-officio advisory members of said council. The council shall meet from time to time, but not less frequently than monthly. The secretary of economic development shall appoint personnel necessary to coordinate the activities of the council and to provide requested administrative support to the council. Said agencies shall be required to submit to the department, in a form and manner prescribed by the department, any and all information detailing any debt or equity investment; the nature and amount of any investments; any real estate or working capital loans; any funds or technical assistance provided to businesses; any other forms of financing or financial assistance provided to businesses, students or employees; the number of businesses created or enhanced as a result of such investments or assistance; and the number of jobs created as a result of such investments or assistance. The department shall aggregate all such data and shall annually submit a report to the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the joint committee on small business and community development and the joint committee on higher education. The council shall, from time to time, review and determine whether the present quasi-public corporations subject to

this section are appropriately serving the goals of the council in establishing and implementing a more coordinated economic development policy. The council shall, in its annual report, make recommendations to the joint committee on economic development and emerging technologies recommending changes to the composition of said council, streamlining agencies on said council through the consolidation or elimination of duplicative services performed by quasi public agencies, or creating new quasi public agencies that would serve on said council; provided, however, that the council shall maintain not more than eight regional offices through the expansion of offices already in operation or by establishing new offices. Each such office shall be responsible for the implementation of the coordinated plans, programs and projects in its region of the state.”.

The amendment was *rejected*.

Ms. Chandler moved that the bill be amended by inserting after section \_\_\_, the following new section:—

“SECTION \_\_\_. Notwithstanding any other general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller is hereby authorized and directed to transfer not less than \$8,000,000 from the General Fund to the Massachusetts Community Development Finance Corporation for the recapitalization of said corporation; provided that not less than \$3,000,000 of funds made available to the Massachusetts Community Development Corporation shall be used to fund a community development financing institution, previously known as the New Markets Entrepreneurial Fund, Inc.”.

The amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended in section 11, by striking out section 5(c)(i)-(iv) and inserting in place thereof the following:—

(i) less than \$2,500,000 shall be subject to a matching funding requirement of dollar for dollar of the amount of the grant;

(ii) in excess of \$2,500,000 and less than \$4,000,000 shall be subject to a matching funding requirement of at least twice the amount of the grant;

(iii) in excess of \$4,000,000 and not more than \$5,000,000 shall be subject to a matching funding requirement of at least three times the amount of the grant.”

The amendment was *rejected*.

Mr. Lees moved that the bill be amended in section 53, by inserting after the words “Forest Park Zoo”, the following words:— “provided further, that not less than \$500,000 shall be expended for capital improvements for Greenleaf Community Center in Springfield;”.

The amendment was *rejected*.

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

Ms. Creem and Mr. Montigny moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION \_\_\_. There is hereby established a commission to study and make recommendations on the effectiveness and oversight of economic development tax credits, including, but not limited to, the Economic Development Incentive Program tax credit, and the definition of blighted areas under section 1 of Chapter 121A. The following individuals shall serve on said commission: the House and Senate Chairs of the Joint Committee on Revenue, who shall serve as co-chairs, the Commissioner of the Department of Revenue or his designee, the executive director of the Mass Municipal Association or his designee, and the president of the Greater Boston Chamber of Commerce or his designee. The Commission shall conduct at least one public hearing and shall file a report with the clerks of the Senate and the House of Representatives.”

**The amendment was adopted.**

Mr. Montigny moved that the bill be amended in item 1599-3752, by inserting at the end thereof the following language:—

“provided further, that \$5,000,000 shall be transferred to a south coast center of excellence in marine science technologies; provided further, that commencing on March 1, 2006 the executive director of said corporation shall report quarterly to the house and senate committees on ways and means, the house and senate committees on science and technology, and the joint committee on commerce and labor on matters related to the expenditure of such funds and activities undertaken therewith as provided in Section 74 of Chapter 141 of the Acts of 2003”; and by striking out the figure “\$34,000,000” and inserting in place thereof the following figure:— “\$39,000,000”.

**After remarks, the amendment was adopted.**

Ms. Spilka and Mr. Montigny moved that the bill be amended in section 15, by inserting at the end of the first paragraph, after the words “common projects and experiences.”, the following language:— “Not less than \$1,000,000 shall be expended each year in 2006 and 2007 for the Regional Employment Boards’ Science, Technology Engineering and Mathematics High School Internship Collaborative facilitated by the Metro South/West Regional Employment Board to expand the number of regional employment boards and private employers participating, the number of students placed in internships, and to develop assessment instruments to measure the increased awareness of and interest in STEM careers among student participants.”.

**After remarks, the amendment was adopted.**

Mr. Barrios moved that the bill be amended in section 75, by inserting at the end thereof the following paragraph:—

“Nothing in this section shall exempt the parcel located at 261-287 Medford Street in Charlestown, assessor’s parcel number 02-02750-000, from the provisions of the Designation Decision for the Mystic River Designated Port Area, Charlestown Shore issued by the Office of Coastal Zone Management on December 16, 2002.”.

**After remarks, the amendment was adopted.**

Mr. Joyce moved that the bill be amended in section 70, by striking out the figure “\$30,000,000” and inserting in place thereof the following figure:— “\$31,000,000”; and in section 70 by adding the following:— “; and provided further, that when all environmental remediation at the Department of Conservation and Recreation property adjacent to Ponkapoag golf course in Canton known as Indian Line Farm is completed, an additional \$1,000,000 shall be utilized to create recreational ball fields at said site”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended in item 1100-8000, by inserting the following after the words “Innovation Program”:— “; provided further, that not less than \$2,000,000 shall be expended for environmental remediation and clean up at the Modern Electroplating site in the Roxbury section of the city of Boston”.

**After remarks, the amendment was adopted.**

Mr. Knapik moved that the bill be amended by inserting after section \_\_\_, the following new section:—

“SECTION \_\_\_. There shall be a special commission on reviewing the state procurement law as it relates to the certification of businesses eligible to bid on public projects. The commission shall review the effectiveness of the commonwealth’s current procurement laws as they relate to competitiveness and equal access. The commission shall consist of 3 members to be appointed by the governor, 1 of whom shall be the secretary of the executive office of economic development, and 1 of whom shall be the director of the department of business and technology, and 1 of whom shall be the director of the operational services division; 2 members to be appointed by the senate president, 1 of whom shall be the chair of the senate committee on economic development and emerging technology; 1 member to be appointed by the senate minority leader; 2 members to be appointed by the speaker of the house of representatives, 1 of whom shall be the chair of the house committee on economic development and emerging technologies; and 1 member to be appointed by the minority leader of the house of representatives. The commission shall submit a report and recommendations to the house and senate committees on ways and means and the joint committee on economic development and emerging technologies by September 1, 2006, which report shall include, but not be limited to, the following: (1) suggestions on how to simplify the certification process in order to include more businesses, (2) analyze the benefits and drawbacks to the commonwealth of expanded certification, (3) a review of the thresholds required by the commonwealth for certification, and (4) an analysis of the geographic distribution of businesses currently certified by the commonwealth to provide contracted services.”.

The amendment was *rejected*.

Mr. Lees moved that the bill be amended by inserting after section \_\_\_, the following section:—

“SECTION \_\_\_. Section 1 of chapter 30A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out paragraph (6) and inserting in place thereof the following:—

(6) ‘Regulatory impact statement’ is a statement by the promulgating authority which shall, to a reasonable degree of completeness: (i) identify the statutory change, problem, issue or deficiency addressed by the proposed regulation; (ii) identify the methodology or approach, including identification of expert information and analysis, used to address the statutory change, problem, issue or deficiency; (iii) identify specifically who is affected and to what extent by the proposed regulation; (iv) identify when such regulation becomes effective, when such regulation will be changed, if known, and how and when the regulation will be reviewed in the future, if at all; (v) identify the fiscal effect on the public and private sectors for the first and second year of the regulation’s existence, and provide a projection of fiscal impact over the first 5 years; (vi) identify and describe specifically the benefits of the regulation; (vii) identify the impact that the regulatory action may have on small businesses, if any; (viii) identify whether, and to what extent, the regulatory action will increase or decrease the costs for small businesses seeking to comply with the affected regulatory scheme; (ix) identify whether, and to what extent, small businesses will likely bear greater costs than other businesses in complying with the regulatory action. Any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any such information provided to the agency by a consultant, vendor or other third party, shall be part of the record and available to the public upon request.

(7) ‘Substantial evidence’ means such evidence as a reasonable mind might accept as adequate to support a conclusion.”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past five o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 6 — nays 33) [**Yeas and Nays No. 181**]:

## 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.  
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.        Timilty, James E.  
Havern, Robert A.        Tolman, Steven A.  
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 twenty-seven minutes before six o’clock P.M., the amendment was *rejected*.

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

“SECTION 1. Subsection (c) of section 30 of chapter 151A of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:—

If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a second language training to realize sustainable employment, the total benefits which such individual may receive shall be extended by up to eighteen times the individual’s benefit rate, if such individual is attending a retraining course approved by the commissioner; provided that the length of the training program shall be completed within two years or three years if the program includes a combination of adult basic education, general equivalency diploma or English for speakers of a second language with vocational or industrial training; provided, further, that such additional benefits shall be paid to the individual only when attending such course and only if such individual has exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or compensation under this chapter or any other state unemployment compensation law or under any federal law; provided, further, that such extension shall be available only to individuals who have applied to the commissioner for training no later than the fifteenth week of a new or continued claim but the commissioner shall specify by regulation the circumstances in which the 15 week application period shall be tolled, including, but not limited to, where staff of the Division of Unemployment Assistance, or its agents, have given the applicant misinformation that causes the applicant to miss the 15 week deadline; the applicant is working with, or has attempted to initiate a working relationship with, a one-stop career center for the purpose of securing a spot in a training program, but has not yet been able to enroll in an appropriate program; the applicant’s need to address the physical, psychological and legal effects of domestic violence; and other good cause to be determined by the commissioner; provided that the claimant shall begin training in the first available appropriate program for which funding is available and which is a reasonable distance from the claimant’s residence, as determined by the commissioner; provided, further, that the commissioner, in his discretion, may extend the period once for not more than two weeks for any applicant whose initial application is denied; and provided, further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account. An individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the Trade act of 1974, as

amended, shall not be eligible to receive additional benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so-called, under any federal law, shall not be eligible to receive additional benefits under this section for each week the individual receives such compensation.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before six o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 38 — nays 0) **[Yeas and Nays No. 182]**:

### **YEAS.**

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	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	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 —

**38.**

### **NAYS — 0.**

### **ABSENT OR NOT VOTING.**

Rosenberg, Stanley C. — **1.**

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

Ms. Creem moved that the bill be amended in section 2B, in item 1100-8000, by adding at the end thereof the following:— “provided further, that \$795,000 shall be expended for the renovation of the Rockland Street Bridge in the Town of Wellesley;” and by striking out the figure “\$76,910,000” and inserting in place thereof the following figure:— “\$77,705,000”.  
The amendment was *rejected*.

Ms. Creem moved that the bill be amended in section 2B, in item 1100-8000, by adding at the end thereof the following:— “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 out the figure “\$76,910,000” and inserting in place thereof the following figure:— “\$76,950,000”.

**After remarks, the amendment was adopted.**

Mr. Tarr moved to amend the bill in item 1100-8000, by inserting after the words “in downtown Pittsfield”, the following:— “provided further that not less than \$100,000 shall be expended the purchase of trail maintenance equipment at Bradley Palmer State Park;”.  
The amendment was *rejected*.

Mr. Brown and Ms. Spilka moved that the bill be amended in item 1100-8000, by inserting the following at the end thereof:— “; provided further that \$1,000,000 be expended for capital investments, subject to 1:1 matching requirements, in the historic former

fire house for the Natick Center for the Arts that will create economic development in the Downtown Natick business district”.  
The amendment was *rejected*.

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

Ms. Tucker moved that the bill be amended in item 1100-8000, by inserting after the words “Cranberry Bog Renovation Innovation Program”, the following:— “provided further, that \$350,000 shall be expended for infrastructure improvements at the Melmark School”.

**The amendment was adopted.**

Mr. Tarr moved that the bill be amended in section 53, by inserting after the words “Forest park Zoo”, the following:— “and provided further, that not less than \$150,000 shall be expended for the creation of an economic development plan in the city of Gloucester”; and in section 2, in item 7007-0900, by striking out the figure “\$8,650,000” and inserting in place thereof the following figure:— “\$8,800,000”.

**The amendment was adopted.**

Mr. Joyce moved that the bill be amended in section 2A, in item 7004-0089, by adding the following:— “; and provided further, that not less than \$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 by striking out the figure “\$25,000,000” and inserting in place thereof the following figure:— “\$26,000,000”.

**The amendment was adopted.**

Mr. Joyce moved that the bill be amended in section 2A, in item 7007-0530, by adding the following:— “; and provided further, that not less than \$1,000,000 shall be expended 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”; and by striking out the figure “\$2,500,000” and inserting in place thereof the following figure:— “\$3,500,000”.

**The amendment was adopted.**

Mr. Buoniconti moved that the bill be amended in section 2A, by adding the following new item:—

“7004-0097

To assist the City known as the Town of Agawam with the creation and administration of a Business Improvement District..... 50,000”.

**The amendment was adopted.**

Mr. Augustus and Ms. Chandler moved that the bill be amended in section 2B, by adding the following:— “ provided that not less than \$150,000 be expended for the North Main Street Planning Initiative located in the City of Worcester”.

**The amendment was adopted.**

Mr. Barrios moved that the bill be amended in section 2B, in item 1100-8000, by inserting at the end thereof the following:— “; provided further, that \$400,000 shall be expended for the design costs associated with the construction and improvement of Beacham Street in the city of Everett”.

**The amendment was adopted.**

Mr. Antonioni moved that the bill be amended by inserting the following section:—

“SECTION \_\_\_\_\_. Said section 2 of said chapter 45 is hereby amended, in item 7007-1200 by striking out the figure ‘\$500,000’ and inserting at the end thereof the following language:—

and provided further, that \$150,000 shall be provided to the North Central Chamber of Commerce to develop the Massachusetts Plastics Medical Device Connection Initiative 650,000.”.

**The amendment was adopted.**

Ms. Tucker, Mr. Montigny, Ms. Resor, Mr. Tolman, Ms. Jehlen and Mr. McGee moved that the bill be amended by inserting after item 7003-0805 the following item:—

“7003-0806

For the purpose of funding grants for projects benefiting older adults to providers of workforce development and job skills training services including but not limited to community based organizations 1,000,000.”.

**The amendment was adopted.**

Messrs. McGee, Montigny and Knapik moved that the bill be amended by adding at the end thereof the following new section:—

“Said chapter 29, as so appearing, 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.

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."

**The amendment was adopted.**

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

Mr. Antonioni moved that the bill be amended by inserting after section \_\_\_, the following new sections:—

"SECTION \_\_\_. Section 1G of chapter 15 of the General Laws, as so appearing, is hereby amended by inserting, after line 31, the following: The Commissioner of Education, in consultation with the Chairman of the Board of Higher Education, shall direct the global education advisory council to explore international opportunities for learning, exchange programs and the availability of curriculum materials for students, teachers, administrators and educational policy makers.

Said global education advisory council shall:

(a) Investigate and compile information concerning international education programs and opportunities. The council shall make recommendations to the commissioner on the expansion of international education programs and opportunities and shall consider ways to encourage participation in such programs. The council shall advise the Department of Education and the joint committee on education on international program opportunities and the availability of federal or nonprofit agency grants or other funding sources for such programs. The department shall provide information on international education opportunities to local and regional boards of education and to institutions of higher education;

(b) Develop guidelines and standards to aid local and regional school districts in the establishment of programs of international studies. Such guidelines and standards shall describe the essential components of a quality educational program incorporating international education concepts. The council shall submit such guidelines and standards to the Department of Education for review and approval;



(c) Develop criteria for what constitutes a sister school partnership program between a public school of this state and a foreign school. Such criteria shall provide a process for recognition of such partnership. The council shall submit such criteria to the Department Education for review and approval;

(d) Advise the Department of Education on possible incentives to encourage the formation of partnerships that meet criteria established in accordance with the provisions of subsection (c) of this subsection. Such incentives may include, but need not be limited to, cooperation between sister partnership schools in teacher certification, student assessment programs and recognition of student course credit, participation in summer programs and in other areas where the state could recognize the value of the sister school partnership relationships with minimal cost;

(e) Conduct an assessment of current practices regarding international education in elementary and secondary public schools in the Commonwealth. The global education advisory council's assessment of current practices shall include, but not be limited to, information gathering through public hearings.

SECTION \_\_\_\_ Chapter 15 of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following new section:—

Section 66. The Department of Education may recognize a school that meets the standards for international education programs developed by the global education advisory council.

The Commissioner of Education shall, annually, subject to appropriation, award grants not to exceed ten thousand dollars to local or regional school districts which operate schools recognized pursuant this section. Such board shall use the funds to support the international education programs at such schools.

The Department of Education may recognize sister school partnership programs between public schools of the Commonwealth and foreign. Within available appropriations, participation in such partnership shall allow the foreign school access to state programs of professional development and technical assistance programs under the same terms and conditions as for public schools of this state with reciprocity for participation in such programs.

It shall be the policy of the Commonwealth to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and promote mutual understanding and respect for the citizens of other countries.

State agencies, including the educational institutions, may exchange a limited number of professional personnel and students with institutions of other states and other countries and may pay the salaries of such personnel and may assign scholarships and grants-in-aid to the exchanges. The authorized exchange of personnel and students need not be parallel and simultaneous nor specific with regard to the assignment of persons between institutions. If a vacancy exists on the staff of any state agency, including the educational institutions, because a leave of absence without pay has been granted, such agency may engage the services of professional personnel of other countries, and may pay such personnel so engaged from the funds which otherwise would have been paid to such staff members on leave of absence without pay.

SECTION \_\_\_\_ Chapter 6 of the General Laws, as so appearing, is hereby amended by inserting after section 12XX, the following new section:—

Section 12YY. The Governor shall proclaim the third week of November of each year, or such other week if in conjunction with a federally recognized international education week, to be 'International Education Week' for the purpose of encouraging schools to participate in programs of international education.

SECTION 21D. There is herein established an international education and foreign language grant program fund. Hereinafter referred to as the international education fund. The international education fund shall be administered by the commissioner of education, the chairman of the board of higher education and the global education advisory council, provided that said funding be spent in elementary and secondary schools to establish foreign language and two-way bi-lingual classes, teacher training, and curriculum development to encourage students, teachers, administrators and educational policy makers to participate in international studies, international exchange programs and other activities that advance cultural awareness and including the awarding of grants to local or regional school districts that use the funds to support international education programs and promote the study of foreign languages.”

The amendment was *rejected*.

Ms. Menard moved that the bill be amended bill by inserting the following section:—

“SECTION \_\_\_\_ Notwithstanding any general or special law to the contrary, the commissioner of the department of workforce development shall be directed to enter into a contract for not less than \$934,000 with the Massachusetts Council of Human Service Providers, Inc. to continue development of an industry-guided, internet-based workforce development program for approximately 31,000 low-paid, economically disadvantaged direct care workers who deliver direct care services through

community-based organizations pursuant to purchase of service contracts with the executive office of health and human services or agencies within that executive office.

These funds shall: (1) provide essential training and credentialing for the direct care workforce in the human service, contract provider industry funded through EOHHS; (2) improve recruitment and retention of a well trained direct care workforce which currently has turnover and vacancy rates as high as 40%; (3) improve the quality of services provided to clients referred by the Commonwealth; and (4) develop occupational skills and expand the career potential for workers in Massachusetts including older workers. The Council may expend these funds to hire a program director as well as consultants with expertise in the field of human services training to develop a curriculum and to administer the program using an e-learning, or web or internet based environment . . . \$934,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before six o'clock P.M., on motion of Mr. Lees, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 183**]:

### **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 —
McGee, Thomas M.	<b>39.</b>

### **NAYS — 0.**

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

Mr. Joyce moved that the bill be amended in section 11, in item 7007-0900, by inserting after the words “repayment rights.”, the following words:— “Notwithstanding the provisions of any general or special law to the contrary, as a condition of accepting a grant from the fund, an applicant shall agree that, all eligible projects as defined by this section, shall comply with Sections 26 through 27D, inclusive, of Chapter 149 of the General Laws”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended by striking out section 48 and inserting in place thereof the following:—

“SECTION 48. Said section 2 of said chapter 45 is hereby further amended by striking out item 7003-0605 and inserting in place thereof the following item:—

7003-0605

For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-

sized manufacturing companies; provided, that not less than \$306,666 shall be made available for the operation and maintenance of the Innovation Program at the Massachusetts Manufacturing Extension Partnership and not less than \$250,000 shall be made available for the Supply Chain Initiative at the Massachusetts Manufacturing Extension Partnership; and provided further, that 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 ..... 1,556,666”.

**The amendment was adopted.**

Messrs. Brewer and Rosenberg moved that the bill be amended in section 63, in the fourth paragraph, by adding at the end thereof the following:— “; provided, that said workforce accountability taskforce shall include at least two representatives from businesses located in municipalities with a population of less than 31,000 residents”.

**After remarks, the amendment was adopted.**

Messrs. Nuciforo and Brewer moved that the bill be amended in section 2A, in item 2511-2000, by inserting after the words “agricultural resource management”, the following:— “provided further, notwithstanding any general or special law to the contrary, not later than 10 days after the effective date of this act, \$250,000 shall be made available from the Economic Stimulus Fund to the Massachusetts department of agricultural resources to provide funding for the 5 Massachusetts locally grown campaigns; provided further, that the commissioner of said department shall distribute not more than \$50,000 to each of Berkshire Grown, Buy Fresh, SouthEastern Massachusetts Agricultural Partnership, Central Massachusetts Fresh Farm Products, and Community Involved in Sustaining Agriculture for the purpose of supporting locally grown agricultural products and food”; and by striking out the figure “\$1,000,000”, and inserting in place thereof the following figure:— “\$1,250,000”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by placing at the end thereof the following new section:—

“SECTION \_\_\_\_\_. Notwithstanding the provisions of any general or special law to the contrary, the comptroller shall transfer, effective December 31, 2005, from the General Fund to the Massachusetts Technology Park Corporation established pursuant to chapter 40J of the General Laws, the amount of \$5 million to the Massachusetts Advanced Technologies in Health Care Trust Fund established pursuant to section 4G of said chapter 40J.”

The amendment was *rejected*.

Mr. Moore moved the bill be amended by placing at the end thereof the following new section:—

“SECTION \_\_\_\_\_. Section 2MMM of chapter 29 of the General Laws is hereby amended by adding the following new section:—

(b)½. There is hereby established, under Commonwealth Medicine at the University of Massachusetts Medical School and the Massachusetts department of education’s office for Mathematics, Science and Technology Engineering, the Massachusetts Academy for Life Sciences. The Massachusetts Academy of Life Sciences, with funding from the Pipeline fund, shall create a program which shall consist of ‘mobile science labs’ with one such mobile lab assigned and designated for each of the following 5 regions: western Massachusetts, central Massachusetts, metropolitan Boston, northeastern Massachusetts and southeastern Massachusetts. The mission of the Massachusetts academy of life sciences shall be to encourage students to consider careers in life sciences and health care by participating in enhanced science courses through the use of the mobile labs.”

**After remarks, the amendment was adopted.**

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

Ms. Creem moved that the bill be amended by striking out within section 13, clause (16) of subsection 4(a), and inserting in its place the following new clause:—

“(16) to disburse, appropriate, grant, loan or allocate funds for the purposes of investing in life sciences, emerging technologies, stem cell research, biotechnology, nanotechnology, bio-defense and advanced sciences as directed in this chapter, including, but not limited to: (a) exploring the feasibility of establishing and operating of laboratory space in various places around the commonwealth, that would be convenient to the scientific research community, that may be used by researchers for stem cell research or other research that may not be done in federally funded laboratory space and (b) exploring the feasibility of establishing and operating a biological materials bank where people may donate genetic material, fertilized human eggs and human embryos for the purpose of future medical research;”.

**The amendment was adopted.**

Ms. Creem moved that the bill be amended by striking out within section 13, clause (11) of subsection 4(a), and inserting in its place the following new clause:—

“(11) to apply for and accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes, provided that the Massachusetts Life Sciences Center shall not accept funding from any source, including the National Institute of Health, if the receipt of said funding would limit its ability to promote all forms of biomedical research or scientific inquiry;”.

**The amendment was adopted.**

Mr. Morrissey moved to amend the bill by striking out section 4 of the bill and inserting in place thereof the following new section:—

“Section 4 of chapter 66 of the General Laws is hereby amended by inserting at the end thereof the following:— A municipality, an executive agency or department shall not adopt, implement or proceed with a policy, practice or standard concerning information technology standards or systems without the affirmative approval of the supervisor of public records and the records conservation board. Any executive agency or department, policy, practice or standard concerning the creation, storage or archiving of documents or materials shall also be approved by the supervisor of public records and the records conservation board, and shall be certified by the state auditor as maintaining or enhancing the commonwealth’s compliance with Section 508 of the federal Americans with Disabilities Act of 1973 as amended by 29 USC section 794 (d).”

**The amendment was adopted.**

Mr. Nuciforo moved that the bill be amended by inserting after section 78, the following new section:—

“SECTION 79. Section 2 of chapter 149 of the acts of 2004 is hereby amended, in item 7007-1200, by inserting after the words “expenditures on said pilot from this item”, the following:— or such other lesser amount deemed by the corporation to evidence a level of community support for the said pilot which, together with grants-in-aid provided by the corporation and support provided from any other source, is sufficient to support the successful prosecution of said pilot; provided further, that the corporation may provide support to said pilot from the fund established pursuant to Section 6A of Chapter 40J of the General Laws, including but without limitation, at the discretion of the corporation, from funds allocated and reserved pursuant to the final sentence of subsection (b) of said section 6A”.

**The amendment was adopted.**

Mr. Tarr moved that the bill be amended by inserting at the end thereof the following sections:—

“SECTION XXX. Section 2A of Chapter 28 of the Acts of 1996 is hereby repealed.

SECTION XXX. Section 2 of Chapter 28 of the Acts of 1996, is hereby amended by striking out, in item 2000-6966, the figure ‘\$65,000,000’ and inserting in place thereof the following figure:— \$150,000,000.

SECTION XXX. Section 3 of Chapter 28 of the Acts of 1996 is hereby amended by striking out, in line 4 of the first paragraph, the words ‘one hundred eighty-three million eight hundred and fifty thousand dollars’ and inserting in place thereof the following:— two hundred and sixty-eight million eight hundred and fifty thousand dollars.

SECTION XXX. Sections 5 and 6 of Chapter 28 of the Acts of 1996 are hereby repealed.”

**The amendment was adopted.**

Ms. Murray moved that the bill be amended in section 2, by striking out in item 7007-0900, the number “\$8,650,000” and inserting in place thereof the following number:— \$9,100,000;

In said section 2, by inserting the following:—

“7007-1200..... \$1,000,000”;

In section 2A by striking out the number “1599-1966” and inserting in place thereof the following number:— 1599-1950;

By striking out the number “1599-3750” and inserting in place thereof the following number:— 1599-7107;

By striking out the number “1599-3751” and inserting in place thereof the following number:— 1599-7106;

By striking out the number “2511-2000” and inserting in place thereof the following number:— 2511-0340;

By striking out the number “7003-0805” and inserting in place thereof the following number:— 7003-1641;

By striking out the number “7004-0089” and inserting in place thereof the following number:— 7004-2051;

By striking out the number “7004-1500” and inserting in place thereof the following number:— 7004-2054;

By striking out the number “7007-0520” and inserting in place thereof the following number:— 7007-9031;

By striking out the number “7007-0525” and inserting in place thereof the following number:— 7007-9033;

By striking out the number “7007-0530” and inserting in place thereof the following number:— 7007-9036;

By striking out the number “7007-0535” and inserting in place thereof the following number:— 7007-9038;

In said section 2A by inserting the following:—

“7007-0540

For the purpose of an economic grant to the City of Boston to be used solely as a grant to the developer of the Columbus Center Project and utilized to construct infrastructure decks/platforms which are part of that project 4,300,000”;

In section 2B, in item 1100-8000, by striking out the following words:— “provided further, that \$500,000 shall be expended to the Air National Guard to plan for the future of the Massachusetts Military Reservation as it develops a new mission; provided further, that \$500,000 shall be expended to the Army National Guard for training and operations at the Massachusetts Military Reservation;”;

In said section 2B, in item 1100-8000, by striking out the following words:— “provided further, that not less than \$4,300,000 shall be expended for the purpose of an economic grant to the city of Boston for the Columbus Center Project;”

And in said section 2B, in item 1100-8000, by adding the following words:— “; and provided further, that \$20,000,000 shall be expended for the University of Massachusetts Amherst’s Integrated Science Building, referred to as the ISB”;

In said section 2B, by striking out the number “1599-3752” and inserting in place thereof the following number:— 1599-7156;

By striking out the number “6033-0435” and inserting in place thereof the following number:— 1599-1955.

By striking out section 6 and inserting in place thereof the following section:—

SECTION 6. Chapter 15A of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. (a) Within the board of higher education, there shall be the Robert H. Goddard council on science, technology, engineering and mathematics education, in this section called the council. The council shall be comprised of the following members, who shall be appointed by the governor unless provided otherwise: the commissioner of education or his designee; the commissioner of early education and care or his designee; the director of workforce development or his designee; the president of the Massachusetts Teachers Association or his designee; a chief executive officer of a life-science firm; a chief executive officer of a technology firm; a chief executive officer of a health care corporation; a chief executive officer of a consulting engineering firm; a representative of a minority or female-led firm; the chairperson of the board of higher education or his designee; a chancellor of a state university or college or his designee; a president of a state college or his designee; a president of a community college or his designee; a superintendent of a public school system or his designee; the president of the Technology Education Association of Massachusetts or his designee; the president or executive director of the Massachusetts Technology Leadership Council or her designee; the executive director of the Massachusetts Technology Collaborative or his designee; the executive director of the Massachusetts Development Finance Agency or his designee; the president of Associated Industries of Massachusetts or his designee; the president of the Massachusetts Federation of Teachers or his designee; 3 members of the senate, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party; and 3 members of the house of representatives, 1 of whom shall serve as co-chair and 1 of whom shall be a member of the minority party. (b) The council shall: (1) annually evaluate and make recommendations to the chancellor of higher education regarding programs supported by the pipeline fund established in section 2MMM of chapter 29; (2) investigate, study and make recommendations to the general court on maintaining a specialized workforce to support and expand the science, technology, engineering and mathematics sectors in the commonwealth and prepare students for the demands of a knowledge-based economy of the future. and attract and retain students entering the science, technology, engineering and mathematics fields of study; (3) investigate and make recommendations to the chancellor of higher education regarding similar programs to eliminate duplication and to provide for a single, coordinated, consolidated statewide network of science, technology, engineering and mathematics programs for in-state students; and (4) investigate and pursue alternative funding services for the advancement of these disciplines. The council shall also investigate the public college and university system, including community colleges, to determine the feasibility of establishing job training programs specifically geared toward creating science, technology, engineering and mathematics employment opportunities and to identify and establish career ladders within science, technology, engineering and mathematics employment opportunities. The council shall also investigate the impact of changing demographics on the commonwealth and make recommendations on ways to incorporate such changes in order to enhance the commonwealth’s capacity to build a strong and competitive workforce. The council shall submit quarterly reports on the fund’s progress and shall, not later than December 31, submit a cumulative annual report, together with any recommendations, to the clerk of the senate, the clerk of the house of representatives, the chairs of the house and senate committees on ways and means, the chairs of the joint committee on economic development and emerging technologies, the chairs of the joint committee on labor and workforce development, the chairs of the joint committee on higher education, and the chairs of the joint committee on education. The reports shall include: (i) a list of grant recipients from the pipeline fund; (ii) the amount of each grant; (iii) the amounts of nonstate funding credited to the pipeline fund; (iv) the purposes of grants from the pipeline fund; (v) an annual statement of cash inflows and outflows detailing the sources and uses of the funds; (vi) a forecast of future payments based on current binding obligations; and (vii) a detailed breakdown of the purposes and amounts of administrative costs charged to the fund.”;

In Section 9, by striking out the second paragraph, and replacing it with the following paragraph:—

“If the Martha’s Vineyard commission as described in chapter 831 of the acts of 1977 or the Cape Cod commission as described in chapter 716 of the acts of 1989 require or allow referral of a permit application, the 180-day time period as described in this act shall be suspended upon receipt of said permit application. The 180-day time period shall recommence at the completion of the regional commission’s review; provided however that if either commission denies a regional permit on a priority development site section 7 of this act shall not apply and the issuing authority upon receipt of the denial notice shall permanently cease the 180-day time period.”;

By striking out sections 27 and 28 and inserting in place thereof the following 2 sections:—

“SECTION 27. Paragraph (1) of subsection (j) of section 6 of chapter 62 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:—

A taxpayer or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2010, and who achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated pursuant thereto which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998, and January 1, 2012, for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E. Such costs shall be not less than 15 per cent of the assessed value of the property prior to remediation and the site shall be reported to the department of environmental protection. A credit of 50 per cent of such costs shall be allowed for any such taxpayer or nonprofit organization which achieves and maintains a permanent solution or remedy operation status in compliance with said chapter 21E and the Massachusetts Contingency Plan at 310 CMR 40.00, which does not include an activity and use limitation. Only a taxpayer or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E shall be allowed a credit.

SECTION 28. Said subsection (j) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following 2 paragraphs:—

5) All or any portion of tax credits issued in accordance with this subsection may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 63 or to a nonprofit organization. A taxpayer or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which the transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. The taxpayer or nonprofit organization shall provide to the commissioner appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response action tax credit reflecting the amount of the tax credit received, a copy of which shall be attached by the party receiving the environmental response action tax credit to each tax return in which the tax credits are used.

(6) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the chairs of the joint committee on community development and small businesses and the chairs of the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this subsection and the total amount of tax credits transferred, sold or assigned pursuant to paragraph (5) for the preceding fiscal year.”; and

By striking out sections 38 and 39 and inserting in place thereof the following 2 sections:—

“SECTION 38. Section 38Q of said chapter 63, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) A domestic or foreign corporation or limited liability corporation or nonprofit organization which commences and diligently pursues an environmental response action on or before August 5, 2010 and which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the regulations promulgated thereunder which includes an activity and use limitation shall, at the time such permanent solution or remedy operation status is achieved, be allowed a base credit of 25 per cent of the net response and removal costs incurred between August 1, 1998 and January 1, 2012 for any property it owns or leases for business purposes and which is located within an economically-distressed area as defined in section 2 of chapter 21E; provided, however that these costs shall be not less than 15 per cent of the assessed value of the property prior to remediation; provided further that the site shall have been reported to the department of environmental protection; and provided further, that a credit of 50 per cent of such costs shall be allowed for any such corporation which achieves and maintains a permanent solution or remedy operation status in compliance with chapter 21E and the Massachusetts Contingency Plan provided in 310 CMR 40.00, which does not include an activity and use limitation. Only a domestic or foreign corporation, limited liability

corporation or nonprofit organization that is an eligible person, as defined in section 2 of said chapter 21E, and not subject to any enforcement action brought pursuant to said chapter 21E, shall be allowed a credit.

Any credit allowed under this subsection may be taken only after a response action outcome statement or remedy operation status submittal has been filed with the department of environmental protection as set forth in said Massachusetts Contingency Plan.

SECTION 39. Said section 38Q of said chapter 63, as so appearing, is hereby further amended by adding the following 2 subsections:—

(g) All or any portion of tax credits issued in accordance with this section may be transferred, sold or assigned to a taxpayer with a liability under this chapter or chapter 62 or to a nonprofit organization. A corporation or nonprofit organization desiring to make a transfer, sale or assignment shall submit to the commissioner a statement which describes the amount of the Massachusetts environmental response action tax credit for which such transfer, sale or assignment of Massachusetts environmental response action tax credit is eligible. Such a corporation or nonprofit organization shall provide appropriate information so that the environmental response action tax credit can be properly allocated. The commissioner shall issue a certificate to the party receiving the environmental response tax credit reflecting the amount of tax credit received, a copy of which shall be attached by the party receiving the environmental response tax credit to each tax return in which the tax credits are used.

(h) The commissioner shall annually, not later than September 1, file a report with the house and senate committees on ways and means, the joint committee on community development and small businesses and the joint committee on economic development and emerging technologies identifying the total amount of tax credits claimed pursuant to this section and the total amount of tax credits transferred, sold or assigned pursuant to this section in the preceding fiscal year.”;

By inserting after section 40 the following 2 sections:—

“SECTION 40A. Section 29 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 125, the words ‘the Social Security Act or’.

SECTION 40B. Paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following sentence:— Payments received under the Social Security Act shall not be subject to this paragraph.”;

By striking out section 46 and inserting in place thereof the following 2 sections:—

“SECTION 46. Section 2 of chapter 45 of the acts of 2005 is hereby amended by striking out item 4401-1100 and inserting in place thereof the following item:—

4401-1100 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 employment and training programs as provided in section 2B of chapter 18 of the General Laws; provided, that the department shall expend the equivalent of \$3,000,000 in such revenue received from 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, plus any federal funds received for food stamp outreach and any federal bonuses, on employment and training services provided to recipients and former recipients of transitional aid to families with dependent children .....20,000,000.

SECTION 46A. Said section 2 of said chapter 45 is hereby further amended by striking out item 7010-0005 and inserting in place thereof the following item:—

7010-0005

For the operation of the department of education; provided, that the department, in collaboration with the governor’s commission on gay and lesbian youth, shall allocate not less than \$75,000 for programming to ensure public schools’ compliance with the board of education’s recommendations for the support and safety of gay and lesbian students and the implementation of related suicide-prevention and violence-prevention efforts; provided further, that the department shall report to the legislature on the feasibility of incorporating a median income component into the current chapter 70 school funding formula; provided further, that said report shall be provided to the house and senate chairs of the joint committee on education, the chairs of the house and senate committees on ways and means and the secretary of administration and finance not later than September 15, 2005; provided further, that funds from this item shall be expended for the salary of a deputy commissioner who shall serve as a chief operating officer for the department, and who shall have responsibility for overseeing all operational details of the department to ensure that all offices and divisions within the department operate according to a common strategic vision and coordinated planning process, and that all actions, public statements and decisions of deputy commissioners, assistant commissioners and staff are consistent with that vision and reflect board of education policy, the goals and intent of the general court and all applicable statutory mandates and requirements of the General Laws; provided further, that not later than November 15, 2005, the department shall submit to the secretary of administration and finance, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education a report on the current organization of the department, with an

operational flow chart detailing responsibilities and duties of each deputy commissioner, associate commissioner and any other person with supervisory responsibility in the department; provided further, that said report shall detail the means by which the department shall coordinate planning and operations functions, and describe the strategic vision of the department, along with a detailed implementation plan for realizing that vision; and provided further, that \$80,000 shall be expended for the East Boston Harborside Community School for adult basic education initiatives ..... 9,677,805”;

In section 53, by inserting the following:— “provided further, that \$100,000 shall be expended for the purposes of a federally funded grant entitled, the Essex National Heritage Commission Cooperative Agreement; provided further, that \$50,000 shall be expended to the Salisbury Historical Society to complete a historic building restoration and create a town history museum and visitors center at Parson’s Corner in Salisbury; provided further, that \$50,000 shall be expended for the Amesbury Carriage Alliance in the Amesbury lower milliard to preserve and renovate an existing building into a carriage museum, visitors center and artisans center; and provided further, that not less than \$250,000 shall be expended for the Plimoth Plantation for the creation of a new brand identity”;

In section 61, by inserting after the first sentence the following sentence:— “The special commission shall consider the potential benefit to the commonwealth of offering such enhanced access to in-state affiliates of out-of-state pharmaceutical companies whether or not those affiliates manufacture drugs in the commonwealth.”; and

By adding the following section:—

“SECTION \_\_\_\_ . Item 7007-1200 of said section 2 of said chapter 45 is hereby amended by adding the following:— provided that not less than \$500,000 shall be expended by MassDevelopment for the purposes of planning for a new mission to be executed by the Massachusetts Air National Guard at Otis Air National Guard Base; provided that not less than \$500,000 shall be expended by MassDevelopment for the purposes of planning and development of a homeland security training center to be located on the Massachusetts Military Reservation”.

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

Messrs. Moore and Nuciforo moved to amend the bill in section 30 by placing at the end thereof the following:— “provided further, that not less than ‘\$1,000,000’ of which shall be allocated for the relocation and reconstruction of threatened historic structures where no other alternative exists to save the structure”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 57, in item 7035-0002, by adding the following:— “; and 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”; and by striking out the figure “\$32,322,628” and inserting in place thereof the following figure:— “\$32,422,628”.

**The amendment was adopted.**

Ms. Resor and Messrs. Morrissey, Knapik, Nuciforo and Tarr moved that the bill be amended by inserting at the end thereof the following:—

“Section 11F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 26 by striking out clause (vii) and inserting in place thereof the following:— naturally flowing water and run-of-the-river hydroelectric facilities, provided that such facility is a vintage generation unit as that term is defined by the division, has a generating capacity of not more than five megawatts, is certified by the Low Impact Hydropower Institute, and shall not utilize a dam constructed subsequent to December 31, 1997;

Section 11F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following clause (ix):—

All other naturally flowing water and hydroelectric facilities;

Section 11F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 33 by striking out the words ‘clauses (vi) and (vii) herein.’ and inserting in place thereof the following:— clauses (vi) and (ix) herein.

Section 11F of Chapter 25A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following new subsections:—

c) In order for any generation from a hydroelectric facility to be eligible as a new renewable energy generating source, a hydroelectric facility must complete improvements after December 31, 1997 and by no later than December 31, 2008 that increase efficiency and/or capacity in excess of ten percent without involving any new impoundment or diversion of water. Only the incremental new annual electricity output attributable to such improvements to a hydroelectric facility shall be eligible.



d) By no later than April 30, 2006, the Division shall promulgate modifications to its renewable portfolio standard regulations to require separate reporting by retail electricity suppliers of the quantity of kilowatt-hours from eligible generation from hydroelectric power facilities used for compliance with the renewable portfolio standard. No later than July 31, 2009, the Division shall calculate and publish the average annual kilowatt-hour sales from eligible generation from hydroelectric power 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 eligible hydroelectric generation percentage, the minimum percentage of kilowatt hours sales from new renewable energy generating sources that each retail supplier must provide to end-use customers in the commonwealth in 2010 and thereafter.”

The amendment was *rejected*.

Messrs. Morrissey and Hedlund moved that the bill be amended by adding the following new section:—

“SECTION \_\_\_\_ . Chapter 166 of the General Laws is hereby further amended by inserting, after section 25B, the following section:—

Section 25C. As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Authority’, the Massachusetts Turnpike Authority established by section one of chapter eighty-one A.

‘Central artery’, as defined in section three of chapter eighty-one A of the General Laws.

‘Department’, the Department of Telecommunications and Energy.

‘Usable space’, the total space that would be available for wireless attachments, without regard to attachments previously made, within the tunnels of the Central Artery project.

‘Wireless attachment’, any device, apparatus, appliance or equipment used or useful in providing wireless communications services, including any associated wire or cable, used in the provision of a commercial wireless communications system.

‘Wireless provider’, any person, firm or corporation which provides commercial wireless communications services.

Where it has been determined by the General Court that an effective and seamless state-of-the-art wireless communications system in the Central Artery tunnels owned or controlled by the authority provides economic benefits to and ensures the safety of citizens of the commonwealth, consistent with its authority pursuant to section four of chapter eighty-one A of the General Laws, the authority shall ensure that a wireless communications system is established in the tunnels of the Central Artery no later than December 31, 2006 through the issuance of licenses, easements or other instruments and by cooperating with and allowing access by wireless providers to said tunnels of the Central Artery.

In order to effectuate the provision of wireless communications services in the tunnels of the Central Artery, the department shall have the authority to establish rates and fees and shall open a proceeding to establish the maximum rates and fees which can be charged by the authority to wireless providers for the placement and use of wireless attachments in the Central Artery tunnels. The department shall determine just and reasonable maximum rates and fees for the placement of wireless attachments and use of space in the tunnels of the Central Artery by wireless providers by assuring that the authority’s recovery does not exceed the cost to the authority of construction, operations and maintenance of the wireless communications system in the tunnels of the Central Artery. In establishing these rates and fees, the department shall compute the percentage of usable space in the tunnels of the Central Artery which has been or will be allocated to wireless attachments, and shall consider the number of wireless providers that will be participating in the wireless communications system to be established in the tunnels. The department, after hearing, shall issue its order establishing rates and fees within 180 days of the effective date of this section. The department is hereby authorized to promulgate rules and regulations for the administration and enforcement of this section.”

**The amendment was adopted.**

Ms. Resor and Messrs. Barrios, Tisei, Brown and Tarr moved that the bill be amended by inserting, after section 7, the following new section:—

“SECTION 7A. Chapter 23A of the General Laws, is hereby amended by inserting after section 3H the following new section:—

Section 3I. (a) Notwithstanding any other provisions of this Chapter, the department is authorized and, upon receipt of qualifying applications, directed to expend not less than five hundred thousand dollars annually in matching grants to assist municipalities to purchase environmental insurance for purposes of establishing and maintaining rail-trails as defined in section 2 of chapter 21E and section 35A of chapter 82, utilizing the Brownfield’s 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 three million dollars per incident, a deductible of at most fifty thousand dollars per incident, and a term of at least five 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) of this section 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 is authorized and directed to promulgate such regulations, policies, or directives as are necessary to expedite the receipt and approval of grant applications from municipalities under this section.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-four minutes past six o’clock P.M., on motion of Mr. Tisei, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 184**]:

#### **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 —
McGee, Thomas M.	<b>39.</b>

#### **NAYS — 0.**

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

Messrs. Antonioni and Brewer moved that the bill be amended in section 2 by inserting the following item:—

“7004-0099 .....75,000”;

and by adding the following section:—

“SECTION XXX. Section 2 of Chapter 145 of the Acts of 2005 shall be amended, in item 7004-0099, by adding the following:— provided further, that not less than \$75,000 be expended for an urban renewal plan for the City of Gardner.”.

**The amendment was adopted.**

Ms. Creem, Ms. Walsh, Ms. Fargo and Ms. Resor moved that the bill be amended in section 26 by adding after the words “Section 1. Notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary, this chapter shall apply upon its acceptance by any city or town.”, the following words:— “provided that a town that adopts the provisions of this chapter may condition such acceptance upon requiring town meeting approval of any site to be designated as a priority

development site, provided that such town meeting approval must occur within 45 days of the designation of such site as a priority development site by the Governing body”.

**After remarks, the amendment was adopted.**

Messrs. Tarr, Montigny and Hedlund moved that the bill be amended in section 2A, by inserting after item 2511-2000, the following item:—

*“Department of Fish and Wildlife.*

2330-0101

For the purpose of designing a comprehensive Vessel Buyback Program to be utilized as the basis for the federal funding and implementation of said program .....75,000”.

**After remarks, the amendment was adopted.**

The question on adoption of the Ways and Means amendment, as amended, was determined by a call of the yeas and nays, at twenty-eight minutes before seven o’clock P.M., on motion of Mr. Lees, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 185**]:

### **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 —
McGee, Thomas M.	<b>39.</b>

**NAYS — 0.**

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

The Ways and Means amendment, as amended, was then ordered to a third reading.

The rules were suspended, on motion of Mr. Hart, and the bill was read a third time.

The question on passing the bill to be engrossed was determined by a call of yeas and nays, at twenty-four minutes before seven o’clock P.M., on motion of Mr. Hart, as follows to wit (yeas 39 — nays 0) [**Yeas and Nays No. 186**]:

### 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-one minutes before seven o’clock P.M., the bill was passed to be engrossed with the amendments. [For text of Senate amendments, see Senate, No. 2264, printed as amended.] Sent to the House for concurrence in the amendments.**

### PAPERS FROM THE HOUSE.

#### *Engrossed Bills.*

An engrossed Bill providing death benefits for survivors of volunteer firefighters and other volunteer public safety personnel (see House, No. 4369, 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 additional cost upon two or more municipalities for the compensation, hours, status, conditions or benefits of municipal employment and comes within the provisions of Article CXV of the Amendments to the Constitution, requires a two-thirds vote of the members present and voting.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty minutes before seven o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 187**]:

### 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.
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	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
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 —
	<b>38.</b>

**NAYS — 0.**

**ABSENT OR NOT VOTING.**

Berry, Frederick E. — **1.**

**The yeas and nays having been completed at seventeen minutes before seven o'clock P.M., the bill was passed to be enacted, more than two-thirds of the members present and voting having voted in the affirmative, and it was signed by the President and laid before the Governor for his approbation.**

An engrossed Bill removing the residency requirement for the town counsel of the town of Arlington (see House, No. 35, amended) (which originated in the House), **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.**

*Matter Taken Out of the Notice Section of the Calendar.*

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

The Senate Bill relative to elevator license examinations (Senate, No. 2216),— was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Morrissey moved that the bill be amended in section 4, in line 6, by inserting after the words “other associated devices” the following words:— “, except stair lifts located and installed in residential homes”; and in section 7, in line 9, by inserting after the words “other associated devices” the following words:— “, except stair lifts located and installed in residential homes,”.

**The amendment was adopted.**

**The bill (Senate, No. 2216, amended) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.**

*Order Adopted.*

On motion of Mr. Tolman,—

*Ordered,* That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of the same Senator, at a quarter before seven o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.