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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Wednesday, May 21, 2008.

Met at one minute past eleven o'clock A.M.

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

Distinguished Guests.

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

President handed the gavel to Mr. Galluccio for the purpose of an introduction. Mr. Galluccio then introduced Precious Perez, who was recognized for winning the Massachusetts Braille Challenge and competing in the National Braille Challenge. The Senate applauded her accomplishments and she withdrew from the Chamber.

The President handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer then introduced John and Maggie Bish, who were accompanied by their two children, Heather and John Jr. The Senate welcomed them with applause and they withdrew from the Chamber.

PAPERS FROM THE HOUSE.

Bills

Relative to the homeowners' residential tax exemption in the city of Boston (House, No. 4104,-- on petition) {Local approval received};

Exempting the position of deputy fire chief in the town of Hingham from the civil service law (House, No. 4496,-- on petition) {Local approval received}; and

Relative to the retirement and health insurance of certain elected officials in the town of Tyringham (House, No. 4755,-- on House, No. 4287) {Local approval received on House, No. 4287}

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 4770) of Stephen P. LeDuc relative to the registration of veterinarians and technicians with the Board of Registration in Veterinary Medicine; and

Under suspension of Joint Rule 12, to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 4771) of Anthony J. Verga for legislation to establish a sick leave bank for David Catanzaro, an employee of the Trial Court of the Commonwealth.

Under suspension of Joint Rule 12, to the committee on The Judiciary.

A report of the House committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the House Bill relative to illegal parking in bus stops (House, No. 4314), and recommending that the same be referred to the committee on Municipalities and Regional Government,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, insomuch as relates to the reference to the joint committee.**

Engrossed Bills.

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

Further regulating municipal retiree health insurance in the town of Lanesborough (see House, No. 4060);

Establishing a waterways dredge and maintenance program receipts reserved capital improvements fund in the town of Dennis (see House, No. 4108); and

Establishing a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation (see House, No. 4615).

Engrossed Bill Returned with Recommendation of Amendment.

A message from His Excellency the Governor, returning with recommendation of amendment the engrossed Bill authorizing the city of Methuen to lease a portion of a certain building to the Methuen Municipal employees federal credit union (see House, No. 4325) [for message, see House, No. 4552],— came from the House with an amendment in the form approved by the committee on Bills in the Third Reading as follows:-

In section 1 by striking out, in line 1 the figure “5” and inserting in place thereof the figure: “16”.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

The rules were suspended, on motion of Mr. Baddour, and the Governor’s amendment was considered forthwith and adopted, in concurrence (as corrected BTR).

Sent to the House for re-enactment.

Suspension of Senate Rule 38A.

Mr. Tisei moved that Senate Rule 38A be suspended to allow the Senate to continue in session beyond the hour of eight o’clock P.M.; and the same Senator requested unanimous consent that the rules be suspended without a call of the yeas and nays. There being no objection, the motion was considered forthwith, and it was adopted.

Recess.

There being no objection, at fourteen minutes past eleven o’clock A.M., at the request of Mr. Tisei, for the purpose of a minority caucus, the President declared a recess; and, at three minutes past twelve o’clock noon, the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered as follows:-

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was read a second time, the main question being on ordering the bill to a third reading.

After remarks, pending the main question on ordering the bill to a third reading and pending the question on adoption of the amendment as recommended by the committee on Ways and Means,- was considered.

Recess.

There being no objection, at nineteen minutes past twelve o'clock noon, at the request of Mr. Tisei, for the purpose of a minority caucus, the President declared a recess; and, at twenty-four minutes before one o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Messrs. Tisei, Tarr and Knapik moved that the bill be amended by inserting the text of Senate document numbered 2711.

After debate and pending the question on adoption of the amendment, Messrs. Rosenberg, Morrissey and Ms. Menard moved that amendment (Tisei et al) be amended by striking out the text and inserting in place thereof the following text:-

"SECTION XXX. There shall be a special commission on the expansion of gaming in the commonwealth for the purpose of making an investigation into, and recommendations relative to, the potential establishment and regulation of resort-style casinos and racinos. The commission shall investigate, without limitation: the potential effects of installing slot machines at the existing race tracks within the commonwealth would have on the state; the financial and social impact of approving the construction and operation of one or more resort-style casinos in the commonwealth; existing Indian gaming regulations and their potential impact, including, but not limited to, the possibility of federal action that could lead to the approval of one or more Indian gaming venues in the commonwealth; and whether the commonwealth should attempt to negotiate a compact in advance of any federal action. The commission shall, to the greatest extent possible, study and make recommendations with regard to the impact any expansion of gaming in the commonwealth, through the operation of racinos or resort style casinos, would have on the state's economy, tax revenue, state lottery, public infrastructure, addiction and addiction services, public health, as well as the social impact such expansion would have on the state. The commission may consider and make recommendations regarding the number, if any, of new facilities or expanded facilities offering gaming, qualifying factors for proposed sites or expansion of existing facilities, and shall make recommendations with regard to minimum criteria for the establishment and operation of any racinos or resort style casinos in the commonwealth, whether operated by a federally recognized Native American tribe or other entities. The commission may also recommend a regulatory structure or oversight plan for any gaming expansion. The commission shall consist of 13 members: 5 members of the senate, 4 of whom shall be appointed by the senate president, and 1 by the minority leader; 5 members of the house of representatives, 4 of whom shall be appointed by the speaker of the house, and 1 by the minority leader; and 3 members to be appointed by the governor. The costs associated with the work of this commission including, but not limited to, staff support shall be made available in equal parts by the executive branch, the house of representatives and the senate. The commission shall be chaired by 1 member of the senate, to be chosen by the senate president, 1 member of the house of representatives, to be chosen by the speaker of the house, and 1 member to be chosen by the governor. The commission shall file a report of its findings, recommendations, and proposed legislation, if any, with the clerks of the senate and house of representatives and the house and senate committees on ways and means on or before February 15, 2009."

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at eleven minutes past two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 29 - nays 9) **[Yeas and Nays No. 215]:**

Insert Roll Call "A"

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

The pending amendment (Tisei et al), as amended (Rosenberg et al) was then adopted.

PAPERS FROM THE HOUSE.

There being no objection, during consideration of the Orders of the Day, a Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4769,-- on House, No. 4684, in part),-- was read.

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and after remarks, was passed to be engrossed, in concurrence.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

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

"SECTION ___. Section 2 of chapter 60A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 35 through 45 inclusive, the wording:- "All tax notices sent to owners of vehicles notifying said owners of the amount of the excise tax due and the due date shall indicate the owner's license to operate number as appearing on the registration application, renewal application or amended registration as provided in section 2 of chapter 90." and inserting in place thereof, the following words:- "All tax notices sent to owners of vehicles or trailers notifying said owners of the excise tax due, shall have printed on such notice, the amount of excise tax due, the last day, month and year for receipt of payment without interest being due and the owner's license to operate number as appearing on the registration application, renewal application or amended registration as provided in section 2 of chapter 90."; and by inserting, after Section ___, the following new section:-

"SECTION ____. Section ____ shall take effect as of January 1, 2010."

After remarks, the amendment was adopted.

Ms. Fargo and Mr. Brown moved that the bill be amended by inserting after section ____, the following new section: -

"SECTION ____. Chapter 64A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 7A, the following section:-

Section 7B. Any municipality of the commonwealth that buys any fuel on which an excise tax has been paid under this chapter and, which fuel has been purchased for its municipal consumption and use, shall be reimbursed the amount of such excise tax paid in the manner and subject to the conditions herein provided. All claims for reimbursement shall be filed with the commissioner of revenue and shall be made in such form and containing such information, and accompanied with supporting documentation, as the commissioner of revenue shall prescribe. The commissioner of revenue shall establish a quarterly calendar year schedule for the submission of claims by municipalities for reimbursement of such paid fuel excise taxes. No reimbursement for such excise tax paid shall be made for any claim submitted after 6 months from the date of the purchase of such fuel. The commissioner of revenue shall transmit all claims approved by him to the comptroller for certification, and the amount so approved and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter, without specific appropriation. No claim for reimbursement for said excise tax shall be made by a municipality under sections 7 and 7A of this chapter, for fuel purchased during said period, to which a municipality is entitled to claim a reimbursement under this section."; and by inserting after Section ___, the following new section:-

"SECTION ___. Section 13 of Chapter 64A of the General Laws, as so appearing, is hereby amended by striking out the words "seven and seven A" in line 3, and inserting in place thereof, the following words:- 'seven, seven A and seven B'."

After remarks, the amendment was *rejected*.

Ms. Fargo and Mr. Hedlund moved that the bill be amended by inserting after Section __, the following new Section:-

"SECTION ____. Paragraph (2) of subsection (k) of section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is amended by inserting after the figure "$750", as so appearing in line 352, at the end of said paragraph, the following words:- ; provided however, in the event that the taxpayer's total income does not exceed 50 percent of the income limitation as applicable to the taxpayer under clause (i) of paragraph (3) of this subsection, as increased under paragraph (4) of this subsection, then such amount to which the real estate tax payment or the rent constituting real estate tax payment exceeds the taxpayer's total income shall be calculated based on 8 ½ percent of such total income."; and by inserting, after section ___, the following new section:-

"SECTION ____. Section ____ shall be effective for tax years beginning on or after January 1, 2008."

After remarks, the amendment was *rejected*.

Messrs. Baddour and Augustus moved that the bill be amended by striking out Section 11 and striking out item 2100-0016.

The amendment was adopted.

Ms. Tucker and Messrs. Timilty and Creedon moved that the bill be amended by inserting, after Section 90, the following new Section: -

"SECTION 91. Notwithstanding any general or special law, rule or regulation to the contrary, no fossil fuel electric power facilities or facility shall be located in an area which is less than 1 mile in linear distance from a day-care center, school or an area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such facility to the outermost point of the aforementioned zones; provided, however that any such facility in operation on January 1, 2007, shall not be subject to this act. For the purpose of this section, "fossil fuel electric power facilities or facility" shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas."

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended by inserting, after Section 90, the following new Section:-

"Section XX. Any school district in the Commonwealth that may have students that are currently or were last enrolled in said district that are considered both clinically and academically appropriate for placement at a Massachusetts Recovery High School shall ensure tuition for students that attend a Massachusetts Sobriety High School and, upon completion of all other graduation requirements, conferment of a diploma."

The amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. The Secretary of Administration and Finance, in consultation with the Commissioner of the Department of Revenue and the Secretary of Housing and Economic Development, is hereby authorized and directed to evaluate the needs and circumstances of communities in the Commonwealth with aging and deteriorating infrastructure including but not limited to municipal buildings, wastewater collection and treatment facilities, drinking water treatment and distribution facilities, transportation facilities including roads and bridges, and other capital facilities, and to develop a plan for the Commonwealth to

assist such communities with the costs of replacing, repairing, maintaining or otherwise addressing problems arising from such infrastructure.

Said plan shall include but not be limited to an identification of needs and an estimation of their cost, a means for equitably providing assistance which may include grants, loans or other mechanisms, a means for funding such assistance, taking into account current and projected fiscal constraints, and a reasonable time frame for such plan to be executed.

The Secretary shall file said plan, together with any necessary legislation necessary for its implementation, not later than ten months following the passage of this act."

The amendment was *rejected.*

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

"SECTION 91. Chapter 29 of the General Laws is hereby amended by adding at the end the following additional section:-

'Section 72. Services Provided by the Department of Corrections and Municipal Jails

1. No public funds shall be expended for the purpose of sex reassignment surgery for any person in the custody of any jail or prison in the commonwealth.

(b) No public funds shall be expended for the purpose of laser hair removal for any person in the custody of any jail or prison in the commonwealth.

(c) No public funds shall be expended for the purpose of hormone replacement therapy for any person in the custody of any jail or prison in the commonwealth except for a use, prescribed by a physician, other than preparation for sex reassignment surgery.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.'"

After remarks, the amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Notwithstanding any general or special law to the contrary, the Department of Education is hereby authorized and directed to study the inequities resulting from the past and current applications of the educational funding methodology contained in Chapter 70 of the general laws as established in the Education Reform Act of 1993 and subsequently modified from time to time.

Said study shall include but not be limited to a) inequities between communities arising from the utilization of local educational authority spending prior to 1993 as a factor in determining a community's ability to pay for education in subsequent years, b) inequities caused by an over-reliance on the property value in a community in calculating a community's ability to pay for education, and c) inequities produced by other elements involved in measuring the ability to pay for education or the accurate cost of education in a particular community.

The results of said study, together with any necessary legislative recommendations to eliminate inequities in state educational funding for local school districts, shall be filed with the clerks of the House and Senate not later than February 15, 2009.

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. There is hereby established the Commonwealth Cost Containment Council, the purpose of which shall be to examine the operations of state government on a regular basis and to seek opportunities to reduce or contain the costs of programs and operations and to eliminate unnecessary costs or expenditures which are duplicative, redundant, or ineffective.

The council shall consist of the Auditor of the Commonwealth, who shall serve as its chair, the Secretary of Administration and Finance, the Treasurer of the Commonwealth, the Inspector General, two members of the Senate Ways and Means Committee to be appointed by the President of the Senate and one member of the Senate Ways and Means Committee to be appointed by the Minority Leader of the Senate, three members of the House Ways and Means Committee, two of whom shall be appointed by the Speaker of the House and one of whom shall be appointed by the Minority Leader of the House, and one member appointed by the auditor who shall represent the interests of taxpayers in the Commonwealth.

The council shall meet on a regular basis, not less than twice a year, and shall consult with academic institutions and organizations including but not limited to the Massachusetts Taxpayers Foundation, the Pioneer Institute and others as it may deem appropriate in carrying out its purposes.

The Council shall solicit and receive public suggestions for reducing the cost of government for a period of not less than thirty days per year, and shall conduct not less than one public hearing per year for the purpose of receiving testimony relevant to cost containment and reduction.

The Council shall issue a report on any opportunities for cost reductions or containment and any methodologies for achieving those reductions or containment on an annual basis on or before December 31 of each year, and shall file said report, together with any legislative recommendations, with the clerks of the House and Senate.

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-two minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 6 - nays 33) **[Yeas and Nays No. 216]:**

Insert Roll Call "B"

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

Mr. Tarr moved that the bill be amended by inserting at the end the following new Section:-
"SECTION 91.

1. Definitions – For the purposes of this section, the terms below shall be defined as follows:
    1. Entity – whether for-profit or not for profit,
2. a corporation
3. an association
4. a partnership
5. a limited liability corporation
6. a limited liability partnership
7. a sole proprietorship
8. any other legal business entity
9. a political subdivision of the Commonwealth

provided that an employee of the Commonwealth or an individual recipient of assistance shall not be considered an entity.

    1. State expenditure – an expenditure of state funds including grants, subgrants, loans, awards, cooperative agreements, financial assistance, contracts, subcontracts, purchase order, task orders and delivery orders, and excluding transactions below $25,000.
    2. Searchable website – a website which allows the public to:
1. Search and aggregate state expenditures by any item identified in the definition of website contained herein
2. Ascertain through a single search the total amount of state funding awarded to an entity by fiscal year, and
3. Download information, including the results of searches.
    1. Website – a searchable website which includes for each state expenditure:
1. The name of the receiving entity
2. The amount of the expenditure
3. Information describing the expenditure such as transaction type, funding agency or program, and title descriptive of the purpose of the expenditure
4. The location of the entity receiving the expenditure and the primary location of performance pursuant to the expenditure, including the city, state, country and legislative district
5. A unique identifier of the entity receiving the award and of any parent entity of the recipient
6. Any other relevant information specified by the Operational Services Division.
7. The Secretary of Administration and Finance, the Comptroller, the Treasurer and the Operational Services Division are hereby authorized and directed to develop a single searchable website, accessible by the public without cost, to enable the public to research and examine state expenditures as defined herein. Said website shall be designed so as to maximize utility, minimize cost and promote accessibility of information, and shall build upon resources currently existing, including, but not limited to, the "EASI" website, so-called, administered by the Executive Office of Administration and Finance, and the Comm-Pass system, so-called, administered by the Operational Services Division of the Executive Office of Administration and Finance.

In developing said website, the Secretary shall seek to obtain the use of coding and other information management infrastructure developed by the federal government pursuant to the "Federal Funding Accountability and Transparency Act of 2006.

Said website shall seek to provide information for Fiscal Year 2009 and subsequent years.

A plan for the development and implementation of said website, together with any estimates for funding required and other legislative recommendations, shall be filed with the clerks of the House and Senate not later than November 31, 2008."

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at fourteen minutes before three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 10 - nays 29) **[Yeas and Nays No. 217]:**

Insert Roll Call "C"

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

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study the commonwealth's ability to expand the use of educational collaboratives by school districts in order to fully maximize efficiencies in areas including, but not limited to, special education transportation, instruction, and procurement. The commission shall consist of 11 members, as follows: the chairs of the joint committee on education, who shall chair the commission; a designee appointed by the governor; the commissioner of the board of education or his designee; the chairs of the house and senate committees on ways and means; the executive director of the Massachusetts association of school superintendents; the executive director of the Massachusetts association of school committees; the executive director of the Massachusetts organization of education collaboratives; a representative of the statewide parents advisory council; and the secretary of administration and finance, or his designee. The commission shall report its findings and recommendations, including any proposed legislation, to the clerk of the senate, the clerk of the house of representatives, the chairs of the joint

committee on education, the House minority leader and the Senate minority leader not later than July 1, 2009."

The amendment was adopted.

Mr. Tarr and Ms. Tucker moved that the bill be amended by adding at the end the following section:-

"SECTION 91. (a) Chapter 71 of the General Laws is hereby amended by inserting after Section 37M the following section:-

'Section 37M ½. Consultations regarding consolidation of administrative functions with city or town.

For any city or town accepting the provisions of this section, not earlier than December 1st of each alternating year beginning in 2009, and not later than January 31st of the subsequent year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality. The purpose of this meeting shall be to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than thirty days following the conclusion of such meeting.'

(b) There is hereby established a special commission for the purpose of investigating potential options for the modification of the means by which municipal entities are permitted to join the State Group Insurance Commission, the impacts of such options, the feasibility of such options, and their relative advantages and disadvantages.

Such commission shall consist of the Secretary of Administration and Finance or a designee who shall chair the commission, the executive director of the Group Insurance Commission, three representatives of municipal governments currently serving in an elected or appointed capacity and selected from a list provided by the Massachusetts Municipal Association by the governor, three representatives of public employee unions appointed by the governor, one member appointed by the governor, with actuarial experience in health insurance and three additional members appointed by the governor, one of whom shall represent the Massachusetts Taxpayers Foundation and two of whom shall represent the citizens of the Commonwealth.

Said Commission shall report its findings, together with legislative recommendations for changes and/or modifications, to the clerks of the House and Senate not later than six months following the passage of this act.

(c) (1) Methodology - Notwithstanding any general or special law to the contrary, the Secretary of Health and Human Services is hereby authorized and directed to, in consultation with the University of Massachusetts, change the methodology by which the Commonwealth seeks reimbursement from the federal Medicaid program for students educated pursuant to Chapter 71B of the General Laws from the current "per diem" format, so-called, to a "fee-for-service" format, so-called.

(2) Certification of Increased Reimbursement – Not later than thirty days following the initial receipt of funds pursuant to the "fee-for-service" methodology and in periods of not more than ninety days thereafter, the Secretary shall certify the amount by which reimbursement received using this methodology exceeds the amount which would have otherwise been received, taking into account inflation and any other relevant factors. Such excess amount shall be deposited into the Special Education Assistance Fund established herein.

(3) There shall be established and set up on the books of the Commonwealth the Special Education Assistance Fund, into which shall be deposited sums resulting from federal Medicaid reimbursement pursuant to subsection (2) of this section.

Not less than seventy-five percent of the total amount in said fund shall be appropriated annually for the purposes of assisting municipalities and regional school districts with the cost of transportation of students provided pursuant to Chapter 71B of the General Laws. Said appropriation shall be made in a form designed to ensure equity among students and local educational authorities by utilizing a methodology based on a uniform percentage of eligible transportation costs to be compensated.

The remainder of said fund shall be available for appropriation in the form of grants of assistance to private institutions providing educational services pursuant to Chapter 766 of the Acts of 1972 and its implementing regulations.

No funds provided in this section shall be considered funding for the purposes of Section 72 of Chapter 44 of the General Laws.

(4) The Secretary of Health and Human Services, the Secretary of Administration and finance and the Commissioner of the Department of Education, in consultation with the University of Massachusetts, shall develop a system of acquiring from municipalities and regional school districts the information necessary to utilize a fee-for-service method of reimbursement from the federal Medicaid system following the passage of this act and prior to a request for a change in reimbursement methodology to the federal government.

Said system shall be designed to maximize efficiency and minimize the cost and burden of compliance for municipalities and regional school districts.

(d) (1) **Section 4A of Chapter 40 of the General Laws is amended by striking out the first sentence of said section and inserting the following new sentence:**

"The chief executive officer of a city or town, or a board, committee or officer otherwise authorized by law to execute a contract in the name of a governmental unit, as hereinafter defined, may enter on behalf of such unit into an agreement with one or more other governmental units to perform jointly or for such other unit or units any services, activities or undertakings which any of the contracting unties is authorized by law to perform, if such agreement is authorized by the parties thereto, in a city by the city council with the approval of the mayor, in a town by the Board of Selectmen and in a district by the Prudential Committee; provided, however, that when such agreement involves the expenditures of funds for establishing supplementary education centers and innovative educational programs, the agreement and its termination shall be authorized by the school committee."

(2) Section 4A of Chapter 40 of the General Laws is amended by striking the last sentence of the first paragraph of said

section and inserting the following new sentence: “The words “governmental unit” as used herein shall mean a city, town, a regional school district, a district as defined in section one A, regional planning commissions, however constituted, regional transit authorities established under the provisions of chapter one hundred and sixty-one B, a water and sewer commission established under the provisions of chapter forty N or of a special law, counties, and a state agency as defined in section one of chapter six A”.

(e) Section 18 of Chapter 32B of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking out the entire section and inserting in place thereof the following new sections:-

“Section 18 (a) In a governmental unit which has accepted the provisions of section ten and which accepts the provisions of this subsection, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a medicare extension plan offered by the governmental unit under section eleven C or section sixteen; provided, that benefits under said plan and medicare part A and part B together shall be of comparable actuarial value to those under the retiree’s existing coverage. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree, a retiree’s spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for medicare part A and part B coverage. The governmental unit shall pay any medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in medicare part B at the time of transfer into the medicare health benefits supplemental plan.

This subsection shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town – ‘Shall the town require that all retirees, their spouses and dependents who are enrolled in medicare part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the town?’

Section 18 (b). In a governmental unit which has accepted the provisions of section ten and which accepts the provisions of this subsection, all health benefit eligible retirees who retire after the governmental unit’s acceptance of this subsection, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a medicare extension plan offered by the governmental unit under section eleven C or section sixteen; provided, that benefits under said plan and medicare part A and part B together shall be of comparable actuarial value to those under the retiree’s existing coverage. Each benefit eligible individual who retires after the governmental unit’s acceptance of this subsection shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a medicare extension plan. If such a retiree does not submit the information required, the retiree shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree who retires after the governmental unit’s acceptance of this subsection, and/or the retiree’s spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for medicare part A and part B coverage. The governmental unit shall pay any medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in medicare part B at the time of transfer into the medicare health benefits supplemental plan. Notwithstanding anything in this subsection to the contrary, no retiree, their spouse or dependent, shall be required to enroll in medicare part B and a medicare extension plan if said requirement would require the retiree to purchase a separate non-medicare extension plan in order to provide coverage for a non-medicare eligible spouse or dependent.

No retiree, their spouse or dependent, who retires prior to the acceptance of this subsection by a governmental unit, shall be subject to the provisions of this subsection, except as provided herein. Any retiree, their spouse or dependent, retired prior to a governmental unit’s acceptance of this subsection, shall be eligible for benefits under this chapter as if this subsection had not been accepted by the governmental unit, provided that any health benefit eligible retiree, their spouse and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, may voluntarily enroll in a medicare extension plan offered by the governmental unit under section eleven C or section sixteen under the same terms as are available to any retiree, spouse or dependent under this subsection. If any such eligible retiree, their spouse or dependents voluntarily enrolls in such a medicare extension plan, said individual shall no longer be eligible to participate in any other group health insurance benefits available to active employees under this chapter.

This subsection shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner: In a county, by vote of the county commissioners; in a city having a Plan D or Plan E charter, by a majority vote of its city council; in any other city, by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district, by vote of the regional district school committee; and in a town, either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town – ‘Shall the governmental unit require that all individuals who retire after the governmental unit’s acceptance of this subsection and their

spouses and dependents who are enrolled in medicare part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the governmental unit?'".

(f) Section 44A of Chapter 149 of the General Laws is hereby amended by striking Section 2 and replacing it with the following:-

"(2)(A) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost less than $5,000 shall conform to sound business practices.

(B) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost not less than $5,000 but not more than $10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price quotation; provided, however, that the public agency shall seek written price quotations from no fewer than 3 persons customarily providing the work for which the contract is being made available. When seeking written quotations the public agency shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation.

(C) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building estimated to cost more than $10,000 but not more than $25,000 shall be awarded to the responsible person offering to perform the contract at the lowest price. The public agency shall make public notification of the contract and shall seek written responses from persons who customarily perform such work. The public notification shall include a scope of work statement that defines the work to be performed and provides potential responders with sufficient information regarding the objectives and requirements of the public agency and the time period within which the work is to be completed. For purposes of this subsection "public notification" shall include, but not necessarily be limited to, posting, no less than 2 weeks before the time specified in the notification for the receipt of responses, the contract and scope of work statement on the website of the public agency, on the COMPASS system, so-called, or in the central register established under section 20A of chapter 9, and in a conspicuous place in or near the primary office of the public agency.

(D) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost more than $25,000 but not more than $100,000, except for a pumping station to be constructed as an integral part of a sewer construction or water construction project bid under the provisions of section 39M of chapter 30, shall be awarded to the lowest responsible and eligible bidder on the basis of competitive bids publicly opened and read in accordance with the procedure set forth in said section 39M of said chapter 30. The term "pumping station" as used in this section shall mean a building or other structure which houses solely pumps and appurtenant electrical and plumbing fixtures.

(E) Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by a public agency estimated to cost more than $100,000, except for a pumping station to be constructed as an integral part of a sewer construction or water construction project bid under the provisions of section 39M of chapter 30, shall be awarded to the lowest responsible and eligible general bidder on the basis of competitive bids in accordance with the procedure set forth in section 44A to 44H, inclusive.

(F) When the general court has approved the use of an alternative mode of procurement of construction for a project pursuant to section 7E of chapter 29, the awarding authority responsible for procuring construction services for the project shall follow the policies and procedures of this section and of section 44B to 44H, inclusive, to the extent compatible with the mode of construction procurement selected.

(G) Notwithstanding paragraph (E), a public agency may undertake the procurement of modular buildings, in accordance with section 44E. A public agency may procure site work for modular buildings, including but not limited to, construction of foundations, installations, and attachment to external utilities, or any portion of site work, either in combination with the procurement of modular buildings pursuant to section 44E or on the basis of competitive bids pursuant to the paragraph (E). Notwithstanding the paragraph (E), a public agency may procure energy management services in accordance with section 11C of chapter 25A and regulations promulgated thereunder."

(g) (1) Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended, after line 36 by inserting the following:-

"Electric bidding", the electronic solicitation and receipt of offers to contract for supplies and services. Offers may be accepted and contracts may be entered by use of electronic bidding.

(2) Section 2 of Chapter 30B of the General Laws, as 50 appearing, is hereby amended, after line 90 by inserting the following:-

"Reverse auction", a competitive online solicitation process for supplies and services in which vendors compete against each other online in real time in an open and interactive environment.

(3) Chapter 30B of the General Laws, as so appearing, is hereby amended by adding after Section 6 the following new section:-

"6A. (a) A chief procurement officer may enter into procurement contracts in the amount of $25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

(b) All bids on reverse auctions shall be posted electronically on the Internet, updated on a real-time basis, and shall allow registered bidders to lower the price of their bid below the lowest bid on the Internet.

(c) The chief procurement officer shall require vendors to register before the reverse auction opening date and time, and as part of

the registration, agree to any terms and conditions and other requirements of the solicitation. The chief procurement officer may require vendors to be pre-qualified prior to placing bids in a reverse auction. The pre-qualification criteria shall include, but not be limited to statements of vendors: financial stability, past performances and professional references. The statement of qualifications shall be signed under pains and penalties of perjury."

(4) Any mechanism, including but not limited to software, developed by the Operational Services Division for the purpose of conducting reverse auctions by the Commonwealth, shall provide for the utilization of such mechanism by municipalities. The Operational Services Division may assess any municipality utilizing such reverse auction mechanism a reasonable fee, calculated to compensate for any increased cost attributable to such utilization, which shall be credited to the general fund."

Ms. Menard in the Char, after remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 36 - nays 3) **[Yeas and Nays No. 218]:**

Insert Roll Call "D"

The President in the Chair, the yeas and nays having been completed at six minutes past three o'clock P.M., the amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Notwithstanding any law, rule or regulation to the contrary, the Department of Education shall not approve any increase in tuition rates at private institutions providing services pursuant to Chapter 766 of the Acts of 1972 subsequent to May 31 in the fiscal year preceding the fiscal year in which such increase will take effect; provided further, that no such increase shall be retroactive."

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Section 1 of Chapter 32 of the General Laws, as appearing in the 2004 official edition, is hereby amended by inserting in the definition of 'regular compensation' after the first paragraph the following new paragraph: -

'Regular compensation,' during any period subsequent to January 1, 2007, shall mean the full salary, wages or other compensation in whatever form, lawfully determined for the individual service of the employee by the employing authority, not including bonus, overtime, allowances for housing, transportation, travel, any and all employment related expense reimbursements, severance pay for any and all unused sick leave, or any other payments made as a result of giving notice of retirement, and any other such compensation in excess of salary or wages or as reasonably determined by the board.

Section 2. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting following the definition of the words "Annuity savings fund" the following: - "Average annual rate of regular compensation", shall be the average of the rate of regular compensation for any qualifying year of credible service received during each pay period during the qualifying year.

Section 3. Paragraph (b) of subdivision (1) of section 5 of chapter 32, of the General Laws, as so appearing, is hereby amended at the end thereof by adding following: - In the event that eighty per cent or greater of his regular compensation is in payment for duties in the group having the higher maximum age limit, such member shall not be considered to have achieved the maximum age for superannuation until he has attained the maximum age limit in the group having the higher maximum age limit, said member shall be limited to the performance of such later duties as prescribed in this paragraph.

Section 4. Subdivision (2) of section 5 of chapter 32, of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following sentences: - Provided that in any given year, no retirement allowance, as provided for by this chapter, shall exceed four hundred per cent of the average retirement allowance in the Commonwealth. The board shall determine the average retirement allowance in the Commonwealth as of January 1 of each year."

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended at the end by adding the following section:-

"SECTION 91. Chapter 29 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following new section after Section 5F: -

Section 5G: Development and Adoption of Zero-Based Budget Estimates

1. The Secretary of Administration and Finance, with the approval of the Governor, shall on a quadrennial basis develop and submit to the Clerks of the Senate and House of Representatives a zero-based budget, so-called, for each agency and department of state government.

Said zero-based budget shall reflect the amount of funding deemed necessary to achieve the most cost-effective performance of each agency or department pursuant to an accompanying narrative delineating the tasks to be performed by that agency or department, together with goals and objectives for each agency or department for a period not to exceed four years. Said budget shall have a zero dollar amount as its basis, and shall not reflect any prior appropriation amount, adjusted or otherwise.

2. Said zero-based budget shall be referred by the Senate and House of Representatives to the committees of subject matter jurisdiction relevant to each component of said budget. Such committees shall evaluate each such component, taking into account all available information, including that provided by public testimony in oral and written form. The evaluations of the committee shall then be reported to the Senate and House Committees on Ways and Means.

3. The Ways and Means Committees of the Senate and House of Representatives shall, jointly or individually, conduct at least one public hearing on the zero-based budget and shall also receive written and electronic testimony for a period of not less

than 30 days on said budget.

Said ways and means committees shall jointly develop and submit to the Clerks of the Senate and House of Representatives a zero-based budget estimate not later than 60 days following the receipt of the zero-based budget estimate filed by the Secretary pursuant to Section 1 above.

Said zero-based budget estimate shall be included in a joint resolution and placed before the members of the General Court for their consideration. Such joint resolution, if adopted, shall be employed in evaluating each annual budget considered by the General Court for the four years following its adoption.

4. Zero-based budgeting shall mean, for the purposes of this section, a means of developing appropriations based on the cost-effective achievement of the tasks and goals of a particular agency or department without regard to prior appropriations, adjusted for inflation or otherwise. Any appropriation so developed shall to the extent possible, be accompanied by a brief description of said tasks and goals together with the performance measure of the achievement of those tasks and goals.

After remarks, the amendment was *rejected.*

Mr. Buoniconti moved that the bill be amended by adding the following outside section:-

"SECTION XX: Section 142m of chapter 111 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following new paragraph:

Notwithstanding any general or special law to the contrary, a licensed emissions inspection facility shall not be limited from seeking reimbursement or compensation for any loss from the network contractor, or any other party the network contractor has contracted with, as the result of breach of contract, negligence, misrepresentation or fraud, or any other allowable action under Massachusetts law."

The amendment was *rejected.*

Mr. Buoniconti moved that the bill be amended in section 70 by striking in the first sentence "$25 million" and inserting in place thereof "$37.5 million"; and in the last sentence to strike "General Fund" and insert in place thereof "Essential Community Provider Trust Fund", and to strike the words "further appropriation for" and insert in place thereof "the".

The amendment was *rejected.*

Messrs. Montigny and Knapik moved that the bill be amended by adding the following section:

"SECTION ____. The treasurer of the commonwealth, all quasi-public entities of the commonwealth and independent authorities of the commonwealth shall make biannual reports on their borrowing practices. These reports shall be submitted to the Secretary of Administration and Finance, the auditor of the commonwealth, the House and Senate chairs of the Committee on Ways and Means, and to the Senate and House chairs of the Committee on Bonding, Capital Expenditures & State Assets. This report shall include all transactions entered into, other than fixed-rate borrowing, during the six month period prior to the report filing deadline. Reports shall be due on the 30th day of April and the 31st day of October in each calendar year. The report shall include all transactions related to derivative financial products. For purposes of this section, derivative financial products shall be defined as financial instruments whose own value is derived from or based upon the value of other assets or on the level of an interest rate index, including, but not limited to a call option on a bond, an interest rate swap, caps, floors, collars, inverse floaters, auction rate securities, or any other financial transaction other than fixed-rate, long term borrowing. This report shall include the terms and conditions of each derivative financial product transaction; the parties involved in negotiating each derivative financial product transaction; copies of all agreements entered into between the parties relative to derivative financial product transactions; the financial impact of each transaction including, but not limited to, the interest rates, fluctuation in interest rates, and payments associated therewith; and a written rationale of the treasurer of the commonwealth, quasi-public entities of the commonwealth as to how the determination to enter into such a transaction was made. The report shall be signed under the pains and penalties of perjury by the treasurer, on behalf of the commonwealth; and by the chief financial officers of each quasi-public entity or independent authority of the commonwealth."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty minutes past three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 219]:**

Insert Roll Call "E"

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

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4769), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 17 to 0.

The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Mr. Buoniconti moved that the bill be amended by adding the following outside section:-

"SECTION XX: Notwithstanding any general or special law to the contrary, a group marketing plan approved and in effect, pursuant to Section 193R of Chapter 175 of the General Laws, during calendar years 2007, 2008, 2009 and 2010 may be approved upon renewal, notwithstanding that less than 35 percent of its members are insured during the subsequent calendar year, respectively. The commissioner is authorized and directed to examine group marketing plans for motor vehicle insurance for this period and to make findings relative to:— (1) the number of group marketing plans; (2) the number of members within each group marketing plan; (3) the average discount offered through group marketing plans; (4) the number of group marketing plans that do not have at least 35 percent of their members insured through such plans; and (5) any other relevant issues that the commissioner wishes to bring to the attention of the general court. Such examination and findings are to be submitted to the chairs of Joint Committee on Financial Services no later than December 31, 2011."

After remarks, the amendment was adopted.

Mr. Moore moved that the bill be amended by inserting, after Section____, the following Section:-

"SECTION ____. (a) There shall be a special commission on civic engagement and learning consisting of: 3 members of the senate, 1 of whom shall be the senate chairperson of the joint committee on education, 1 of whom shall be a member of the majority party to be appointed by the president of the senate and 1 of whom shall be a member of the minority party to be appointed by the minority leader of the senate; 3 members of the house of representatives, 1 of whom shall be the house chairperson of the joint committee on education, 1 of whom shall be a member of the majority party to be appointed by the speaker of the house of representatives and 1 of whom shall be a member of the minority party to be appointed by the minority leader of the house of representatives; the director of the legislative education office of the general court , or his designee; the chancellor of the board of higher education, or his designee; the commissioner of the department of education, or his designee; the president of the Massachusetts Association of School Superintendents, or his designee; the president of the Massachusetts Association of School Committees, or his designee; the president of the Massachusetts Teachers Association, or his designee; the president of the Massachusetts Chapter of the American Federation of Teachers, or his designee; the president of the Massachusetts Council for the Social Studies, or his designee; the president of the Massachusetts League of Women Voters, or his designee; the president of the Massachusetts Bar Association, or his designee; the Massachusetts state coordinator of the Center for Civic Education; a representative of local government appointed by the Massachusetts Municipal Association; a representative of the judicial branch appointed by the chief administrative justice of the trial court; the president of the Massachusetts Secondary Schools Administrators Association or his designee; and 6 members appointed by the governor, 1 of whom shall be the dean of a school of education or chair of a department of education skilled in the preparation of teachers, 1 of whom shall have expertise in adult education, 1 of whom shall be a scholar in the field of civic education, 1 of whom shall have expertise in curriculum development with special emphasis on civic learning, 1 of whom shall have expertise in the field of civic engagement of youth, and 1 of whom shall have expertise in service learning.

(b) The co-chairpersons of the special commission shall be a member of the senate designated by the senate president and a member of the house designated by the speaker of the house of representatives. The organizational session of the commission shall be convened by the co-chairpersons once the members of the commission have been appointed, but not later than 60 days after the effective date of this act whether or not all of the gubernatorial appointees have been appointed and qualified.

(c) The special commission shall make an investigation and study of the status of civic engagement and learning in the commonwealth including, but not limited to: (1) an assessment of the status of civic education in the commonwealth from kindergarten through high school and undergraduate college education with particular attention to compliance by agencies of public education and public higher education with section 2 of chapter 71 and section 2A of chapter 73 of the General Laws; including an assessment of the civic knowledge of graduates of the public high schools of the commonwealth; (2) an investigation of the opportunities available to the students of the commonwealth for service learning that develops an understanding of the relationship of those experiences with democratic government and a review of programs that teach civic engagement knowledge and skills that are essential to the development of active citizens; (3) an investigation of the status of public and private programs that promote civic engagement and learning including, but not limited to Massachusetts History Day, established pursuant to this act and Massachusetts Student Government Day, established pursuant to section 12M of chapter 6 of the General Laws; and how those programs could be enhanced or expanded through cooperation among themselves and with other entities such as schools and colleges, and through additional resources from public or private sources to be more effective and generally available to a larger number of students or the population at large; (4) an assessment of best practices in civic education in the United States that could serve as models for improving civic engagement and learning in the commonwealth; (5) an assessment of the implementation of the history and social studies curriculum frameworks by the department of education and the school districts of the commonwealth, including recommendations for the development and assessment of practical skills for civic engagement that are complementary to the knowledge based aspects of the frameworks; (6) an assessment of the need for a permanent entity students to promote civic engagement by a responsible citizenry and to encourage the building of partnerships to enhance the teaching and learning of the principles of representative democracy in the commonwealth; and (7) any other matters that the special commission considers relevant to the fulfillment of its mission and purpose.

(d) The special commission may conduct public hearings appropriate to gathering information and to raising the civic

awareness of the people of the commonwealth, including the sponsorship of 1 or more statewide or regional conferences involving educators, students, or the public at large. The department of education and the board of higher education shall provide staff and other resources as the commission and those agencies consider appropriate. The special commission shall make its final report to the joint committee on education, including recommendations for legislation or other appropriate measures as it considers necessary, not later than January 1, 2009, and may make interim reports as it considers appropriate."

After remarks, the amendment was adopted.

Ms. Chandler, Messrs. Augustus and Rosenberg moved that the bill be amended by adding the following two sections: -

"SECTION ____. Section 10 of chapter 161B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following new paragraph after line 28:If at any time any principal or interest is due or about to come due on any note issued by the authority pursuant to this section, and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet such obligations and the commonwealth shall thereupon pay over to the authority the amount so certified. If the commonwealth shall not make such payment within a reasonable time, the authority or any holder of an unpaid note issued by the authority pursuant to this section, acting in the name and on behalf of the authority, shall have the right to require the commonwealth to pay the authority the amount remaining unpaid, which right shall be enforceable as a claim against the commonwealth. The authority or any such holder of an unpaid note issued pursuant to this section may file a petition in the superior court to enforce such claim or intervene in any such proceeding already commenced and the provisions of chapter two hundred and fifty-eight shall apply to such petition insofar as it related to the enforcement of a claim against the commonwealth. Any such holder who shall have filed such a petition may apply for an order of said court requiring the authority to apply funds received by the authority on its claim against the commonwealth to the payment of the petitioner's unpaid note, and said court if it finds such amount to be due him shall issue such an order.

SECTION ___. Section 12 of chapter 161B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following new paragraph after line 10: A copy of each biennial audit shall be provided to the chair of the Senate Committee on Ways and Means, the chair of the House Committee on Ways and Means, the Senate chair of the Committee on Bonding, Capital Expenditures and State Assets and the House chair of the Committee on Bonding, Capital Expenditures and State Assets."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at fourteen minutes before four o'clock P.M., on motion of Ms. Chandler, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 220]:**

Insert Roll Call "F"

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

PAPER FROM THE HOUSE

Engrossed Bill.

Mr. Tolman in the Chair, there being no objection, during consideration of the Orders of the Day, an engrossed Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4769) (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 Acting President (Mr. Tolman) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and laid before the Governor for his approbation.**

Orders of the Day.

The President in the Chair, the Orders of the Day were further considered as follows:-

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Mr. Morrissey moved that the bill be amended by adding at the end thereof the following 12 sections:-

"SECTION 91. Chapter 109 section 3 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking in lines 18 and 19 the word 'thirty' and inserting in place thereof the word:- 'sixty'.

SECTION 92. Chapter 109 of the General Laws, as so appearing, is hereby amended by adding after section 4 the following new section:-

Section 4A. (a) A limited partnership may change its resident agent or the street address of the resident agent by filing a certificate of change of agent or office in the office of the secretary of state. The statement of change shall set forth:

(1) the name of the limited partnership;

(2) the name and street address of its current resident agent;

(3) if the current resident agent is to be changed, the name and street address of the new resident agent, and the new agent's written consent, either on the statement or attached to it, to the appointment;

(4) if the street address of the business office of the resident agent is to be changed, the new street address of the business office of the resident agent.
(b) If a resident agent changes the street address of his business office, he may change the street address of the business office of any limited partnership for which he is resident agent by notifying the limited partnership in writing of the change and signing (either manually or by facsimile) and delivering to the secretary of state for filing a statement of change that complies with the requirements of subsection(a) and recites that the limited partnership has been notified of such change. If the street address of more than one limited partnership is being changed at the same time, there may be included in a single certificate the names of all limited partnerships the street addresses of the business office of which are being changed.
(c) Any resident may resign his agency appointment by signing and delivering to the secretary of state a certificate of resignation. The resident agent shall furnish a copy of such statement to the limited partnership. The agency appointment is terminated on the thirty-first day on which the statement was filed.

SECTION 93. Section 8 of Chapter 109, as so appearing is hereby amended by striking clause (a)(3) and inserting in place thereof:-

(3) The address of the office and the name and address of the agent for service of process required to be maintained by section four. The agent's written consent to the appointment as agent shall be either in the certificate or attached to it.

SECTION 94. Section 49 of Chapter 109 as amended by Chapter 178 of the Acts of 2004 is hereby amended by striking clause (7) and inserting in place thereof:-
(7) The name and business address of its resident agent and the agent's written consent, either on the certificate or attached to it, to its appointment as agent; and

SECTION 95. Section 52 of Chapter 109, as appearing in the 2002 Official Edition, is hereby amended by striking said section and inserting in place thereof:-
Section 52. Each foreign limited partnership doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful process in any action or proceeding against such foreign limited partnership in the commonwealth may be served. The provisions of Chapter 156D section 15.07, 15.08 and 15.09 relative to the appointment and qualifications of a resident agent shall be applicable to the appointment of a resident agent pursuant to this section.

SECTION 96. Chapter 109 as so appearing is hereby amended by adding after section 62 the following new sections:-
Section 63. Annual report.
(a) Each domestic limited partnership and foreign limited partnership authorized to transact business in the commonwealth shall file an annual report with the secretary of state on or before the anniversary date of the filing of the certificate of limited partnership. The annual report shall contain all information required to be included in the certificate of limited partnership.
(b) The fee for filing the annual report shall be $500 if the report is filed on paper or via fax. The fee for filing the annual report electronically shall be $450.
Section 64. Administrative Dissolution.
(a) The secretary of state may commence a proceeding to dissolve a limited partnership if:
(1) The limited partnership has failed to comply with the provision of law requiring the filing of annual reports with the secretary of state for two or more consecutive years; or
(2) The secretary of state is satisfied that the limited partnership has become inactive and its dissolution would be in the public interest.
(b) If the secretary of state determines that one or more grounds exist under sub-section (a), he shall serve the limited partnership with written notice of his determination. The notice shall be sent to the address of the office in the commonwealth required by section 4(1). If the limited partnership does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within 90 days of the date of the notice, the secretary of state shall administratively dissolve the limited partnership.
(c) A limited partnership administratively dissolved continues its existence, but may not carry on any business except that necessary to wind up and liquidate its affairs.
Section 65. Reinstatement. A limited partnership administratively dissolved under section 64 or whose authority to transact business in the commonwealth has been revoked under section 66 may apply to the secretary of state for reinstatement at any time. The application shall:
(1) recite the name of the limited partnership and the effective date of its administrative dissolution or revocation;
(2) state that the ground or grounds for dissolution or revocation either did not exist or have been eliminated;
(3) state that the name of the limited partnership satisfies the requirements of section 2. If the secretary of state determines that the application contains the information and that such information is correct, he shall reinstate the limited partnership.
Section 66. Revocation of Authority to Transact Business.
(a) The secretary of state may commence a proceeding to revoke the authority of a foreign limited partnership to transact business in the commonwealth if:
(1) The limited partnership has failed to comply with the provisions of law requiring the filing of annual reports with the secretary of state for two or more consecutive years; or
(2) The secretary of state is satisfied that the revocation of the limited partnership's authority to transact business in the commonwealth would be in the public interest.
(b) If the secretary of state determines that one or more grounds exist under subsection(a), he shall serve the limited partnership with written notice of his determination. The notice shall be sent to the address of the foreign limited partnership. If the limited

partnership does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist with 90 days of the date of the notice, the secretary of state shall administratively revoke the authority of the foreign limited partnership to do business in the commonwealth.
(c) The authority of the foreign limited partnership to transact business in the commonwealth ceases on the date on which the secretary of state makes such revocation effective.

SECTION 97. Chapter 156C Section 4 of the General Laws as appearing in the 2002 Official Edition is hereby amended by striking in lines 18 and 19 the word 'thirty' and inserting in place thereof the word:- 'sixty'.

SECTION 98. Chapter 156C of the General Laws, as so appearing, is hereby amended by adding after section 5 the following new section:-

Section 5A(a). A limited liability company may change its resident agent or the street address of the resident agent by filing a certificate of change of agent or office in the office of the state secretary. The statement of change shall set forth:
(1) the name of the limited liability company;
(2) the name and street address of its current resident agent;
(3) if the current resident agent is to be changed, the name and street address of the new resident agent and the new agent's written consent, either on the statement or attached to it, to the appointment;
(4) if the street address of the business office of the resident agent is to be changed, the new street address.
(b) If a resident agent changes the street address of his business office, he may change the street address of the business office of any limited liability company for which he is resident agent by notifying the limited liability company in writing of the change and signing (either manually or in facsimile) and delivering to the secretary of state for filing a statement of change that complies with the requirements of subsection (a) and recites that the limited liability company has been notified of such change. If the street address of more than one limited liability company is being changed at the same time, there may be included in a single certificate the names of all limited liability companies the street address of the business office of which are being changed.
(c) any resident agent may resign his agency appointment by signing and delivering to the secretary of state a certificate of resignation. The resident agent shall furnish a copy of such statement to the limited liability company. The agency appointment is terminated on the thirty-first day after the date on which the statement was filed.

SECTION 99. Section 12 of Chapter 156C as so appearing is hereby amended by striking clause (a)(3) and inserting in place thereof:-
(3) the name and address of the resident gent for service of process required to be maintained by section five, and the agent's written consent, either on the certificate or attached to it, to its appointment as agent.

SECTION 100. Section 48 of Chapter 156C as amended by Chapter 178 of the Acts of 2004, is hereby amended by striking clause (7) and inserting in place thereof:-

(7) the name and address of the resident agent of the foreign limited liability company and the agent's written consent, either on the certificate or attached to it, to its appointment as agent.

SECTION 101. Section 51 of the said Chapter 156C, as amended by Chapter 178 of the Acts of 2004, is hereby amended by striking Section 51 and inserting in place thereof:-

Section 51. Each foreign limited liability company doing business in the commonwealth shall appoint a resident agent as its true and lawful attorney upon whom all lawful process in any action or proceeding against such foreign limited liability company in the commonwealth may be served. The provisions of Chapter 156D section 15.07, section 15.08 and section 15.09 relative to the appointment and qualification of a resident agent shall be applicable to the appointment of a resident agent pursuant to this section.

SECTION 102. Chapter 156C is hereby amended by adding after section 69 the following sections:-

Section 70. Administrative Dissolution
(a) The secretary of state may commence a proceeding to dissolve a limited liability company if:
(1) the limited liability company has failed to comply with the provisions of law requiring the filing of annual reports with the secretary of state for two or more consecutive years; or
(2) the secretary of state is satisfied that the limited liability company has become inactive and its dissolution would be in the public interest.
(b) If the secretary of state determines that one or more grounds exist under sub-section (a), he shall serve the limited liability company with written notice of his determination. The notice shall be sent to the address of the office in the commonwealth required by section 5. If the limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within 90 days of the date of the notice, the secretary of state shall administratively dissolve the limited liability company.
(c) A limited liability company administratively dissolved continues its existence, but may not carry on any business except that necessary to wind up and liquidate its affairs.

Section 71. Reinstatement
A limited liability company administratively dissolved or whose authority to transact business in the commonwealth has been revoked under sections 70 and 72 may apply to the secretary of state for reinstatement at any time. The application shall:
(1) recite the name of the limited liability company and the effective date of its administrative dissolution or revocation;
(2) state that the ground or grounds for dissolution or revocation either did not exist or have been eliminated;
(3) state that the name of the limited liability company satisfies the requirements of section 3.
If the secretary of state determines that the application contains the information required and that such information is correct, he

shall reinstate the limited liability company.
Section 72. Revocation of Authority to Transact Business.
(a) The secretary of state may commence a proceeding to revoke the authority of a foreign limited liability company to transact business in the commonwealth if:
(1) the limited liability company has failed to comply with the provisions of law requiring the filing of annual reports with the secretary of state for two or more consecutive years; or
(2) the secretary of state is satisfied that the revocation of the limited liability company's authority to transact business in the commonwealth would be in the public interest.
(b) If the secretary of state determines that one or more grounds exist under subsection (a), he shall serve the limited liability company with written notice of his determination. The notice shall be sent to the address of the foreign limited liability company. If the limited liability company does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist with 90 days of the date of the notice, the secretary of state shall administratively revoke the authority of the foreign limited liability company to do business in the commonwealth.
(c) The authority of the foreign limited liability company to transact business in the commonwealth ceases on the date on which the secretary of state makes such revocation effective."

After remarks, the amendment was adopted.

Messrs. Montigny, O'Leary and Ms. Resor moved that the bill be amended by inserting, after Section ____, the following new Section:-

"SECTION____. Section 4 of chapter 21L of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:-

(f) Any person that owns or operates a tank vessel, as defined in section 1 of chapter 21M, carrying 6,000 or more barrels of oil within Buzzards Bay, as defined in said section 1 of said chapter 21M, fails to provide notice to the department of environmental protection as provided in section 9(a) of chapter 21M; and violates a provision of this chapter, by spilling oil into Buzzards Bay, shall be assessed triple the fines provided in this section.

Section 1 of chapter 21M of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Area of special interest" the following 2 definitions:-

'AIS', automatic identification system.

'ARPA', automatic radar plotting aids.

Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of "Covered vessel" the following definition:-

'Department', department of environmental protection.

Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of "Double hull" the following definitions:-

'ECIDIS', an electronic chart display and information system.

'Fund', the Oil Spill Prevention and Response Trust Fund established in section 8.

Said section 1 of said chapter 21M, as so appearing, is hereby further amended by inserting after the definition of "Illicit drug" the following 3 definitions:-

'Rescue tug', a tugboat escort having twin radar displays equipped with ECDIS or ARPA capable of integrating AIS, a towing winch and associated wire and gear capable of towing a minimum of a 470 foot fully loaded tank vessel, pilot disembarkment gear, and 600 feet of oil spill response boom and associated response gear

'Response time', the amount of time required for a rescue tug to assist a tank vessel.

'State pilot', a pilot commissioned under chapter 103.

Section 8 of said chapter 21M, as so appearing, is hereby amended, in line 3, by inserting after the words 'response teams' the following words: - , rescue tugs dispatched under the authority of chapter 21M, section 9 of the General Laws.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words '2 cents for each barrel of petroleum product, as set by the commissioner pursuant to clause (4)' and inserting in place thereof the following words:- 5 cents for each barrel of petroleum product.

Subsection (c) of said section 8 of said chapter 21M, as so appearing, is hereby amended by striking out clauses (3) to (5), inclusive.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 50, the figure '6' and inserting in place thereof the following figure:- 3.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 80, the word 'and', the second time it appears.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out, in line 84, the word 'Administration.' and inserting in place thereof the following words:- Administration; and

(10) to pay for appropriately manned rescue tugs and state pilots in Buzzards Bay, dispatched under the authority of chapter 21M, section 9 of the General Laws.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended, by striking out, in line 127, the word 'and'.

Said section 8 of said chapter 21M, as so appearing, is hereby further amended by striking out the word 'reimbursements.', in line 128, and inserting in place thereof the following words:- reimbursements; and

(vii) payment of costs associated with appropriately manned rescue tugs and state pilots in Buzzards Bay, dispatched

under the authority of chapter 21M, section 9 of the General Laws .
Said chapter 21M, as so appearing, is hereby amended by adding the following section:-

Section 9. (a) An owner or operator of a tank vessel carrying 6,000 or more barrels of oil may provide 24 hour notice to the department, in a manner to be determined by the department, of the owner or operator's intent to enter or operate such vessel in Buzzards Bay.

(b) If such 24 hour notice is given pursuant to section 9(a) of this chapter and the tank vessel is unaccompanied by a tug boat escort, the commissioner shall dispatch a state pilot, if requested by such owner or operator, to the towing vessel.
(c) The commissioner shall dispatch rescue tugs in Buzzards Bay to be available to tank vessels carrying 6,000 or more barrels of oil, unaccompanied by a tugboat escort, entering or operating in Buzzards Bay. The commissioner shall establish by regulation the maximum response times that rescue tugs shall maintain upon being dispatched.
(d) If no state pilot is requested under subsection (b), a rescue tug dispatched under subsection (c) shall be manned by a state pilot. The pilot shall monitor the safe passage of vessels and provide information to tank vessel operators on current and anticipated navigational issues.
(d) The state pilot or operator of the rescue tugs shall report to the commissioner all near and actual navigational incidents that could potentially lead to an oil spill including, but not limited to: tank vessels traveling outside of the designated vessel route as appearing on the national oceanic and atmospheric administration chart for Buzzards Bay; failure to use AIS; near or actual collisions, allisions or groundings; steering or engine failures; and towing gear failures. The commissioner shall record, make available to the public, and keep on file these reports for not less than 10 years.
(e) Notwithstanding subsection (b), the commissioner may authorize longer response times and fewer state pilots if he determines that exigent circumstances exist. No such authorization shall be construed to relieve or otherwise limit the liability of an owner or operator of a tank vessel for any release of oil that occurs while the tank vessel enters or operates in Buzzards Bay. The commissioner shall report, not later than January 1, 2009, and annually thereafter, to the joint committee on the environment, natural resources and agriculture the number of occasions that such exemptions were authorized.
(f) The commissioner shall adopt regulations to implement this section including, but not limited to, the dispatching of state pilots, manning requirements, and maximum response times.
(g) The commissioner, after a competitive bidding process, may evaluate such bids and may enter into a contract with a company to dispatch and provide rescue tugs, which meet or exceed the standards required under this section.
The commissioner of the department of environmental protection shall adopt initial regulations not later than 180 days of the effective date of this act.
Subsections (f) and (g) of section 9 of chapter 21M of the General Laws, as appearing in section 14 and section 15, shall take effect on the effective date of this act."; and 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 further protect Buzzards Bay, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety."
The remainder of this act shall take effect 210 days after its passage.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at four minutes before four o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 221]:**

Insert Roll Call "G"

The yeas and nays having been completed at four o'clock P.M., the amendment was adopted.

Mr. Brown moved that the bill be amended by inserting, after Section 90, the following new Section:-

"SECTION 91. Section 25 of Chapter 118G of the Massachusetts General Laws as created in Section 101 of Chapter 184 of the Acts of 2002, is hereby repealed.

The amendment was *rejected.*

Mr. McGee moved that the bill be amended, in section 2, in item 0640-0300 by adding the following: - "provided further, that not less than $50,000 shall be expended to RAW Arts, Inc. in the city of Lynn to facilitate youth expansion programs approved by the Board of Directors of said organization".

The amendment was *rejected.*

Mr. Brown moved that the bill be amended by inserting, after Section 90, the following new Section:-

"SECTION 91. Chapter 149 of the General Laws as appearing in the 2002 Official Edition, is amended by inserting after Section 52C. the following new section: -

SECTION 52D. (a) Unless otherwise provided by law, an employer, or an employer's designee, who discloses information about a current or former employee to a prospective employer of the employee shall be absolutely immune from civil liability if the disclosed information includes any or all of the following: (1) date of employment; (2) pay level; (3) job description and duties; and (4) wage history. An employer who responds in writing to a written request concerning a former employee from a prospective employer of that employee shall be absolutely immune from civil liability if the disclosed information includes either or both of the following: (1) written employee evaluations which were conducted prior to the employee's separation from the employer; and (2) whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.

(b) This section shall apply to causes of action accruing on and after the effective date of this act."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at four minutes past four o'clock P.M., on motion of Mr. Brown, as follows, to wit (yeas 6 - nays 33) **[Yeas and Nays No. 222]:**

Insert Roll Call "H"

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

Mr. Hart moved that the bill be amended, in section 2, in item 7002-0012, by striking the figure "$8,000,000" and inserting in place thereof the figure "$9,200,000".

The amendment was *rejected.*

Messrs. Timilty and Augustus, Ms. Spilka, and Ms. Candaras moved that the bill be amended by inserting the following new section:-

"SECTION XX. Section 6 of Chapter 62 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following subsection: -

(l) There is hereby established a tax credit for those who incur expenses associated with the purchase of hearing aids. The amount of such credit shall be thirty percent of the cost of the hearing aid or four hundred dollars, whichever figure is less. The credit applies to no more than one hearing aid every five years. If the credit provided in this section reduces the tax to zero, the taxpayer shall be entitled to a refund equal to the amount of the credit exceeded the amount of tax due."

After remarks, the amendment was *rejected*.

Mr. Timilty moved that the bill be amended by inserting the following new section;-

"SECTION XX. Section 6 of Chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection: -

(m) Any taxpayer who maintains a household which includes as a member one or more individuals who are pupils enrolled in a public school shall be allowed a credit against the tax liability imposed by this chapter equal to fifty per cent or five hundred dollars, whichever is lesser, of the net expenditures for fees paid in connection with activities authorized by section 47 of Chapter 71 of the general laws."

After remarks, the amendment was *rejected*.

Mr. Timilty moved that the bill be amended inserting the following new section:-

"SECTION XX. Section 6 of Chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection: -

(m) Any taxpayer who maintains a household which includes as a member one or more individuals who are pupils enrolled in a public school shall be allowed a credit against the tax liability imposed by this chapter equal to fifty per cent or five hundred dollars, whichever is lesser, of the net expenditures for fees paid in connection with student transportation provided under section 68 of Chapter 71 of the general laws."

The amendment was *rejected*.

Messrs. Hedlund and Brown moved that the bill be amended after Section 90, the following new Section:-

"SECTION _____. Section 4 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following:-

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

The amendment was *rejected*.

Mr. Hedlund moved that the question on adoption of the amendment be determined by a call of the yeas and the nays.

An insufficient number of members joining with him, the yeas and nays were not ordered.

After remarks, the amendment was *rejected*, by a vote of 3 to 17.

Messrs. McGee, and Montigny moved that bill be amended in section 7, in part (2) of subsection (b) of Section 69A of Chapter 10 of the General Laws by adding at the end thereof the following:- "$5,000,000 to the Workforce Competitiveness Trust Fund, established by section 2WWW of chapter 29;".

After remarks, the amendment was adopted.

Ms. Spilka moved that the bill be amended in section 2, by inserting after item 1599-7104, the following item:-

"1599-XXXX For a reserve to: 1) meet the extraordinary increases in the cost of public safety services provided by a municipality, provided that the provision of services has been in response to requests for assistance from mental health facilities, community residential programs, homeless shelters, and rehabilitation facilities and related educational facilities which provide clinical, rehabilitative and supportive services for adults or children; and provided further that preference shall be given to municipalities in which there has been an increase in requests for public safety services during the previous 60 months of at least 25%; and 2) meet the extraordinary increases in the cost of public safety services provided by a municipality provided that the provision of services has been in response to requests for assistance from a correctional institution or other facility operated by the department of correction, and provided further that preference shall be given to communities in which such requests for public safety services in fiscal year 2007 was increased by at least 20% over such requests in fiscal year 2006; and 3) assist municipalities in which at least 190 parcels, representing at least 1% of the total number of parcels in that municipality are exempt from taxation under clause 3 of section 5 of chapter 59 of the General Laws; provided further, that notwithstanding the provisions of any general or special law to the contrary, assistance funded by this item shall only be available on a one time non-recurring basis. ……..……$2,500,000".

The amendment was *rejected.*

Mr. Hart moved that the bill be amended, in section 2, in item 8910-0000, by striking the following; "the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2008 Suffolk county correction operating budget as approved by the county government finance review board", and inserting in place thereof the following; "the maintenance of effort obligations for Suffolk county shall be 2 per cent of the total fiscal year 2008 Suffolk county correction operating budget as

approved by the county government finance review board".

The amendment was *rejected.*

Ms. Creem and Messrs. Timilty and Joyce move that the bill be amended by adding the following sections:-

SECTION __. Clause Forty-first A of section 5 of said chapter 59 of the General Laws is hereby further amended by inserting, in line 1060, after the words "the property or" the following words:— "one year after" .

SECTION __. Section 5K of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the figure "$750" and inserting in place thereof the following figure:— "$1,000".

SECTION __. There is hereby established the elderly and disabled person's tax relief outreach program for the purposes of assisting elderly and disabled residents of the commonwealth in obtaining information about available options designed to provide limited relief from state and local taxes.

The secretary of the commonwealth shall administer the program in conjunction with the secretary of the executive office of elder affairs and the commissioner of the department of revenue.

In order to assist interested persons in obtaining such information, the outreach program shall:

(a) create and distribute literature outlining all tax relief programs for the elderly and disabled, including those providing relief from state and local taxes and describing the benefits and eligibility criteria for each option;

(b) organize presentations and workshops to better facilitate the awareness and education of elderly and disabled persons in the tax-related issues that concern them, what relief is available to them and the application process for such relief programs; and

(c) create and maintain a statewide toll free telephone number staffed by individuals qualified to inform and advise interested and potentially eligible persons about available options designed to provide limited relief from state and local taxes.

The secretary of the commonwealth, in consultation with the secretary of the executive office of elder affairs and the commissioner of the department of revenue shall promulgate such regulations as are necessary to implement the elderly and disabled person's tax relief outreach program.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty minutes before five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 223]:**

Insert Roll Call "I"

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

Ms. Creem, Ms. Candaras, Ms. Wilkerson, and Messrs. Galluccio and Timilty, moved that the bill be amended in section 2, in item 1201-0160, by inserting at the end thereof the following:-- "provided further, in fiscal year 2009, the department will identify the steps necessary to enable the commonwealth to implement, by October 1, 2009, the requirements in 42 U.S.C. § 608(a)(3) and the options set forth in 42 U.S.C. §§ 657(a)(2)(B)(i), 657(a)(7)(B) and 657(b)(2) to pay the federal share of certain child support collections to families; provided further, that on or before November 1, 2008, the department shall report to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on revenue setting forth in detail the steps the department has taken and those it would still need to take, along with a timetable for accomplishing each of the steps still necessary and identification of any additional funding or statutory changes needed, to implement such requirements and options by October 1, 2009".

The amendment was adopted.

Mr. Creedon moved that the bill be amended by inserting after section 15 the following section:-

"SECTION 15A. Section 8 of chapter 44B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is recorded, shall be subject to a surcharge of $20, but if the paper includes multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional $20 surcharge. The fees for recording a municipal lien certificate shall be subject to a surcharge of $10, but if the instrument includes multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional $10 surcharge. The surcharges shall be imposed for purposes of community preservation. No surcharge shall apply to a declaration of homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards or additional square feet for the recording of plans.";

By inserting after section 54 the following section:-

"SECTION 54A. Chapter 262 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. The fees of the registers of deeds, except as otherwise provided, to be paid when an instrument is recorded shall be as follows:

For entering and recording any paper, certifying the same on the original, and indexing it and all other duties pertaining thereto, $50, but if the paper includes multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional $50 fee;

For recording a declaration of trust, $200;

For recording a deed or conveyance, $100;

For recording a mortgage, $150;

For recording a declaration of homestead, $30;

For recording and filing a plan, $50 per sheet; and

For all copies of documents, whether copied out of books or generated electronically, $1 per page, and all coin operated copy machines shall be $.50 per page.

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is recorded shall be subject to a surcharge under section 8 of chapter 44B."; and

By inserting after section 87 the following section:-

"SECTION 87A. Sections 15A and 54A shall take effect as of March 5, 2003."

After remarks, the amendment was adopted.

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

"SECTION ___. Chapter 32 section 4(1) of the General Laws is hereby amended by adding at the end thereof the following new subsection:

(t) Notwithstanding the provisions of this chapter or any general or special law to the contrary, if a non-profit organization receives more than fifty percent of its funding from the state, and is officially designated by the state to perform services previously performed by a state agency, then any employee of said non-profit organization shall receive full credit for the period of their employment there. Eligibility for the creditable service shall be conditioned upon payment, in lump sum or in installments upon such terms as the applicable retirement board may provide, into the annuity savings fund of the applicable retirement system, of an amount equal to the contributions such member in service would have otherwise paid into the applicable retirement system for the period of said service based upon the annual salary the member received at the qualifying non-profit organization."

The amendment was *rejected.*

Mr. Hart moved that the bill be amended, in section 2, in item 7003-0702, by adding the following: "; provided further, that not less than $200,000 shall be expended for the Women's Career Mentoring Program operated by the Jewish Vocational Service's Center for Careers and Lifelong Learning and Crittenton Women's Union Woman to Woman Program".

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended by inserting after section 90 the following:-

"SECTION 91. Notwithstanding any special or general law to the contrary the first week of august 2009 shall be hereby declared 'Massachusetts Homecoming Week'. The Governor of the Commonwealth shall lead a coordinated effort to market the Commonwealth to individuals and business for relocation in the state.

The secretary of the commonwealth, to the best of his abilities, shall provide notice, by way of letter or advertisement in print or online, to all persons who have moved their primary residence from Massachusetts since the completion of the most recent census. Said notice shall provide information regarding the Commonwealth of Massachusetts and the events of 'Massachusetts Homecoming Week'. Also advertisements shall be placed in markets around the country announcing the programs to be held during the week.

As part of 'Massachusetts Homecoming Week' the following events shall occur:

(A) The secretary of housing and economic development, in consultation with secretary of labor and workforce development, shall organize and hold an employment fair as part of Massachusetts Homecoming Week showcasing employment opportunities within the state and the available training and workforce development programs.

(B) The Governor shall host a roundtable of executives from all businesses which have relocated jobs outside of Massachusetts in the past ten years to discuss the primary reasons for those departures and to discuss what strategies would make Massachusetts more competitive in the coming years.

(C) The office of travel and tourism shall coordinate and work with local chamber's of commerce and regional tourism boards to develop and market destination events around Massachusetts during homecoming week.

During Massachusetts Homecoming Week, notwithstanding any special or general law to the contrary, an excise shall not be imposed upon business sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. 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 the price of which is in excess of $2,500."

After remarks, the amendment was *rejected.*

Mr. Creedon moved that bill be amended in section 41 by striking out the definition of "cigar" and inserting in place thereof the following:- "Cigar", any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco other than any roll of tobacco *that is a cigarette* as defined in section 1.

The amendment was adopted.

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

"SECTION___. Section 1. Notwithstanding any general or special law to the contrary, for the benefit of their school programs, education collaboratives as defined in section 4E of chapter 40 of the General Laws may make purchases from a vendor's contract that has been competitively procured by another state or political subdivision or public entity thereof for the item or items being purchased.

Section 2. These education collaboratives shall not be subject to section 1(c) of chapter 30B of the general laws of section 22A of chapter 7 of the general laws insofar as those laws preclude out-of-state collective purchases by education collaboratives for a perioud not to exceed 2 years after the effective date of this act, and thereafter the provisions of said section 1(c) of chapter

30B and sections 22A of chapter 7 shall apply for any future collective purchasing by education collaboratives.

Section 3. The inspector general shall review the process by which education collaboratives are making out-of-state collective purchases. Education collaboratives participating in out-of-state collective purchasing must submit biannually the following summary information to the Massachusetts Office of the Inspector General. (1). Written evidence for all items purchased that the vendor contracts for such items were competitively procured by a state or one of its political subdivision or public entities; (2) A full and complete description of the item(s) purchased. (3) Documentation of savings obtained with relevant Massachusetts cost comparisons.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Notwithstanding any general or special laws to the contrary, any and all meetings of the so-called 'Readiness Project' shall be disclosed to the public through posting in a conspicuous manner on the home web site of the Commonwealth.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended, in section 2, in item 1410-0400, by inserting after the words "soldiers' home" the following words:- "or residents of a veteran's residential facility of a municipality that has an active military base located in such municipality".

After remarks, the amendment was *rejected*.

Messrs. Timilty and Morrissey moved that the bill be amended by inserting the following new section: -

"SECTION XX section 1. Section 7 of chapter 44 of the General Laws is hereby amended by inserting after clause 17 the following new clause: - (17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tide waters, ten years.

SECTION 2. Section 7 of chapter 44 of the General Laws is hereby amended by inserting at the end thereof the following new clause: - (32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not defined in Chapter 44 s 8 clause (21), including clean up or prevention activities taken pursuant to chapter 21E or chapter 21H, twenty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental protection and the approval of said department has been granted therefore."

The amendment was *rejected*.

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

"SECTION ____. Notwithstanding section 3B of chapter 7 of the general laws or any other general or special law, the administrative office of the trial court shall allow the general public to park in the Fitchburg superior courthouse parking lot on weekdays between 5:00 p.m. and a closing time which is before midnight and which is agreed upon by a neighborhood association comprised of governmental and charitable organizations located within 50 yards of the parking lot and all day on weekends if: (1) the neighborhood association erects and maintains signs near the entrances to the parking lot that state the times that the parking lot is available for use by the general public; (2) the association locks and secures the entrance to the parking lot at the closing time everyday as directed by courthouse staff; (3) the association arranges and pays for the towing of unauthorized vehicles that are in the parking lot when courthouse staff unlocks the parking lot's entrance on weekday mornings and at any other times; (4) the association assumes responsibility for collecting and disposing of any trash discarded on the lot during the association's hours of access to the lot; and (5) the association holds harmless and indemnifies the administrative office of the trial court from any liability arising from, or related to, the use of the lot permitted by this section."

After remarks, the amendment was adopted.

Mr. Knapik moved that the bill be amended by inserting after Section 90, the following new Section:-

"SECTION 91. Section 9A of chapter 200A of the general laws is hereby repealed in its entirety and shall be replaced with the following:

Section 9A. Alternative procedure for handling abandoned funds held by cities, towns and districts.

(a) This section shall apply to abandoned funds, as determined herein, held in the custody of cities, towns or districts that have accepted the provisions of this section pursuant to section 4 of chapter 4 of the general laws. In the case of such cities, towns or districts accepting the provisions of this section there shall be an alternative procedure for disposing of abandoned funds held in the custody of such cities, towns or districts as provided in this section, and only this section shall apply to the disposition of such funds.

(b) Any funds held in the custody of a city, town or district that has accepted this section may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within one year after the date prescribed for payment or delivery, provided the last instrument intended as payment bears upon its face the statement "void if not cashed within one year from date of issue." Once a period of one year has elapsed from the date of any such instrument, the treasurer of any such city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument, or otherwise cause the financial institution to decline payment on the instrument, and any claims made beyond this date may only be paid by the city, town or district through the issuance of a new instrument. Neither the city, town, district nor financial institution shall be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than one year from its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto, that are presumed to be abandoned as aforementioned, shall post a notice, which notice shall be entitled "Notice of Names of Persons appearing to be Owners of funds held by (insert city, town or district name), and deemed abandoned." The notice shall specify those who appear from available information to be entitled to such funds, shall provide a description of the

appropriate method for claiming such funds, and shall state a deadline beyond which funds may no longer be claimed, provided such deadline is no earlier than sixty days from the date such notice was either postmarked or first posted on a website as herein provided. The treasurer of such city, town or district may post such notice using one or both of the following methods: (1) by mailing such notice postpaid to the last known address of the beneficiary or person entitled thereto, sent via first class mail, or (2) if the city, town or district maintains an official website the said treasurer may, as an alternative, post the notice conspicuously on said website for a period of not less than 60 days.

(d) In the event funds appearing to be owed to a corporation, organization, beneficiary or person amount to $100 or more, and the deadline as provided in the aforementioned notice has passed, and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county (or counties) in which the city, town or district is located, except that this notice shall provide an extended deadline beyond which funds cannot be claimed, which shall be no earlier than one year from the date of publication of such notice.

(e) Once the final deadline of the aforementioned notice(s) has passed, the funds owed to such corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the general fund of the city, town or district, and the city, town or district shall not thereafter be liable to the corporation, organization, beneficiary or person for payment of those funds, nor for the underlying liability for which the funds were originally intended. These funds shall then be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices herein provided for, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheatment of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise, and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest bearing, bank account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days to the district, municipal or superior court of the county in which the city, town or district is located. The claimant shall have a trial de novo. An appeal shall be perfected by the claimant within 20 days after receiving notice of this action by the city, town or district treasurer. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds to the claimant in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or any other party, or if the treasurer does not receive notice that an appeal has been filed within one year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner herein provided.

If the claimant is domiciled in a country or state outside the United States or its territories and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district may order that the city, town or district retain such payment.

The earlier Section 9A of chapter 200A herein repealed shall apply to funds wherein the final instrument of disbursement was issued prior to the effective date of this act."

The amendment was *rejected*.

Mr. Moore moved that the bill be amended by inserting, after Section__, the following new Sections:-

"SECTION ___. Chapter 60 of the General Laws is hereby amended by inserting the following new section:--

Section 37C Security Interest on taxable personal property

Taxes assessed upon personal property under the provisions of chapter fifty-nine, including section eighteen, with all accrued interest, incidental charges and fees provided for in chapter fifty-nine, and other provisions of this chapter shall be a security interest in the personal property so taxed, as well as all after acquired consumer goods, equipment and inventory and the proceeds from the sale of any such personal property until the security interest is terminated as provided in this section.

The assessment of personal property taxes by a municipal board of assessors shall have the force and effect of a signed security agreement under the provisions of chapter one hundred-six, hereinafter referred to in this section as 'the Uniform Commercial Code.' The security interest shall have the force and effect of an unperfected security interest in accordance with the provisions of the Uniform Commercial Code and once perfected shall have the force and effect of a perfected security interest in accordance with the provisions of the Uniform Commercial Code.

The unperfected security interest shall be perfected upon: (1) nonpayment of the tax, including partial nonpayment, fourteen days after the mailing of a demand in accordance with section sixteen of this chapter; and, (2) the filing of a financing statement by the municipal collector at the office of the state secretary in accordance with the provisions of the Uniform Commercial Code, provided that the collector may file a financing statement no earlier than fourteen days following the mailing of a demand to the taxpayer.

The collector shall, upon perfection of the security interest, add the cost of filing the financing statement and the cost of

filing a termination statement plus an additional fee of five dollars for the preparation of the financing statement and an additional fee of five dollars for the preparation of a termination statement to the balance due.

If it appears to the collector that a filed financing statement is going to lapse, the collector shall file a continuation statement, as well as succeeding continuation statements in accordance with the provisions of the Uniform Commercial Code, to continue the effectiveness of the initial financing statement, adding to the balance due the cost of filing each necessary continuation statement plus a fee of five dollars for their preparation.

Once the balance due, including the tax, accrued interest, incidental charges, and fees as provided by chapter fifty-nine and other provisions of this chapter have been fully abated or fully paid the security interest provided for under this section shall terminate, and if the security interest was perfected, the collector or an assignee of the collector shall file a termination statement at the office of the state secretary in accordance with the provisions of the Uniform Commercial Code.

The collector may assign an underlying personal property tax receivable in accordance with the procedures provided for in section 2C of this chapter provided that the provisions of the Uniform Commercial Code governing the assignment of a security interest are also followed. In the event of a direct conflict between section 2C of this chapter and the provisions of the Uniform Commercial Code, the provisions of the Uniform Commercial Code shall control as to the assignment of the security interest and the provisions of this chapter shall control as to the assignment of the tax receivable.

If a tax receivable and security interest has not previously been assigned, the collector shall assign the tax receivable and the security interest, in accordance with the provisions of the Uniform Commercial Code, to any other secured party holding a concurrent security interest in the same personal property, regardless of when the other secured party's interest was perfected, if that secured party fully pays the balance due to the collector.

All remedies available to holders of secured interests under the provisions of the Uniform Commercial Code for default of an underlying obligation shall be available to the collector or to an assignee to collect the balance due and the use of the provisions of the Uniform Commercial Code by the collector or an assignee shall not interfere with the ability of the collector or an assignee to use other remedies, including the further accrual of interest on the tax receivable, as provided in chapter fifty-nine, this chapter or any other applicable provision of law to collect the balance due.

All terms used in this section shall be defined by reference to those terms as they are used under the Uniform Commercial Code unless specific reference is made in this section to another provision of law.

SECTION ___. Section 95 of Chapter 60 is hereby amended by inserting at the end of the first sentence the words:-- "; and upon the filing of a financing statement in accordance with the provisions of Section 37C and the provisions of the Uniform Commercial Code, with the amount of uncollected personal property taxes represented by the financing statement."

The amendment was *rejected.*

Mr. Marzilli, Mr. Tarr, Mr. O'Leary, Mr. Baddour, Mr. Galluccio, Ms. Jehlen, Ms. Spilka, and Mr. Hedlund moved that the bill be amended, in section 2, by inserting after item 7061-0012 the following item:

"7061-0013 For aid to cities and towns for which the total amount in section three of this act for any city or town is less than the total amount in section three of Chapter 177 of the Acts of 2001 for Chapter 70 school aid, Additional Assistance and Lottery distributions for such city or town; provided, that such total aid to any individual city or town shall not exceed $500,000 …… $5,717,182".

The amendment was *rejected.*

Ms. Walsh moved that the bill be amended, in section 2, in item 7000-9401, by striking out the figure "$1.10" and inserting in place thereof the figure "$1.15"; and by striking out the figure "$17,166,071" and inserting in place thereof the figure "$17,666,071."

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, in item 7061-0008, by adding at the end thereof the following: "provided further, that no city, town, or regional school district shall receive less in Chapter 70 funding than it did in Fiscal Year 2002 or Fiscal Year 2003, whichever is greater"; and further, by striking out the figure "3,948,824,061" and inserting in place thereof the figure "3,968,783,426"; in section 2, in item 7010-0005, by striking the figure "$16,580,047" and inserting in place thereof the figures "$14,293,430"; in section 2, in item 7061-9412, by striking the figure "$17,500,000" and inserting in place thereof the figure "$13,000,000"; in section 2, in item 7066-0000, by striking the words "provided further, that not less than $2,000,000 shall be expended for the department to make payments to public higher education institutions for the dual enrollment program allowing qualified high school students to take college courses"; and further, by striking the figure "$6,512,898" and inserting in place thereof the figure "$4,512,898"; and by striking item 0640-0010.

The amendment was *rejected.*

Mr. Creedon moved that the bill be amended by inserting after Section 90, the following new section:

"SECTION___. Notwithstanding any general or special law or rule or regulation to the contrary, no duly sworn officer of a municipal police department, the state police or any state agency, department or institution shall be prohibited from carrying a firearm issued by an issuing authority while on official business in any court house or court room of the Commonwealth of Massachusetts."

The amendment was *rejected.*

Mr. Joyce and Ms. Fargo moved that the bill be amended, in section 2, in item 0611-5510, by striking out the figure "$28,300,000" and inserting in place thereof the following figure:- "$30,300,000".

The amendment was *rejected.*

PAPER FROM THE HOUSE.

Ms. Menard in the Chair, there being no objection, during consideration of the Orders of the Day, the House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4594),-- came from the House with the endorsement that the House had concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2591, with a further amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4772.

The rules were suspended, on motion of Mr. O'Leary, and the House amendment was considered forthwith and adopted, in concurrence.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Mr. Pacheco moved that the bill be amended, in section 2, in item 0330-3200, by inserting after the word “officers” the following:- “, per diem court officers,”.

The amendment was adopted.

Messrs. Tolman, Hart, and Petruccelli, Ms. Walsh and Mr. Galluccio moved that the bill be amended, in section 2, in item 0340-0100, by inserting after “intention to make that transfer” the following:- “provided further that not more than $100,000 shall be expended for additional support of the Gun Prosecution Task Force, otherwise known as the Gun Court; and provided that not more than $150,000 shall be expended for support of a second Grand Jury for Suffolk County to investigate unsolved homicides, otherwise known as the Special Grand Jury; and provided that not more than $230,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bulfinch Place”.

The amendment was *rejected.*

Mr. Buoniconti moved that the bill be amended in section 2, in item 0330-0410, by striking out the figure “$42,737” and inserting in place thereof the figure “$60,000”.

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended, in section 2, in item 0321-0001, by striking out the figure “$566,753” and inserting in place thereof the following figure:- “574,398”.

The amendment was adopted.

Mr. Morrissey moved that the bill be amended in section 2, in item 0333-0002, **by inserting after item 0333-0002, the following item:**

“0333-0003 For the purpose of hiring deputy assistant registers in the various counties throughout the Commonwealth, as provided by statute, by the Registers of Probate with the approval of the Chief Justice of the Probate and FamilyCourtDepartment ....$75,000”.

The amendment was *rejected.*

Mr. Downing moved that the bill be amended in section 2, in item 0340-2100, by striking out the figure “$1,786,550” and inserting in place thereof the following figure:- “$2,014,832”.

The amendment was *rejected.*

Mr. Petruccelli moved that the bill be amended by inserting after section 90, the following new sections: -

“SECTION 91. Section 93 of said chapter 221 of the General Laws, as so appearing, is hereby amended by striking out the figure “78.27” and inserting in place thereof the following figure:- 82.50.”

“SECTION 92. Section 94 of said chapter 221 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the figure “78.27” and inserting in place thereof the following figure:- 82.50.”

The amendment was adopted.

Mr. Downing moved that the bill be amended in section 2, in item 0340-8908, by striking out the figure “$1,344,244” and inserting in place thereof the following figure:- “$1,362,600”.

The amendment was adopted.

Messrs. Creedon, Marzilli and McGee, Ms. Candaras and Ms. Creem moved that the bill be amended, in section 2, in item 0321-2000 by striking the figures “ 789,550” and inserting in place thereof the following new figures:- “813,797”.

The amendment was adopted.

Mr. Creedon moved that the bill be amended in section 2, in item 0341-2205 by striking out the figure “$2,129,671” and inserting in place thereof the figure:- “$2,229,671”.

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 0320-0003, by striking out the figure “8,294,996” and inserting in place thereof the following figure:- “7,941,973”.

After remarks, the amendment was *rejected.*

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

“SECTION __. Section 11 of chapter 211D of the General Laws is hereby amended by striking out the second paragraph”.

The amendment was *rejected.*

Ms. Menard moves that the bill be amended in section 2, in item 0340 -0900, in line 17, by striking out the wording "purpose of establishing a pilot" inserting in place thereof the following:- Katie Brown domestic violence prevention.

The amendment was adopted.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 1410-0012, by inserting in line 3 after the words "agent orange" the following: "provided further, no less than $228,771 shall be expended for the Veterans Benefits Clearing House in the Roxbury section of Boston."

The amendment was *rejected.*

Ms. Wilkerson moved that the bill be amended, in section 2, in item 1410-0250, by inserting in line 2 after the words "city of New Bedford" the following: "provided further that, no less than $73,350 shall be expended under contract for the Veterans Benefits Clearing House in the Roxbury section of Boston".

The amendment was *rejected.*

Ms. Wilkerson moved that the bill be amended, in section 2, in item 1750-0100 in line 13 by inserting after the words "training and assistance" the following: "provided further, that not less than 620,750 shall be provided to the office of diversity and equal opportunity within the human resources division to increase the recruitment and retention of minority managers within the executive branch." and striking at the end thereof the amount "$4,125,345" and inserting in place thereof "$4,872,095".

The amendment was *rejected.*

Ms. Wilkerson moved that the bill be amended, in section 2, in item 0940-0100, by striking the figure "$2,332,903" and inserting in place thereof the following "$2,794,794".

The amendment was *rejected.*

Messrs. Knapik and Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 0540-1200, by striking out the figure "$2,173,462" and inserting in place thereof the following figure:- "$2,276,605".

The amendment was *rejected.*

Mr. Hedlund moved that the bill be amended, in section 2, by inserting after item 1599-3384 the following item:-

"1599-3837 For the payment to the water pollution abatement trust to fund financial assistance to the towns of Hingham, Hull and North Cohasset to meet debt service obligations incurred by the municipalities after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by the department, on or before the promulgation date of the department's regulations related to the implementation of the federal Safe Drinking Water Act…….$1,259,068".

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended, in section 2, in item 7002-0201, by striking out the figure "$152,850" and inserting in place thereof the following figure:- "$252,850", and by inserting after the word "Laws" the following wording:- "and civil fines issued under sections 197B of chapter 111, 46R of chapter 140, and 6F½ of chapter 149 of the General Laws".

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended, in section 2, in item 0910-0200, by striking out the figure "$2,721,715" and inserting in place thereof the following figure:-"2,821,715".

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended, in section 2, by inserting after item 0640-0000 the following item:-" 0640-0001 For the operation of the state lottery commission; provided, that the commission may seek revenue from corporate advertising for non-lottery products on all lottery products; provided further, that payments from corporate advertising shall be deposited into the General Fund; and provided further, that expenditure in this item is limited to an amount not to exceed revenues collected from corporate advertising payments or the amount appropriated herein, whichever is less……. $3,653,019".

The amendment was *rejected.*

Mr. Tolman moved that the bill be amended in section 2, in item 0640-0005, by striking out the words "the monitoring of games" and replacing it with the following words:- "monitor games".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 7003-0702, by inserting after the words "in the city of Gardner " the following:-" "provided further that not less than $75,000 shall be expended for the Partnership for Automotive Career Education program to recruit, train, and provide career guidance to students for entry-level automotive technician jobs".

The amendment was *rejected.*

Messrs. Tolman, Augustus, Marzilli, Petruccelli, McGee, Ms. Spilka, Ms. Menard and Ms. Resor moved that the bill be amended in section 2, in item 7000-9406, by striking "For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than $50,000 shall be expended for the National Federation of the Blind Newsline Programs $2,203,997" and inserting in place thereof the following:- "For the Braille and talking book library at Watertown, including the operation of the machine lending agency; provided, that not less than $100,000 shall be expended for the National Federation of the Blind Newsline Program…….$2,341,359".

The amendment was adopted.

Mr. Creedon moved that the bill be amended in section 43, in line 14, after the word "charged.", by inserting the following new sentence:- "This section shall not apply to manufacturers and unclassified acquirers to the extent that said manufacturer and unclassified acquirer distributes such product through a licensed wholesaler or unclassified acquirer".

After remarks, the amendment was adopted.

Messrs. Tolman, Galluccio and Marzilli moved that the bill be amended, in section 2, in item 7003-0702, by striking out the words "provided further, that not less than $400,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Cambridge;" and inserting in place thereof the following:- "provided further, that not less than $600,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston;".

The amendment was *rejected.*

Mr. Baddour moved that the bill be amended, in section 2, in item 1410-0010, by inserting after the words "Charlestown navy yard;" the following:- "provided further, that not less than $50,000 shall be expended for the Merrimac Veterans Housing First Program.".

The amendment was *rejected.*

Ms. Tucker and Mr. Creedon moved that the bill be amended by inserting, after Section 90, the following new Section: -

"SECTION 91. 1. Chapter 266 is amended by inserting after Section 35 the following new section:

SECTION 35A. Residential Mortgage Fraud

Any person who intentionally:

(1) Makes or causes to be made any material statement that is false or any statement that contains a material omission, knowing the same to be false or to contain a material omission, during or in connection with the mortgage lending process, with the intention that said statement be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process;

(2) Uses or facilitates the use of any material statement that is false or any statement that contains a material omission, knowing the same to be false or to contain a material omission, during or in connection with the mortgage lending process, with the intention that said statement be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process;

(3) Receives any proceeds or any other funds in connection with a residential mortgage closing knowing said proceeds or funds to have resulted from a violation of paragraph (1) or (2) of this section;

(4) Files or causes to be filed with the official registrar of deeds of any county of this commonwealth any document that contains a material statement that is false or a material omission, knowing such document to contain a material statement that is false or a material omission;

shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in the house of correction for not more than two and one-half years or by a fine of not more than $10,000 in the case of a natural person or not more than $100,000 in the case of any other person, or by both such fine and imprisonment. [Any person who engages in a pattern of residential mortgage fraud shall be punished by imprisonment in the state prison for not more than fifteen years or by a fine of not more than $50,000 in the case of a natural person or not more than $500,000 in the case of any other person, or by both such fine and imprisonment.]

As used in this section:

(a) 'Funds' shall include but not be limited to a commission, fee, yield spread premium, or compensation in any form.

(b) 'Material omission' means the omission or concealment of a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading.

(c) 'Mortgage lending process' means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. Documents involved in the mortgage lending process include, but are not limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures;

(d) 'Pattern of residential mortgage fraud' means the violation of paragraph (1), (2), (3), or (4) of this section in connection with three or more residential properties;

(e) 'Person' means a natural person, corporation, company, limited liability company, partnership, real estate trust, association, or any other entity;

(f) 'Residential mortgage loan' means a loan or agreement to extend credit made to a person, which loan is secured by a mortgage, security interest, deed to secure debt, deed of trust, or other document representing a security interest or lien upon any interest in a one-to-four family residential property located in Massachusetts, including the renewal or refinancing of any such loan.

Any violation of this section may be prosecuted and punished in the county in which the residential property for which a mortgage loan is being sought is located, or in any county in which any act was performed in furtherance of the violation, or in any county in which any person alleged to have violated this section had control or possession of any proceeds of or other funds received as a result of the violation, or in any county in which a closing on the mortgage loan occurred, or in any county in which a document containing a deliberate misstatement, misrepresentation, or omission is filed with the official registrar of deeds.

It is an affirmative defense to a prosecution of a defendant for a violation of this section committed by an employee or agent of the defendant if the defendant demonstrates all of the following by a preponderance of the evidence:

(a) The defendant had in force at the time of the violation and continues to have in force a written policy that includes at least all of the following:

(i) A prohibition against conduct that violates this section by employees and agents of the defendant

(ii) Penalties or discipline for violation of the policy

(iii) A process for educating employees and agents concerning the policy and consequences of a violation

(iv) A requirement for a criminal history check before employing an employee or engaging an agent and a requirement that the defendant will not employ or engage an individual whose criminal history check reveals a previous conviction of a crime

involving fraud.
(b) The defendant demonstrates that it enforces the written policy described in subdivision (a).
(c) Before the violation of this section the defendant communicated the written policy described in subdivision (a) and the consequences for violating the policy to the employee or agent who committed the violation.

It is a rebuttable presumption that a borrower in the residential mortgage lending process did not make a false material statement or a material omission. Two or more single incidents or occurrences of fraud in the mortgage lending process are sufficient to overcome this rebuttable presumption.

2. Section 33 of Chapter 266 is amended by:
a. Striking the words "obtains credit from" and inserting in their place the words "obtains credit for himself or for any other person from"; and
b. Inserting after the words 'banking institution' the words 'or any mortgage lender as defined in Section 1 of Chapter 255E'; and
c. Inserting the following phrase after the word 'larceny': ', and, if the value of the benefit described in clause (1) or dollar amount of credit obtained exceeds two hundred and fifty dollars, shall be punished as if he had stolen property of a value exceeding two hundred and fifty dollars as provided in Section 30(1)'
so that the statute as amended reads as follows:
Chapter 266, Section 33. Larceny; false pretences relating to contracts, banking transactions or credit

(1) Whoever, with intent to defraud, obtains by a false pretence the making, acceptance or endorsement of a bill of exchange or promissory note, the release or substitution of collateral or other security, an extension of time for the payment of an obligation, or the release or alteration of the obligation of a written contract, or (2) whoever, with intent to defraud, by a false statement in writing respecting the financial condition, or means or ability to pay, of himself or of any other person, obtains **for** himself or for any other person credit from any bank or trust company or any banking institution or any mortgage lender as defined in Section 1 of Chapter 255E or any retail seller of goods or services accustomed to give credit in any form whatsoever shall be guilty of larceny , and, if the value of the benefit described in clause (1) or dollar amount of credit obtained exceeds two hundred and fifty dollars, shall be punished as if he had stolen property of a value exceeding two hundred and fifty dollars as provided in Section 30(1).
3. Section 34 of Chapter 266 is amended by:
a. Striking out the words 'the preceding section' and inserting in their place the words 'Section 33'; and
b. Inserting the following phrase after the word 'larceny': ', and, if the dollar amount of the credit or value of the benefit parted with exceeds two hundred and fifty dollars, shall be punished as if he had stolen property of a value exceeding two hundred and fifty dollars as provided in Section 30(1)'
so that the statute as amended reads as follows:
Chapter 266: Section 34. Larceny; inducement to part with property
Whoever, with intent to defraud and by a false pretence, induces another to part with property of any kind or with any of the benefits described in section 33 shall be guilty of larceny, and, if the dollar amount of the credit or value of the benefit parted with exceeds two hundred and fifty dollars, shall be punished as if he had stolen property of a value exceeding two hundred and fifty dollars as provided in Section 30(1)".

The amendment was adopted.

Mr. Knapik moved that the bill be amended by inserting after Section 90, the following new section:-

"SECTION 91. Employees of the Massachusetts State Lottery shall not use, and shall not issue any tickets to sporting or entertainment events on any basis to retailers under the Massachusetts State Lottery Retailers Incentive Program and the Massachusetts State Lottery shall not receive as a condition of contract, nor as a benefit of any kind tickets or access to any sporting or entertainment event from any advertising contracts or licensing deals."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-five minutes past six o'clock P.M., on motion of Mr. Brown, as follows, to wit (yeas 38 - nays 0) **[Yeas and Nays No. 224]:**

Insert Roll Call "J"

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

There being no objection, at twenty-nine minutes past six o'clock P.M., the Chair (Ms. Menard) declared a recess subject to the call of the Chair; and, at twenty-six minutes before eight o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and

for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Ms. Tucker, Messrs. Tarr and Moore moved that the bill be amended, in section 2, by adding the following item:-

"1201-0105: For municipal management incentive grants to help communities provide cost effective and efficient delivery of local services. Grants may include, but not be limited to, consolidation of town and school departments; regionalization of local government functions, including SPED transportation; technology to upgrade and standardize financial systems; improve accounts receivable; control health insurance costs, including analysis of joining GIC……$1,000,000".

The amendment was *rejected*.

Mr. Augustus moved that the bill be amended, in section 2, in item 1120-4005, by striking out the figure "1,273,692" and inserting in place thereof the figure "1,460,000".

The amendment was *rejected*.

Messrs. Augustus, Marzilli, Petrucelli, Pacheco, Ms. Candaras, Mr. Timilty, Ms. Spilka, and Mr. Joyce moved that the bill be amended, in section 2, in item 1599-6901, by striking the words, "equal percentage".

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 6010-0002, in line 4 to 6, inclusive, by striking the following: "June 30, 2010, the department shall develop a plan that phases into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002" and inserting in place thereof the following:- "June 30, 2012, the department shall develop a plan that phases into the budgetary appropriation all personnel costs transferred to capital authorizations since June 30, 2002; provided further, the department shall complete an overview of the employment levels paid by capital authorizations since June 30, 2002, and the anticipated number of employees scheduled to be transferred to budgetary appropriations each fiscal year through June 30, 2012; provided further, such plan shall be submitted to the house and senate committees on ways and means and the clerks of the house and senate by December 31, 2008"

The amendment was adopted.

Mr. Marzilli and Ms. Jehlen moved that the bill be amended by inserting after Section 89, the following new Section:- "SECTION XX. Subdivision (8) of section 22 of Chapter 32 of the General Laws as appearing in the 2004 Official Edition is hereby amended in subsection (c) by striking out in lines 1088- 1095 "The decision to participate shall be made by the board of each system, subject to the approval of the legislative body and the chief executive officer of each governmental unit. The decision of the board shall be deemed to have been approved unless the legislative body and the chief executive officer act to disapprove such decision by July first of the year in which the decision of such board is made. The board of each system shall notify the PRIM board and the appropriate legislative body and chief executive officer by May first of each year of its decision" and inserting in place thereof the following:- "The decision to participate shall be made by the legislative body of each governmental unit. The legislative body shall notify the PRIM board, and the retirement board of said system by May first of each year of its decision."

Subdivision (8) of section 22 of Chapter 32 of the General Laws is hereby further amended in subsection (c) by striking out in line 1106 the words "board of a system" and inserting in place thereof "legislative body".

The amendment was *rejected*.

Messrs. Tarr and Baddour moved that the bill be amended, in section 2, in item 1410-0012, by inserting at the end the following:- "provided further, that not less than $20,000 shall be expended for the purposes of the GOAL foundation to provide state certified basic firearms safety courses to the public at no charge, with preference given to veterans".

The amendment was *rejected*.

Messrs. Augustus and McGee moved that the bill be amended, in section 2, in item1410-0012, by inserting, after the words, "Korean War memorial located in the Charlestown navy yard;" the following:- "provided further that not less than $200,000 shall be expended for outreach and counseling to newly returned Massachusetts veterans in support of Operations Iraqi Freedom and Enduring Freedom".

The amendment was adopted.

Messrs. Augustus and McGee moved that the bill be amended, in section 2, in item 1410-0015, by striking out the figure, "$42,282" and inserting in place thereof the figure, "$50,000".

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2, in item 0611-5510, by adding at the end thereof the following: "provided further that the Department of Revenue shall conduct a study to determine the cost analysis for providing payment in lieu of taxes to any county or former county correctional facility whose operating expenses paid by the Commonwealth exceeds 50 percent; provided further, that said study shall be completed by October 1, 2008 and submitted to the House and Senate Committee on Ways and Means; provided further, that said payment in lieu if taxes shall not take effect until legislation has been filed and enacted pursuant to Part 2, Chapter 1, Sec. 1, Article II of the Constitution."

The amendment was *rejected.*

Ms. Chandler moved that the bill be amended, in section 2, in item 1750-0100, by adding at the end thereof the following: "provided further, that 1,300,000 shall be expended for a job analysis study of positions of state employees of the executive branch, to be conducted by the human resources division; provided, that the study shall update the current job classification system, including but not limited to class titles, job specifications, organizational relationships, and job qualifications; shall seek to ensure that the job classification system is free of gender and racial discrimination; and shall review the effect of the job classification system on employee pension and benefits, and on the recruitment and retention of employees of the

Commonwealth; and is said item by striking out the figure "$4,125,345" and inserting in place thereof the following figure:- "$5,425,345".

The amendment was *rejected.*

Mr. Augustus, Mr. Moore, and Ms. Chandler moved that the bill be amended, in section 2, in item 1410-0012, by inserting, after the words, "Veterans Association of Massachusetts, Inc., in the city of Springfield;" the following:- "provided further that $150,000 shall be expended for the Worcester Veterans Outreach Center;".

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2, in item 0611-5510, by striking out the figure "$28,300,000" and inserting in place thereof the following figure:- "30,300,000".

The amendment was *rejected.*

Mr. Morrissey moved that the bill be amended, in section 2, in item 0511-0270, by striking out the figure " $600,000" and inserting in place thereof the following figure:- "$800,000".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2, in item 0511-0270, by striking out the following words, "For the state secretary to", and inserting in place thereof the following words:- "The Secretary of State may".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2, in item 0524-0000, by striking out the figure "$1,782,807" and inserting in place thereof the following figure:- "$1,952,074".

The amendment was *rejected.*

Messrs. Marzilli, Augustus, Downing, and Joyce moved that the bill be amended, in section 2, in item 0640-0300, by striking out the figure "$12,351,697" and inserting in place thereof the following figure:- "$12,883,827".

The amendment was *rejected.*

Mr. Marzilli moved that the bill be amended, in section 2, in item 0610-0000, by inserting at the end thereof the following:- "and provided further, that not less than $161,913 shall be expended for the full reimbursement to the towns of the Fourth Middlesex Senate District for expenses incurred in special elections in 2007 for filling the vacated Senate seat".

The amendment was *rejected.*

Ms. Resor moved that the bill be amended, in section 2, by striking out item 0511-0200 and inserting in place thereof the following item:- "0511-0200 For the operation of the state archives division, provided further that $400,000 be expended to provide staff support to establish a program of grants to cities and towns to aid in retention and preservation of vital municipal records……$950,353".

The amendment was *rejected.*

Ms. Resor moved that the bill be amended, in section 2, in item 0521-0000 by inserting after the words "polling hours from this item to each city or town" the following:- "provided further, that the secretary shall investigate issues relative to preservation and storage of vital municipal records in cities and towns in the commonwealth, and shall report to the legislature by June 30, 2009 recommending how to fund and staff a grant program to cities and towns to facilitate preservation of such records".

The amendment was adopted.

Mr. Montigny moved that the bill be amended, in section 2, by inserting after item 1599-0025 the following item:-

"1599-0026 For the facilities maintenance review and the special commission to investigate and study the maintenance of state facilities under section 84A …….....$200,000"; and by inserting after section 84 the following section:-

"SECTION 84A. (a) There shall be a special commission to investigate and study the maintenance of state facilities.

(b) The commission shall consist of the secretary of administration and finance, or her designee, who shall chair the commission; the commissioner of capital asset management and maintenance, or his designee; the chairs of the house and senate committees on ways and means, or their designees; the house and senate chairs of the joint committee on bonding, capital expenditures and state assets, or their designees; the minority leaders of the senate and house of representatives, or their designees; a representative of the International Facility Management Association; and 3 other persons appointed by the governor. The division of capital asset management and maintenance shall provide staff assistance to the commission and shall conduct a facilities maintenance review to assist in the commission's study.

(c) The commission shall study opportunities to improve maintenance of state facilities, including, but not limited to, more efficiently allocating resources and responsibility for facility maintenance, implementing best practices in assessing and addressing facility maintenance needs, and more effectively funding facility maintenance needs.

(d) The commission shall report its findings and recommendations, including any proposed legislation, to the clerks of the senate and house of representatives on or before March 31, 2009".

The amendment was *rejected.*

Mr. Brown moved that the bill be amended, in section 2, in item 1410-0010, by inserting the following:- "provided further, that not less than $10,000 be directed to the Registry of Motor Vehicles in order to design and make available a decal for veteran's license plates in the Commonwealth commemorating the veterans who served in Operation Enduring Freedom and a decal commemorating the veterans who served in Operation Iraqi Freedom. The Registry of Motor Vehicles shall consult the Adjutant General of the Massachusetts National Guard, or his designee, and the Secretary of Veteran's Services, or his designee before the final approval of a design."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at nineteen minutes before eight o'clock P.M., on motion of Mr. Brown, as follows, to wit (yeas 37 - nays 0) **[Yeas and Nays No. 225]:**

Insert Roll Call "K"

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

Ms. Jehlen and Messrs. Creem, McGee, Creedon, Spilka moved that the bill be amended, in section 2, in item 0321-2100, by striking out the figure "$820,000" and inserting in place thereof the following figure:— "985,824".

After remarks, the amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 1790-0100, by striking out the figure "$4,866,479" and inserting in place thereof the following figure "$6,188,541".

The amendment was *rejected.*

Mr. Brown moved that the bill be amended, in section 2, in item 1201-0100, by inserting after "within a 12 month period." the following:- "Provided further, that the department shall conduct a pilot public awareness and education outreach campaign about state and local tax credits, deductions, deferrals and exemptions and other tax information available to persons age sixty five and over, including, but not limited to, section 6 of Chapter 62 and section 5 of Chapter 59 of the General Laws. The department shall work in conjunction with the executive office of elder affairs in disseminating information and conducting the campaign. The department shall conduct the campaign from July 1, 2008 to April 15, 2009 and shall report their efforts to the house and senate committee on ways and means and the joint committee on elder affairs no later than May 15, 2009. The department shall also file an interim report to the house and senate committee on ways and means and the joint committee on elder affairs on January 1, 2009."

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 1790-0200, by adding the following words: - "; and provided further, that any unspent balance at the close of fiscal year 2009 in an amount not to exceed 5 per cent of the amount authorized shall remain in the Intergovernmental Service Fund and may be expended for that item in fiscal year 2010".

After remarks, the amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7003-0702, by adding the following: "; and provided further that not less than $350,000 shall be expended to fund need-based workforce development-related continuing education grants administered by the Access Program of Boston";

The amendment was *rejected.*

Mr. Brown moved that the bill be amended, in section 2, in item 0411-1003 by striking out the figure "$453,292" and inserting in place thereof the following figure:- "$0".

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-seven minutes past eight o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 - nays 33) **[Yeas and Nays No. 226]:**

Insert Roll Call "L"

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

Messrs. Buoniconti and Downing moved that the bill be amended after section 46 by adding the following new section:-

"SECTION 46A. Chapter 100A of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 11. (a) There shall be an advisory commission on auto body labor rates. The commission shall consist of 11 members including: the director of consumer affairs and business regulation, or a designee, who shall chair the commission, 1 member of the senate from the joint committee on financial services to be appointed by the president of the senate; 1 member of the senate to be appointed by the senate minority leader; 1 member of joint committee on financial services to be appointed by the speaker; 1 member of the house to be appointed by the house minority leader; 2 members from the auto insurance industry to be appointed by the Automobile Insurers Bureau; 1 representative of the Automobile Insurance Industry to be appointed by the Massachusetts Insurance Federation; 2 members from the auto repairer industry appointed by the state affiliate of the Alliance of Automotive Service Providers; and 1 member who shall be a motor vehicle dealer, as defined in section 1 of chapter 93B to be appointed by the Massachusetts State Auto Dealers Association. All members of the commission shall serve on a voluntary, unpaid basis.

(b) The commission shall have the authority to adopt regulations by a two-thirds majority vote and may amend these regulations at anytime by a two-thirds majority vote. The commission shall collect fees to pay for staffing and administrative costs. Each licensed repair shop shall pay an annual fee of $100 in addition to any other fees imposed under this chapter. Each insurer writing auto insurance in Massachusetts shall pay an annual fee of $1000. These funds shall be received by the treasurer on behalf of the commonwealth and deposited into a separate account with the state treasurer to be expended by the commission.

(c) The commission shall develop and implement procedures, which shall be updated at least every 3 years, to establish an average national auto repairer hourly compensation rate for all categories of labor performed by auto repairers including, but not limited to, body labor, paint labor, unibody or frame labor and mechanical labor, as well as a number to be used as a cost of labor multiplier for the commonwealth based on information provided by the Bureau of Statistics of the United States Department of Labor of indices of labor costs across all industries for the commonwealth relative to other states. The commission shall define 3

distinct levels of qualifications to classify auto repair businesses as class A, B or C and an application process for auto repair business classification under this system as well as inspection requirements to correspond to each such classification. At a minimum, any business that submits an application for classification must be inspected within 90 days of the commission's receipt of the application, and shall be notified within 30 days of the inspection of the commission's determination. In addition, businesses classified at level C must be paid a fair and reasonable amount for all labor hours negotiated under 212 Code of Massachusetts Regulations. Businesses classified at level B must be paid an amount not less than 90 per cent of the indexed hourly labor rate in force at the time of the completion of the job for all labor hours negotiated under 212 Code of Massachusetts Regulations. Businesses classified at level A must be paid an amount not less than 100 per cent of the indexed hourly labor rate in force at the time of the completion of the job for all labor hours negotiated under 212 Code of Massachusetts Regulations. The commission shall also develop a formal complaint process for both auto body repair shops and auto insurers for non-compliance with this section or any regulations adopted by the commission.

(d) The commission shall meet in public not less than 8 times per calendar year to conduct business. The commission shall also appoint teams of auto repair inspectors that shall consist of at least 1 person from the auto insurance industry, to be selected from a list of names provided by the Auto Insurers Bureau and 1 person from the auto repairer industry, to be selected from a list of names provided by the Alliance of Automotive Service Providers. The commission shall set the rate by which the individuals on inspection teams are compensated for each inspection filed, to be paid out of the commission's fund. Such total amount for each inspection may not exceed 75 per cent of the application fee in force at the time of the inspection, and each team member shall be compensated an equal amount.

(e) The commission shall report not later than June 1, annually, to the division of insurance and the office the attorney general its indexed labor rates. If the commission of insurance determines not to fix and establish auto insurance rates under chapter 175, the division of insurance shall also distribute the indexed labor rates to those insurers who write auto insurance in the commonwealth within 30 days of receiving the report from the commission."

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, by inserting after item 1599-0025 the following item:

"1599-0045 For a capital projects reserve; provided that not less than $1,000,000 shall be expended to assist the YMCA of Greater Boston on capital projects approved by the board of directors of the YMCA……..$1,000,000"

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, by striking item 0640-0010.

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at a quarter before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 12 - nays 26) **[Yeas and Nays No. 227]:**

Insert Roll Call "M"

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

Mr. Brown moved that the bill be amended, in section 2, by striking out item 0511-0270 and inserting in place thereof the following item:-

"0511-0270 For the state secretary to award a contract with the lowest bidder who is able to provide the commonwealth with technical assistance on United States census data and to prepare annual population estimates……$600,000".

The amendment was *rejected.*

Mr. Hedlund moved that the bill be amended, in section 2, by inserting after item 0640-0000 the following item:-

"0640-0001 For the operation of the state lottery commission; provided, that the commission may seek revenue from corporate advertising for non-lottery products on all lottery products; provided further, that payments from corporate advertising shall be deposited into the General Fund; and provided further, that expenditure in this item is limited to an amount not to exceed revenues collected from corporate advertising payments or the amount appropriated herein, whichever is less……..$3,653,019".

The amendment was *rejected.*

Mr. Tisei moved that the bill be amended, in section 2, in item 0411-1002, by striking the item in its entirety.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at three minutes past nine o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 6 - nays 32) **[Yeas and Nays No. 228]:**

Insert Roll Call "N"

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

Ms. Wilkerson moves to amend the bill by inserting after Section 90 the following section:-

91 "SECTION 48. Chapter 118G of the General Laws is hereby amended by adding the following section:-

Section 40. Notwithstanding any general or special law to the contrary, the division, in consultation with the Massachusetts Council of Human Service Providers and other non-profit human service providers, shall investigate and study methods to lower cost health care options for the members of the Massachusetts Council of Human Service Providers including but not limited to MassHealth. The division shall report the results of its investigation and study, annually not later than December 31, to the joint committee on health care finance."

The amendment was *rejected.*

Mr. Tisei moved that the bill be amended by inserting after section 90 the following section:-

"SECTION 91. Notwithstanding any general or special law to the contrary the each executive office, department,

commission or other entity of the Commonwealth statutorily required to issue a report shall, whenever feasible and practical, as determined by the commissioner of administration and finance, issue said report by posting the report on the official website of the Commonwealth and shall provide notice of such posting to every party that they are mandated to report. Such reports should be posted in a conspicuous manner and made fully available to the public. A limited supply of paper copies of said reports shall be made available and distributed upon request.

The division of information technology, as established pursuant to section 4A of chapter 7, shall create uniform standards and guidelines for the distribution and web based availability of said reports. The division shall also provide any necessary technical assistance for the implementation of this section."

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 1102-3301, by striking out the figure "$6,843,449" and inserting in place thereof the following figure:- "6,641,836".

After debate, the amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 0521-0001, by striking out the figure "$6,156,294" and inserting in place thereof the following figure:- "5,510,883".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 0511-0260, by striking out the figure "$959,755" and inserting in place thereof the following figure:- "198,071".

After remarks, the amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 0411-1000, by adding the following words:- "provided, all expenditures made under this item shall be semiannually reported to the clerks of the house of representatives and the senate and the chairs of the house and senate committees on ways and means and shall be publicly posted on the official website of the commonwealth in a conspicuous manner provided, however, that the report shall include: (1) a detailed description, including title and official duties, of all positions funded through this item; (2) descriptions, including title and official duties, of all staffed positions within the executive office of the governor whether funded under this item or otherwise, including positions funded by items 0411-1003 and 0411-1005; and (3) a detailed explanation of the relationships between each of the positions described under clauses (1) and (2), which may be in the form of an organizational chart which identifies the supervising duties and authority of each position; and provided further, that the initial report shall be submitted July 31, 2008."

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended by inserting after section 90 the following section:-

"SECTION 91. Paragraph (h) of subsection 2A of Section 23 of Chapter 32 of the General Laws, as amended by Chapter 119 of the Acts of 1997, is hereby amended by inserting in line 363 after the word "further" the following:- "that no funds shall be directly invested, which for the purposes of this paragraph shall mean invested in holdings directly managed by the PRIM board or administered by a contracted manager in separately managed accounts, in the securities of prohibited companies, which for the purposes of this paragraph shall include any company, corporation, partnership, limited liability company or other business entity, including any wholly or majority owned subsidiary or parent company, that provides goods or services deployed to develop petroleum resources in Iran, including but not limited to acquiring, developing, maintaining, owning, selling, possessing, leasing or operating equipment, facilities, personnel, products, services, personal property, real property or other apparatus of business or commerce, except for the mere holding or renewal of rights to property not presently deployed to develop petroleum and natural gas resources in Iran, and has, with actual knowledge, on or after August 5, 1996, made an investment in Iran of twenty million dollars or more or any combination of investments of at least ten million dollars each which in the aggregate equals or exceeds twenty million dollars in any twelve month period which directly or significantly contributes to the enhancement of Iran's ability to develop its petroleum and natural gas resources. Every ninety days, the PRIM board shall make its best efforts to identify all such prohibited companies in which the PRIT fund has direct or indirect ownership or in which the PRIT fund could have such holdings in the future and shall provide a copy of this list of companies to the clerk of the house and to the clerk of the senate. The identification of such prohibited companies shall be the responsibility of an independent, third-party research firm, as identified by the PRIM board. Within thirty days after the first such list is compiled, the PRIM board may send written notice to any such prohibited company whose securities are directly invested by the PRIT fund, with a copy to the clerk of the house and to the clerk of the senate, containing a copy of this act and stating the PRIM board's intention to sell that company's securities in compliance herewith unless the company replies within ninety days by written notice of the company's intention to cease to own or operate such investments within one year and to make no further investments described herein. During such one year period, this paragraph's prohibition on ownership shall not apply to the securities of companies that provide timely notice of such intentions. This paragraph's prohibition on ownership shall not apply to investments held in an actively managed investment fund, which for the purposes of this paragraph shall mean an account or fund, such as a mutual fund, managed by one or more persons not employed by the PRIM board in which the PRIT fund owns shares or interests together with other investors, except that, within 120 days of the effective date hereof and quarterly thereafter, the PRIM board shall submit letters to the managers of any such actively managed investment funds which own the securities of prohibited companies requesting that the fund consider removing the securities of prohibited companies from the fund or create a similar actively managed investment fund devoid of securities of prohibited companies. If the manager creates a similar fund devoid of such securities, the PRIM board shall determine within six months of such a fund's creation, whether to replace all applicable investments in said actively managed investment fund with investments in the newly created fund in a timely manner and consistent with prudent investing standards. A company the United States government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to Iran is not subject to this paragraph's divestment requirements

or ownership prohibition. The provisions of this paragraph shall expire if and when: the President of the United States affirmatively and unambiguously states, by means including, but not limited to, enacted legislation, executive order or written certification from the President to Congress, that the government of Iran has ceased to acquire weapons of mass destruction and support international terrorism; the United States revokes all sanctions imposed against the government of Iran; or the Congress or President of the United States affirmatively and unambiguously declares, by means including, but not limited to, enacted legislation, executive order or written certification from the President to Congress, that mandatory divestment of the type provided for in this paragraph interferes with the conduct of United States foreign policy."

Pending the question on adoption of the amendment, Ms. Jehlen moved that amendment (Tisei) be further amended by striking out the text in its entirety and inserting in place thereof the following section:-

"Section 1. The PRIM board, as defined in section 1 of chapter 32 of the General Laws, shall conduct a study on assets from the PRIT fund invested in companies that provides goods or services deployed to develop petroleum resources in Iran. This study shall include a list of companies that would be affected by this proposed divestment, the corresponding amount of money required to be divested, and an assessment by the board as to the feasibility of this divestment in light of the board's statutory investment requirements, and a timeframe for actually divesting.

The PRIM board shall file this report with the clerks of the senate and the house, and the senate and house committees on ways and means not later than March 1, 2009".

After remarks, the question on adoption of the further amendment was determined by a call of the yeas and the nays at twenty-seven minutes past nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 33 - nays 5) **[Yeas and Nays No. 229]:**

Insert Roll Call "O"

The yeas and nays having been completed at twenty-nine minutes before ten o'clock P.M., the further amendment (Jehlen) was adopted.

The pending amendment (Tisei), as amended (Jehlen) was then adopted.

Recess in Memory of Clement J. Bonanno

The Senator from Essex, Mr. Baddour, requested that when the Senate recesses today, it recess in memory of Clement J. Bonanno of Methuen, Massachusetts.

Clement Bonanno was born on Nov. 5, 1928 to Rocco and Amelia (Ciaraldi) Bonanno. Mr. Bonanno attended Methuen schools and graduated from Essex Agriculture School. He was a member of St. Lucy's Church.

Mr. Bonanno was very active in local civic life and was a member of the Sons of Italy, Methuen & Lawrence Exchange Clubs, The Sargent Club, Methuen Board of Trade, Knights of Columbus Council 4027, Arlington Club, Bonanno Bocce League and the Holy Family Men's Guild.

He retired from the Methuen Department of Public Works as a foreman after many years. He also worked as an Intermittent Police Officer.

Accordingly, as a mark of respect to the memory of Clement J. Bonanno, at twenty-seven minutes before ten o'clock P.M., on motion of Mr. Berry, the Senate recessed to meet again tomorrow at a half past eleven o'clock A.M.

Thursday, May 22, 2008.

[being the legislative session of Wednesday, May 21, 2008.]

Met at four minutes before twelve o'clock noon.

Distinguished Guest.

There being no objection, during the consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce. Mr. Joyce then introduced his son, Michael who currently attends Roxbury Latin. Michael was congratulated for being the youngest elected official in the Commonwealth having been elected to the town meeting council in Milton. The Senate applauded his accomplishments and he withdrew from the Chamber.

Resolutions.

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

Resolutions (filed by Mr. Augustus) "commemorating Lieutenant Colonel Nathaniel Mencow's courageous service in the United States Armed Forces and his outstanding commitment to the Sullivan Middle School in the city of

Worcester";

Resolutions (filed by Mr. Creedon) "congratulating Nancy Legan on the occasion of her retirement as principal of the Lawrence W. Pingree Primary School and for her 34 years of service to the Commonwealth as a public school educator and administrator"; and

Resolutions (filed by Mr. Hedlund) "commending Mary Regan Quessenberry."

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Mr. Tisei moved that the bill be amended, in section 2, in item 0640-0010, by striking the item in its entirety.

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 0411-1005, by striking the item in its entirety.

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 1110-1000, by adding the wording:- "; provided further, that the administrative magistrate shall have been certified as an Administrative Law Judge and on the Register of Administrative Law Judges within the Federal Office of Personnel and Management for at least three years".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 0640-0300 by inserting the following language:- "; provided further, that $965,885 be expended for the War Memorial Building in the City of Brockton"; and by striking the figure "$12,351,697" and inserting in place thereof the following figure:- "13,317,582"

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 0640-0005, by striking out the figure "$4,175,484" and inserting in place thereof the following figure:- "1,293,311".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 7002-0500, by striking out the figure "20,948,121" and inserting in place thereof the figure:- $21,196,452".

The amendment was adopted.

Mr. Tisei moved that the bill be amended by inserting, after Section 90, the following new section:-

"SECTION 91. Subpart B of Section 3 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended at the end thereof by adding the following paragraph:-

(16) Any taxpayer with one or more dependents enrolled in a public school in the Commonwealth shall be allowed a credit against the tax liability imposed by this chapter equivalent to the total amount of fees paid for participation in school athletics and other student extracurricular activities authorized under section 47 of chapter 71, or $500, whichever is less.".

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twelve o'clock noon, on motion of Mr. Tisei, as follows, to wit (yeas 8 - nays 30) **[Yeas and Nays No. 230]:**

Insert Roll Call "A"

The yeas and nays having been completed at five minutes past twelve o'clocknoon, the amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 9110-1636 , by striking the figure "$16, 246,087: and inserting in place thereof the following new figure:- "19,150,000".

The amendment was *rejected.*

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended in section 84 by inserting after the words "the total value of all surplus land held by the commonwealth," the following:- "the annual cost of leasing private space for any state agency; the existence and availability of any state-owned space within each geographical jurisdiction that could accommodate the minimum square footage needs of the aforementioned agency; and by each agency, future savings that could be achieved by relocating any office from privately leased space to state-owned space."

After remarks, the amendment was adopted.

Mr. Creedon moved that the bill be amended, in section 2, in item 1232-0100, by striking out the wording:- "provided, that in the prioritization of claims, consideration shall be given to claimants who own not more than 2 dispensing facilities" and inserting in place thereof the following wording:- "provided, that in the prioritization of claims, claims shall be processed and paid in order of which they are received; first in first out."

The amendment was *rejected*.

Messrs. Petruccelli, Joyce, Hedlund, Tisei, Walsh, Marzilli, Tucker, Fargo, Resor, Jehlen, Galluccio, Tolman, Brown, Morrissey, Downing, McGee, Spilka, Timilty, Knapik and Tarr moved that the bill be amended, in section 2, in item 1231-1000, by striking out the figure "$10,000,000" and inserting in place thereof the following:- "$20,000,000".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 1232-0100, by striking out the wording:- "provided, that in the prioritization of claims, consideration shall be given to claimants who own not more than 2 dispensing facilities".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended by inserting after section 90 the following section:-

"SECTION 91. The department of revenue shall report not later than July 1, 2009 on any increased collections attributable to the implementation of any unitary taxation changes during fiscal year 2009, included in said report shall be a compilation of all disputes the subject of litigation or which are the subject of an audit, including the total administrative expenditures made by the department to that end."

After debate, the amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, by inserting after item 1410-0630 the following new item:-

"1410-0011 For the funding of a statewide matching grant program to assist cities and towns with the restoration of existing veterans' memorials; provided, that the secretary of veterans services shall administer the grant program and establish guidelines for the awarding of such grants to cities and towns; provided further, that all grants awarded under this program shall be matched by the recipient, including private funds; and provided further, that the secretary of veterans services may determine the percentage match required on an individual grant basis……$500,000"

After debate, the amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 0340-0100, by inserting after the words "volunteer prosecutor program;" the following:- "provided further, that not more than $100,000 shall be expended for additional support of the gun prosecution task force, also known as the gun court; provided further, that not more than $150,000 shall be expended for support of an additional grand jury for Suffolk county to investigate unsolved homicides, to be known as the special homicide grand jury."; and by striking out the figure "16,443,097" and inserting in place thereof the following figure:- "$16,593,097".

The amendment was adopted.

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

"SECTION 1. Not withstanding any general or special law to the contrary the Bristol County commissioners shall transfer a certain parcel of land in the city of Taunton, located directly behind the Bristol County Superior Courthouse further identified by the following meets and bounds :

A CERTAIN PARCEL OF LAND WITH IMPROVEMENTS THEREON LOCATED IN TAUNTON, BRISTOL COUNTY, MASSACHUSETTS, SITUATED ON THE NORTHERLY SIDE OF NORTH CITY SQUARE & COURT STREET, KNOWN AS TAUNTON COURTHOUSE COMPLEX, BOUNDED & DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT AT THE NORTHEASTERLY PROPERTY LINE AT LAND OF NOW OR FORMERLY LESTER R. GIEGERICH AND MELO'S TRAVEL AGENCY, INC.; THENCE
N24°-57'-12"W A DISTANCE OF ONE HUNDRED AND TEN HUNDREDTHS FEET (100.10')
BY LAND OF NOW OR FORMERLY LESTER R. GIEGERICH; THENCE
S58°-37'-48"W A DISTANCE OF ONE HUNDRED FORTY FIVE AND FORTY FIVE HUNDREDTHS FEET (145.45') TO A POINT; THENCE
N57°-20'-42"W A DISTANCE OF ONE HUNDRED FORTY FOUR AND FOURTEEN HUNDREDTHS FEET (144.14') TO A POINT, THE PREVIOUS TWO COURSES ARE BY LAND OF NOW OR FORMERLY CITY OF TAUNTON; THENCE
S33°-02'-30"W A DISTANCE OF TWENTY ONE AND EIGHTY HUNDREDTHS FEET (21.80')
BY LAND OF NOW OR FORMERLY HERALD MENDOZA & RICHARD ARRUDA TO A POINT; THENCE
S57°-20'-42"E A DISTANCE OF ONE HUNDRED THIRTEEN AND FIFTY FIVE HUNDREDTHS FEET (113.55') TO A POINT; THENCE
S23°-39'-26"E A DISTANCE OF TWENTY SIX AND THIRTY SEVEN HUNDREDTHS FEET (26.37') TO A POINT; THENCE
N66°-20'-34"E A DISTANCE OF ONE HUNDRED SEVEN AND SIX HUNDREDTHS FEET (107.06') TO A POINT; THENCE
S23°-56'-01"E A DISTANCE OF FORTY TWO AND SEVENTY SIX HUNDREDTHS FEET (42.76') TO A POINT; THENCE
N66°-40'-11"E A DISTANCE OF FIFTY ONE AND FORTY NINE HUNDREDTHS FEET (51.49') TO A POINT; THENCE
S23°-35'-21"E A DISTANCE OF TWENTY THREE AND SEVENTY FOUR HUNDREDTHS FEET (23.74') TO A POINT; THENCE
N68°-33'-48"E A DISTANCE OF TWENTY TWO AND EIGHTY SEVEN HUNDREDTHS FEET (22.87') TO THE POINT OF BEGINNING. THE PREVIOUS SEVEN COURSES ARE BY LAND OF NOW OR FORMERLY COUNTY OF BRISTOL.
THE ABOVE DESCRIBED PARCEL CONTAINS 10,471 S.F. & IS MORE PARTICULARLY SHOWN ON A PLAN TITLED "SUBDIVISION PLAN OF LAND, ACQUISITION PLAN", DATED REVISION 1/25/2008 PREPARED BY HOLMBERG & HOWE, INC.

to the Division of Capital Asset Management to be used for the express purpose of constructing the new Taunton District, Probate and Family Court. This land transfer is deemd to be an immediate need and in the best public interest.

SECTION 2. In consideration for this land, the Division of Capital Asset Management shall reserve 25 parking spaces

for Bristol County commissioners at the Divisions' Court Street parking lot in the City of Taunton, currently under lease with the city of Taunton; at a fee equal to the fee charged to District court employees for reserved parking spots in the same lot."

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 1599-1971, by adding after the word "efforts" the following words:- "provided further, that such account shall include any measures to reduce the cost of salt and/or other materials used for snow and ice control".

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, in item 1599-1971, in subsection (b), by adding after the word "not" the following words:- "together with a detailed description of any efforts being undertaken to address that non-compliance".

The amendment was *rejected.*

Ms. Chandler moves that the bill be amended by striking out section 21 and inserting in place thereof the following:-

"SECTION 21. Section 2 of chapter 62B, as appearing in the 2006 Official Edition, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following:-

The commissioner may, if he deems such action necessary for the protection of the revenue of the commonwealth, require persons other than employers: (1) to deduct and withhold taxes from payments made by such persons (or in the case of S corporations or entities treated as partnerships, from the distributive shares of income of such persons attributable to their shareholders or members) to residents, nonresidents and part-year residents of the commonwealth; (2) to file withholding returns as prescribed by the commissioner; and (3) to pay over to the commissioner, or to a depositary designated by the commissioner, the taxes so required to be deducted and withheld; provided, however, that nothing in this paragraph shall authorize the commissioner to require any corporation, foundation, organization or institution that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code, as amended and in effect for the taxable year, to withhold taxes from persons who are not employees, except where the payments made by the exempt person for a particular performance or other event exceed $10,000. Any person other than an employer required to withhold and deduct taxes under this paragraph shall be treated as an employer for purposes of sections 5 through 12 of this chapter".

The amendment was adopted.

Ms. Chandler moved that the bill be amended by striking out section 37.

The amendment was adopted.

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

"SECTION 1. The commissioner of capital asset management and maintenance shall, for 1consideration of $1, convey by deed approved as to form by the attorney general, a certain parcel of land currently used as a parking lot on Court street in the city of Taunton to the city of Taunton.

SECTION 2. The city of Taunton shall be responsible for any costs for 4 appraisals, surveys and other expenses relating to the transfer of the parcel, and for any costs and liabilities and expenses of any nature and kind for the maintenance or operation of the parking lot. In the event the parcel of land ceases to be used at any time for the purposes contained herein, the parcel shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

SECTION 3. The sale price paid under section 2 shall be deposited in the General Fund of the commonwealth."

SECTION 4. The commonwealth for any preexisting environmental violations shall hold the city of Taunton harmless.

SECTION 5. . The city of Taunton must provide a total of 25 clearly-marked parking spaces for the exclusive use of the Bristol county commissioners at a fee to be determined by the city and the commissioners, and at least 80 clearly-marked parking spaces for the exclusive use of the administrative office of the trial court for a fee to be determined by the city and the trial court."

The amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 1100-1100, by adding at the end thereof the following:- "; provided further, the secretary, pursuant to section 82 of chapter 61 of the acts of 2007, shall identify a dedicated funding stream to fund the full liability of cost related to fringe benefits costs under section 5D and 6B of the General Laws and shall create a schedule for the reduction of said unfunded liability; provided further, that the secretary shall submit legislative recommendations for the implementation of said schedule to the house and senate clerks and the house and senate committees on ways and means by March 15, 2009".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 8910-0000, by inserting "provided, that funds appropriated in this item shall be distributed among the sheriffs departments of Barnstable, Bristol, Dukes, Nantucket, Norfolk, Plymouth and Suffolk counties by the county government finance review board upon prior notification to the house and senate committees on ways and means" and by striking the figure "$195,179,966" and inserting in place thereof the figure "214,697,933".

The amendment was *rejected*.

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

"SECTION __. Subsection (b) of section 1 of chapter 30B of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by inserting after section 34 the following new section:- 'Section (35) a contract for the operation, maintenance, inspection, improvement, repair or replacement of a water tank, tower, standpipe or any facility or structure for a water tank for public water supply or fire protection. Notwithstanding the provisions of any general or special law to the contrary, a governmental body may enter into a contract for the operation, maintenance, inspection, improvement, repair or replacement of a water tank, tower, standpipe or any facility or structure for a water tank for public water supply or fire

protection without said contract being subject to the competitive bid process as set forth in sections thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven, section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine. Contracts pursuant to this section shall be subject to section 26 and 27 of chapter 149 of the General Laws. Any contract entered into pursuant to this section shall include a responsible contractor provision.'"

The amendment was *rejected*.

Resolutions.

There being no objection, during consideration of the Orders of the Day, the following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Murray, Mr. Tisei, Messrs. Antonioni, Augustus, Baddour, Berry, Brewer, Brown, and Buoniconti, Ms. Candaras, Ms. Chandler, Mr. Creedon, Ms. Creem, Mr. Downing, Ms. Fargo, Messrs. Galluccio, Hart and Hedlund, Ms. Jehlen, Messrs. Joyce, Knapik, Marzilli and McGee, Ms. Menard, Messrs. Montigny, Moore, Morrissey, O'Leary, Pacheco, Panagiotakos and Petruccelli, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Messrs. Tarr, Timilty, Tisei and Tolman, Ms. Tucker, Ms. Walsh and Ms. Wilkerson) "in recognition of United States Senator Edward M. Kennedy's importance to the Commonwealth and the United States of America."

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering it to a third reading.

Mr. Rosenberg moved that the bill be amended by adding after Section __, the following new section:-

"SECTION 1. Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after subsection (l) the following section:-

(m)(1) There shall be established a dairy farmer tax credit program under which a taxpayer who holds a certificate of registration as a dairy farmer pursuant to section 16A of chapter 94 may be allowed a refundable income tax credit based on the amount of milk produced and sold. The credit shall be claimed against the taxes due pursuant to chapter 62. The credit shall be established to offset the cyclical downturns in milk prices paid to dairy farmers and shall be based on the United States Federal Milk Marketing Order for the applicable market such that when the United States Federal Milk Marketing Order price drops below a trigger price anytime during the taxable year said taxpayer receives the tax credit.

(2) The commissioner of agricultural resources, in consultation with the commissioner of revenue, shall promulgate regulations to implement the provisions of this subsection, including the establishment of the trigger price, which must consider the operating costs of milk production including hired labor and some portion of the value of unpaid labor, and the amount of the tax credit which shall be based upon volume of milk production.

(3) The total value of the tax credits paid pursuant to this section and section 38U of chapter 63 shall not exceed 4 million dollars annually as adjusted for inflation beyond the year in which this subsection is enacted. The inflation adjustment shall be made a part of the regulations promulgated pursuant to this section.

(4) If the amount of the credit allowed hereunder exceeds the taxpayer's liability, the commissioner of revenue shall treat such excess as an overpayment and shall pay the taxpayer 90 per cent of the amount of such excess, without interest. The commissioner of agricultural resources shall certify to the department of revenue that dairy farmers claiming credits have met the eligibility requirements provided in this subsection and the amount of credit to which each eligible applicant is entitled.

(5) The credit allowed pursuant to this subsection must be reviewed by the department of agricultural resources after it has been in place for two taxable years.

SECTION 2. Subsections (a) and (b) of section 6L of chapter 62 are hereby amended by striking out the subsections in their entirety and inserting in place thereof the following:-

(a) This section shall apply to credits earned under subsections (l) and (m) of section 6.

(b) At the written election of a taxpayer entitled to a credit under subsections (l) and (m) of section 6, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of the credits.

SECTION 3. Subsections (a) and (b) of section 32E of chapter 63 are hereby amended by striking out the subsections in their entirety and inserting in place thereof the following:-

(a) This section shall apply to credits earned under sections 38T and 38U.

(b) At the written election of a taxpayer entitled to a credit under sections 38T and 38U, the commissioner shall apply the credit against the liability of the taxpayer as determined on its return, as first reduced by any other available credits, and shall then refund to the taxpayer 90 per cent of the balance of credits.

SECTION 4. Chapter 63 of the General Laws, as so appearing, is hereby amended by inserting after section 38T the following section:-

Section 38U. (a) There shall be established a dairy farm tax credit program under which a domestic or foreign corporation that holds a certificate of registration as a dairy farm pursuant to section 16A of chapter 94 may be allowed a refundable income

tax credit based on the amount of milk produced and sold. The credit shall be claimed against the taxes due pursuant to this chapter. The credit shall be established to offset the cyclical downturns in milk prices paid to dairy farmers and shall be based on the United States Federal Milk Marketing Order for the applicable market such that when the United States Federal Milk Marketing Order price drops below a trigger price anytime during the taxable year said domestic or foreign corporation receives the tax credit.

(b) The commissioner of agricultural resources, in consultation with the commissioner of revenue, shall promulgate regulations to implement the provisions of this section, including the establishment of the trigger price, which must consider the operating costs of milk production including hired labor and some portion of the value of unpaid labor, and the amount of the tax credit which shall be based upon volume of milk production.

(c) The total value of the tax credits paid pursuant to this section and subsection (m) of section 6 of chapter 62 shall not exceed 4 million dollars annually as adjusted for inflation beyond the year in which this subsection is enacted. The inflation adjustment shall be made a part of the regulations promulgated pursuant to this section.

(d) If the amount of the credit allowed hereunder exceeds the taxpayer's liability, the commissioner of revenue shall treat such excess as an overpayment and shall pay the taxpayer 90 per cent of the amount of such excess, without interest. The commissioner of agricultural resources shall certify to the department of revenue that dairy farms claiming credits have met the eligibility requirements provided in this subsection and the amount of credit to which each eligible applicant is entitled.

(e) The credit allowed pursuant to this subsection must be reviewed by the department of agricultural resources after it has been in place for two taxable years".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at seventeen minutes before one o'clock P.M., on motion of Mr. Rosenberg, as follows, to wit (yeas 38 - nays 0) **[Yeas and Nays No. 231]:**

Insert Roll Call "B"

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

Mr. Berry, Ms. Spilka and Mr. Brewer moved that the bill be amended in section 10 by striking out the word "disability".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at one minute past one o'clock P.M., on motion of Mr. Berry, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 232]:**

Insert Roll Call "C"

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

Mr. Berry, Ms. Spilka and Mr. Brewer moved that the bill be amended in Section 85 by striking out the word "disability".

The amendment was adopted.

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

Mr. Galluccio moves that the bill be amended in section 2, in item 7007-0900 by adding the following:- "provided further that, not less than $150,000 be expended for the enhancement of youth programs in the city of Everett".

The amendment was adopted.

Mr. Pacheco, Ms. Resor, Mr. Augustus, Ms. Creem, Mr. Tarr and Ms. Tucker moved that the bill be amended, in section 2, in item 2300-0101, by striking out the figure "$604,217" and inserting in place thereof the following figure: - "$650,000".

The amendment was adopted.

Mr. Brewer, Ms. Resor, Ms. Creem, Ms. Tucker, Mr. Rosenberg, Mr. Marzilli, Mr. Augustus, and Mr. O'Leary, Mr. Tarr, Ms. Creem, Mr. Montigny and Mr. Pacheco moved that the bill be amended, in section 2, by inserting after item 2310-0200 the following item:- "2310-0300 For the operation of the natural heritage and endangered species program…….$250,000".

The amendment was adopted.

Mr. Hedlund moved that the bill be amended, in section 2, in item 2800-0100, by inserting the following wording:- "provided further, that a bench may be erected within Webb Memorial State Park in memory of Brenda Dunker in honor of her life as a selfless volunteer for many worthy causes and for the gardening enthusiasm and skills she graciously displayed in enhancing the beauty and prestige of Webb Memorial State Park; provided further, that a suitable marker bearing this designation shall be placed on the memorial bench by the department of conservation and recreation in compliance with the standards of the department;".

The amendment was adopted.

Mr. Baddour moved that the bill be amended by adding the following new Section:

"SECTION ___. Chapter 10 of the General Laws is hereby amended by inserting after section 69 the following section:-

Section 69 A. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Salisbury Beach Preservation Trust Fund, to be used without further appropriation, for purpose of the long term preservation and maintenance of Salisbury Beach. Any unexpected balance in the fund at the end of the fiscal year shall not revert to the General Fund but shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to become deficient at any point during a fiscal year.

(b) Notwithstanding any general or special law to the contrary, the department of conservation and recreation shall impose a surcharge of $2 upon each fee charged and collected for admission to and parking in the Salisbury Beach Reservation. These

additional monies collected from the surcharge shall be deposited into the Salisbury Beach Preservation Trust Fund."
The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 2000-0100, by striking the figure "$100,000" and inserting in place thereof the figure:- "$150,000".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2, in item 2100-0012, by striking out the figure "$6,401,534" and inserting in place thereof the following figure:- "$6,618,993".

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 2200-0100, by inserting at the end the following words:- "provided further, that the department shall investigate ways in which to ease the financial burden on municipalities of compliance with both state and federal mandates, whether imposed judicially, statutorily, or through regulation, regarding clean water requirements, including, but not limited to, the extension of time periods for both compliance and financing".

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 2330-0100, by adding at the end the following words:- "provided further, that the division shall continue to develop strategies to improve federal regulations governing the commercial fishing industry so as to promote its sustainability".

The amendment was adopted.

Ms. Menard moved that the bill be amended, in section 2, in item 2800-0101, by adding the following:- "provided further, that not less than $35,000 shall be expended for storm water remediation along the Cole River or Lee River by the town of Swansea".

The amendment was adopted.

Ms. Wilkerson moved that the bill be amended by inserting after Section 90 the following Section:

"SECTION 91.- SECTION 1. Section 593 of chapter 26 of the acts of 2003 is hereby repealed.

SECTION 2. The Massachusetts Convention Center Authority, in this section called the Authority, shall submit to the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the senate and house committees on state administration a report on the feasibility of the improvement, expansion or enhancement of the Hynes Convention Center, in this act referred to as the Center, including the feasibility of incorporating commercial uses or facilities at the Center, to further attract and accommodate large gatherings of visitors and convention and meetings participants and to enhance the revenue and economic growth of the Center.

The report shall include:

(a) a description of the proposed improvement, expansion or enhancement of the Center;

(b) a description of the lands, structures, fixtures and facilities deemed necessary or appropriate by the Authority for the improvement, expansion or enhancement of the Center;

(c) an estimate of the capital expenses anticipated by the Authority as necessary for the improvement, expansion or enhancement of the Center;

(d) an estimate of the operational expenses anticipated by the Authority as necessary for the operation and maintenance of the improvement, expansion or enhancement of the Center; and

(e) a description by the Authority of the sources of the funds required to meet the capital and operating costs, including projected income, associated with the improvement, expansion or enhancement of the Center."

The amendment was adopted.

Ms. Wilkerson, Mr. O'Leary, Mr. Augustus, Mr. Galluccio, Mr. Marzilli, Mr. McGee, Mr. Moore, moved that the bill be amended, in section 2, in item 7003-0702, by striking the words "that not less than $125,000 shall be expended for the 1199 SEIU Training and Upgrading Fund to provide a job training initiative for participating health care institutions" and replacing thereof with the words "that not less than $150,000 be expended for the 1199SEIU Training and Upgrading Fund".

The amendment was adopted.

Mr. Hedlund, Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by striking out the wording "provided further, that not less than $50,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail;" and inserting in place thereof the following wording:- "provided further, that not less than $80,000 shall be expended to the Hull Lifesaving Museum for the purpose of planning the Massachusetts Maritime Trail;".

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2, in item 7003-0702, after the words "More Than Words in the city of Waltham" by striking out the words "for the purpose of expanding operations to an additional city to be determined in consultation with the commissioner" and inserting in place thereof the following words:- "for the purpose of job training operations".

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2, in item 7007-0900, by striking out the words "that not less than $75,000 shall be appropriated for the Waltham Tourism Council" and inserting in place thereof the following words:- "that not less than $100,000 shall be expended for the Waltham Tourism Council".

The amendment was adopted.

Mr. Moore moved that the bill be amended, in section 2, in item 7003-0702, by adding at the end thereof the following:- "provided further, that not less than $15,000 shall be expended for the Draper Complex Reuse Committee in Hopedale;".

The amendment was adopted.

Ms. Spilka moves that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following wording:- "; provided further, that not less than $50,000 shall be expended for the Hopkinton Athletic Association for facilitation, promotion, and coordination of activities in connection with the international 'Running for the Human Race' project".

The amendment was adopted.

Mr. Timilty moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- " provided further, that not less than $25,000 shall be expended for costs associated with making Goff Hall in Rehoboth handicapped accessible;"

The amendment was adopted.

Mr. Knapik and Ms Candaras moved that the bill be amended, in section 2, in item 7007-0900, by adding the following:- "provided further, that not less than $50,000 shall be provided for The Galaxy Community Council for the purpose of promoting and hosting the Westover Air Show in the city of Chicopee".

The amendment was adopted.

Mr. Knapik moved that the bill be amended, in section 2, in item 7003-0605, by adding the following:- "provided further, that not less than $75,000 shall be expended for the Regional Employment Board of Hampden County for a pilot program for precision machining training".

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 7002-0012, by adding the following:- "provided further, that Greenfield, Montague, Orange, and Ware be designated high-risk areas for the purpose of this program";

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by striking the words "not less than $25,000 shall be expended for the operation of the Cape Cod Junior Technology Council" and inserting in place thereof the following:- "not less than $50,000 shall be expended for the operation of the Cape Cod Junior Technology Council".

The amendment was adopted.

Messrs. Hart, Joyce, Ms. Spilka, Messrs. O'Leary, Moore, Timilty, Augustus, McGee and Ms. Tucker moved that section 7 of the bill be amended in part (2) of subsection (b) of Section 69A of Chapter 10 of the General Laws by adding at the end thereof the following:- "; $3,000,000 to the Massachusetts Science, Technology, Engineering and Mathematics Grant Fund, established in section 2MMM of chapter 29 of the General Laws".

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0515, by striking the figure "$150,000" and inserting in place thereof the figure:- "$300,000".

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7003-0702, by striking the language "not less than $200,000 shall be expended for a health center skilled training program on lower and outer Cape Cod" and inserting in place thereof the following:- "not less than $250,000 shall be expended for a health center skilled training program on lower and outer Cape Cod".

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following: "provided further, that not less than $25,000 shall be expended for the Town of West Boylston's Bicentennial".

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0951, by inserting at the end thereof the following words:- "Provided further that not less than $50,000 shall be expended for the forest park zoo in Springfield".

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $150,000 shall be expended for the Central Square Theater in Cambridge";

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $100,000 shall be expended for the Freedom Trail Foundation for marketing the Freedom Trail";

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $100,000 shall be expended for the North End Visitor Center;".

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $40,000 shall be expended for the Revere Beach Partnership;".

The amendment was adopted.

Mr. Montigny moved that the bill be amended, in section 2, in item 7007-0900, by striking out the wording "provided further, that not less than $100,000 shall be expended for the Zeiterion Performing Arts Center" and inserting in place thereof the following wording:- "provided further, that not less than $200,000 shall be expended for the Zeiterion Performing Arts Center".

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $200,000 shall be expended for ZUMIX's cultural programming for young people"; and by adding the following: "; and provided further that not less than $50,000 shall be expended for El Jolgorio de Massachusetts, Inc. for enhancing literacy and promoting art among Latino youth;".

The amendment was adopted.

Mr. Buoniconti, Mr. Knapik and Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702, by inserting at the end thereof the following words:- "; provided further that not less than $75,000 shall be expended on the Lower Pioneer Valley educational Collaborative for the purpose of implementing an educational program enabling on-site technical training".

The amendment was adopted.

Ms. Chandler and Mr. Augustus moved that the bill be amended, in section 2, in item 7003-0605 by inserting at the end thereof the following:- "provided that not less than $200,000 shall be made available from this item to operate the Machine Operator Skills Training program using a Mobile Training Unit".

The amendment was adopted.

Ms. Chandler and Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following, "provided further, that not less than $200,000 shall be expended for From the Top, Inc".

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that $50,000 shall be expended to assist in the planning of a performing arts and cultural center in the town of Milton, including but not limited to feasibility studies and architectural drawings, and provided that the town of Milton shall serve as fiscal agent for the project until the establishment of an independent non-profit corporation to establish and operate a Milton Center for the Performing Arts".

The amendment was adopted.

Ms. Walsh, Ms. Chandler, Ms. Resor, Ms Wilkerson, Ms. Tucker and Messrs. Tolman, Joyce, Marzilli, Augustus, Petrucelli and Knapik moved that the bill be amended by inserting after section XX the following section:

"SECTION ##. Section 117 of Chapter 123 of the Acts of 2006 is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The 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 3 years after the passage of this act."

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7004-0001, by inserting after the words "Indian affairs" the following language:- "; provided, that not less than $100,000 shall be expended for the development of a Native American Institute to be developed in conjunction with the commission on Indian affairs and tribal leaders in Massachusetts".

The amendment was adopted.

Mr. Galluccio moved that the bill be amended, in section 2, in item 7003-0702, by striking out the figure "$139,500" and inserting in place thereof the following figure:- "141,000".

The amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following wording:- "provided further, that $250 ,000 shall be expended for the promotion of the performing arts in the town of Wakefield".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7006-0071, by striking out the figure "$2,454,049" each time it appears, and inserting in place thereof the figure:- "$2,513,616".

The amendment was adopted.

Messrs. Joyce and Galluccio and Ms. Candaras moved that the bill be amended in Section 7 in part (2) of subsection (b) of Section 69A of Chapter 10 of the General Laws by adding at the end thereof the following:- "$5,000,000 to the Affordable Housing Trust Fund, established by section 2 of chapter 121D;".

The amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following wording:- "provided further, that $100,000 shall be expended for the Stoneham Theater in the town of Stoneham".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by inserting after "within the commonwealth" the following: "; provided further, that $100,000 shall be expended for the Old Provincial State House".

The amendment was adopted.

Ms. Wilkerson, Ms. Menard, Ms. Creem and Messrs. Joyce, Augustus, McGee, Moore, Marzilli, Petruccelli and Antonioni moved that the bill be amended, in section 2, in item 7010-0005 by striking the figure "$200,000", and inserting in place thereof the figure:- "$300,000".

The amendment was adopted.

Mr. Berry and Ms. Spilka moved that the bill be amended by inserting, after section ___, the following new section:- "Section ___. There shall be a special commission to consist of the following members: the secretary of education, who shall chair the commission, the chair of the board of higher education, the chairman of the State Colleges of Massachusetts Council of Presidents, the president of the university of Massachusetts, a person who, being a member of a board of trustees of a state college, is selected by the chairs of such boards of trustees acting jointly, a member of the board of trustees at the university of Massachusetts who shall be appointed by the chair of the board, a person selected by the Massachusetts Teachers Association, and 3 persons selected by the governor who are experienced with the missions and degree-granting authority of public institutions

of higher in the United States. The commission shall make an investigation and study relative to the merit of allowing state colleges to become state universities. Such study shall include, but need not be limited to, the appropriate scope of such change, the educational value of such change for students, the need to allow state colleges to issue doctorate degrees on their own, any increased costs to the commonwealth and students likely to result from such change, impact on the public higher education system including the state colleges, and compliance with statutory procedures and degree approval processes for higher education institutions. The commission shall consider the role of state colleges in educating and training citizens of the commonwealth for roles in the economy of the commonwealth. The commission shall file a report with the joint committee on higher education on the results of its investigation and study, and any recommendations relative thereto, on or before November 15, 2008".

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2, in item 7502-0100, by inserting the following: "provided further, that not less than $100,000 shall be available for the operation and maintenance costs associated with the use of the Joseph Scelsi Intermodal Center, located in the city of Pittsfield, by Berkshire Community College and Massachusetts College of Liberal Arts;" and by striking the figure "$9,456,459" and inserting in place thereof the following figure:- "$9,556,459".

The amendment was adopted.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 7100-0200, by inserting after the words, "eliminate its damage" the following:- "provided that not less than 350,000 shall be expended for the William Trotter Institute".

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7061-9600,
by striking out the item and inserting in place thereof the following item:-

"7061-9600 For a discretionary grant pilot program with the purpose of providing monies to school districts and state public institutions of higher education partnering together to offer inclusive concurrent enrollment programs for students with disabilities as defined in section 1 of chapter 71B of the General Law ages 18-22; provided, that the grant program will be limited to said students who are considered to have severe disabilities and have been unable to achieve the competency determination necessary to pass the Massachusetts Comprehensive Assessment System exam; provided further, that said students with disabilities shall be offered enrollment in credit and noncredit courses that include nondisabled students, including enrollment in noncredit courses and credit bearing courses in audit status for students who may not meet course prerequisites and requirements, and that the partnering school districts will provide supports, services and accommodations necessary to facilitate a student's enrollment; provided further, that the department, in consultation with the department of higher education shall develop guidelines to ensure that the grant program promotes civic engagement and mentoring of faculty in state institutions of higher education, and supports college success, work success, participation in student life of the college community, and provision of a free appropriate public education in the least restrictive environment; provided further, that not more than $50,000 shall be distributed to the department of higher education in order to increase the capacity of public institutions of higher education to include students with severe disabilities in the concurrent enrollment pilot program, including $4,000 for production of a video to be used for provision of training and technical assistance; provided further, that not more than $50,000 shall be allocated to the department of elementary and secondary education to provide training and technical assistance to school districts for program implementation, including $4,000 for production of said video to be used for provision of training and technical assistance; provided further, that the department of elementary and secondary education, in consultation with the department of higher education, shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on higher education on said discretionary grant program not later than February 16, 2009; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009…….$1,575,000".

The amendment was adopted.

Mr. Antonioni moved that the bill be amended by adding the following new Section:-

SECTION . Notwithstanding section 72 of chapter 44 of the General Laws or any other general or special law to the contrary, any funds received by a city, town or regional school district pursuant to said section 72 shall be considered unrestricted revenue of the city, town or regional school district. Commencing in fiscal year 2006, and every year thereafter, a city or town shall deposit in a separate account for expenditures by the school committee not less than 50 percent of any such funds received. A school committee may receive a percentage of such amount that is larger than said 50 percent if the committee negotiates an agreement with the executive body of the city or town to receive such a larger percentage. A school committee may make expenditures from the separate account for any lawful educational purpose without further appropriation. Any expenditure from said account on items qualifying as net school spending shall supplement the net school spending requirement of the district. The receipt of such funds shall not affect the calculation of the minimum required local contribution and state school aid as defined in section 2 of chapter 70 of the General Laws."

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7061-9404, by inserting at the end thereof the following:- "provided further that $50,000.00 shall be expended for the Astro Park at Barnstable High School".

The amendment was adopted.

Mr. Moore moved that the bill be amended, in section 2, in item 7512-0100, by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended to support the development of a South County Quinsigamond Community College satellite campus;" and in said item, by striking out the figure "$6,512,898" and inserting in place thereof the following figure:- "$6,612,898".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, by inserting after item 1599-4233 the following item:-

"1599-4417 For the operation of the Edward J. Collins, Jr. Center for Public Management at the University of Massachusetts at Boston's McCormack Graduate School of Policy Studies……\$541,000".

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in section 2, in item 7061-9408, by inserting the following: - "; provided further, that not less than \$200,000 be expended for a pilot parent engagement program including, but not limited to, a Randolph Parents' Academy and Parents' Support Network operated by the Randolph Public Schools".

The amendment was adopted.

Messrs. Augustus, Antonioni, Marzilli, Tarr, Hedlund, O'Leary, Knapik, Moore, Morrissey, Tisei, Buoniconti, McGee, Petruccelli, Timilty, Downing, Pacheco, Montigny, Joyce and Ms. Fargo, Ms. Candaras, Ms. Resor, Ms. Jehlen, Ms. Walsh, Ms. Menard, Ms. Spilka, Ms. Tucker, and Ms. Creem moved that the bill be amended, in section 2, in item 7010-0005, by inserting after the words, "along with a detailed implementation plan for realizing that vision" the following:- "provided further, that a committee shall be established, to be known as the Education Resource Study Committee, made up of the chairs of the Joint Committee on Education, the Secretary of Administration and Finance, or her designee, the Commissioner of the Department of Elementary and Secondary Education, or his designee, and the Secretary of Education, or his designee, to conduct a study to determine the resources necessary to achieve the commonwealth's educational goals; provided further, that the committee shall contract with an objective, independent consultant to conduct a professional assessment to ascertain the resources and the costs of the resources needed to provide all students in Massachusetts with the opportunity for a high quality education to enable them to reach their potential as set forth in the Education Reform Act of 1993; provided further, that said Committee shall report its findings and recommendations to the Governor, Speaker of the House of Representatives, Senate President, House and Senate Ways and Means Committees and the Joint Committee on Education not later than December 31, 2009".

The amendment was adopted.

Messrs. Brown, Tarr, Hedlund, and Tisei moved that the bill be amended by inserting, after Section 90, the following new section:-

"SECTION 91. Notwithstanding any general or special law to the contrary, a commission shall be established to study current compensation practices from the state pension system for retirees from the state's higher education system. The goal of said commission shall be to review the state pension system's compensation package for employees from the state's higher education system, including but not limited to: housing and transportation allowances, annuities. The commission shall examine the prospect of capping retirement allowances and to establish a standard for the definition of compensation, for the purposes of calculation of pension payments, that is fixed to salary. The commission shall issue a full report to the legislature with recommendations for legislation to prevent overcompensation. The commission will consist of the Treasurer and Receiver General of the Commonwealth, or his designee, the Commissioner of the Massachusetts Board of Higher Education, or his designee, the Executive Director of thePension Reserves Investment Management Board, or his designee, three members of the House of Representatives that are chosen by the Speaker, one of which a member of the minority party, three members of the Senate, chosen by the Senate President, one of which is a member of the minority party, the Secretary of Administration and Finance, or his designee and one members chosen by the Governor. Said commission shall submit said report back the Legislature with findings and recommendations for legislation on or before December 31, 2009."

The amendment was adopted.

Mr. Galluccio moves that the bill be amended, in section 2, in item 7007-0900, by adding the following:- "provided further that not less than \$75,000 shall be expended for the Boston Landmarks Orchestra to support interactive performances with public school orchestras in such communities as Charlestown, Chelsea, Dorchester, East Boston, Everett, Jamaica Plain, Quincy, and Roxbury, Somerville and Cambridge".

The amendment was adopted.

Ms. Menard moved that the bill be amended in section 2, by striking out 7061-9634 and inserting in place thereof the following item:-

"7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be solely responsible for administering a grant program for public and private agencies with mentoring programs for the recruitment and training of mentors and for other supporting services including, but not limited to, academic support services; provided, that the department of education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every dollar disbursed from this item; provided further, that funds may be expended to support the mentoring activities of the planned learned achievement for youth program; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the expenditure of such funds and the amount and source of matching funds raised to the secretary of administration and finance and the house and senate committees on ways and means not later than December 29, 2008; and provided further, that not more than \$225,000 shall be expended for Camp Coca Cola New England to provide under-served youth development services with an emphasis on leadership training and community service..... \$712,000".

The amendment was adopted.

Messrs. Antonioni, Joyce, Ms. Spilka, Messrs. Augustus and Knapik moved that the bill be amended, in section 2, in item by inserting after line item 7061-9804, the following new line item:-

"For administering a Bullying Prevention Program for schools to implement bullying prevention and intervention plans

throughout the Commonwealth; provided that not less than $50,000 shall go to the Department of Elementary and Secondary Education for the purposes of administering the Bullying Prevention Program and maintaining a Bullying Prevention Resource repository online at the Department's web page; and provided that not less than $200,000 shall be appropriated to the Massachusetts Aggression Reduction Center at Bridgewater State College for the purposes of working in consultation with the Department of Elementary and Secondary Education to expand the Center's capabilities to bring policy-production and bullying prevention services to Massachusetts public schools.....$250,000".

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2, in item 8910-0446, by striking out the following: "the City of Pittsfield public school system" and inserting in its place thereof the following: "Berkshire County public school systems".

The amendment was adopted.

Messrs. Rosenberg and Knapik moved that the bill be amended, in section 2, in item 8910-0110, by striking out the words "and provided further, that $225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton;" and inserting in place thereof the following:- "and provided further, that not more than $225,000 shall be expended for the lease payments for modular units located at 205 Rock Hill Road in the city of Northampton".

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2, in item 8000-0000, in line 4, by striking out the words "not more than $100,000" and inserting in place thereof the following words:- "not less than $100,000".

The amendment was adopted.

Messrs. Timilty, Moore, and Joyce moved that the bill be amended, in section 2, in item 8324-0000, by striking out the figures "$15,548,169" and inserting in place thereof the figures "$16,840,965".

The amendment was adopted.

Messrs. Augustus and Moore moved that the bill be amended, in section 2, in item 7000-9402, by striking the figure, "$415,000" and inserting in place thereof the figure, "$440,000".

The amendment was adopted.

Ms. Wilkerson, Ms. Candaras, Ms. Menard, Ms. Spilka, Ms. Creem and Messrs. Marzilli, Augustus, Galluccio, Moore, Timilty, and Petruccelli moved that the bill be amended, in section 2, in item 4590-0250 by striking the figure "350,000", and inserting in place thereof the figure: "$550,000".

The amendment was adopted.

Mr. Berry moved that the bill be amended, in section 2, in item 4800-0038 by adding the following:- "provided further, that not less than $300,000 shall be expended for a statewide contract with Northeastern University for violence prevention and conflict resolution program;".

The amendment was adopted.

Mr. Downing moves to amend the bill by inserting, after Section 90, the following new Section:-

"SECTION XX. The division of health care finance and policy shall promulgate rules and regulations that create a new nursing facility class to be defined as follows:

Class V: Facilities that:

1. are non-profit
2. have 100 or fewer licensed beds
3. were established and licensed in Massachusetts prior to the enactment of the Health Insurance for the Aged Act, Pub. L. 89-97, Title I, 79 Stat. 290, and the Medicaid Act, Pub. 89-97, Title I section 121(a), 79 Stat. 343, on July 30, 1965; and
4. are located in Berkshire County
5. do not participate in the Medicaid program

The class established herein shall not be adopted until the Executive Office of Health and Human Services certifies it has obtained federal approval of any waiver request needed to implement this class."

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2, in item 4530-9000, in line 7, by striking out the words "Berkshire Coalition to Prevent Teenage Pregnancy in the Berkshire region" and inserting in place thereof:- "the Northern Berkshire Community Coalition in the Berkshire region; provided further, that of said $400,000, not more than 10% shall be used for administrative services; provided further, that of said $400,000, not less than $250,000 shall be expended for the teen pregnancy prevention programs in the cities of North Adams and Pittsfield; provided further, that of said $250,000, not less than $125,000 shall be expended for said program in the city of Pittsfield;".

The amendment was adopted.

Ms. Wilkerson, Ms. Candaras, Ms. Creem, and Messrs. Joyce, Augustus, Moore and Petruccelli moved that the bill be amended, in section 2, in item 9110-9002 by striking the figure "$60,000", and inserting in place thereof the figure:- "$80,000" and at the end thereof by striking out the figures "$8,457,068" and inserting in place thereof the figures "$8,477,068".

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words "diversion program"; the following:- " provided further, that not less than $140,000 shall be expended for the MSPCC Franklin County Supervised Visitation Program".

The amendment was adopted.

Mr. Pacheco and Mr. O'Leary moved that the bill be amended, in section 2, in item 4000-0640, by striking out paragraph (4) and inserting in place thereof the following paragraph:-

"(4) effective July 1, 2008, an annual amount of $16,450,000 (a) to fund rate adjustments for reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed in under-bedded areas as determined by said executive office, in consultation with the division, that meet quality standards established by the executive office of health and human services in conjunction with the department of public health and the division for the purposes of encouraging the upgrading and maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes that meet utilization standards established by the executive office of health and human services in conjunction with the division for the purpose of reducing unnecessary nursing home admissions and facilitating the return of nursing homes residents of non-institutional settings; and; (c) provided further, that to the extent that the annual amount of $16,450,000 in this clause is not fully allocated, the division shall provide operating rate adjustments in equal amounts to the following nursing homes (1) publicly operated nursing homes located in Taunton and Holyoke, and (2) a geographically isolated nursing home located Oak Bluffs;".

The amendment was adopted.

Messrs. Knapik, Rosenberg, and Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 4190-0100, by striking out the figure "$20,272,654" and inserting in place thereof the following figure:- "$20,322,654".

The amendment was adopted.

Ms. Fargo moved that the bill be amended, in section 2, in item 4513-1000, in line 2, by striking out the word "funds" and inserting in place thereof the following words:- "not less than $350,000".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 4512-0200, by striking out "provided further, that not less than $400,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at Woburn the division of the district court" and inserting in place thereof the following:- "provided further, that not less than $475,000 shall be expended to fund 10 beds through the CAB program in conjunction with the H.E.A.T. program at Woburn the division of the district court".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 4000-0112 by inserting after the words "Massachusetts Alliance of Boys and Girls Clubs;" the following:-provided further that $50,000 shall be expended for the Oak Square YMCA in Brighton".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the words "from substance abuse" the following:- "; provided further, that not less than $200,000 shall be expended for Gavin Foundation, Inc. to provide Drug and Alcohol abuse prevention education through the Speakers for Hope Program".

The amendment was adopted.

Mr. Augustus, Ms. Resor, Ms. Chandler and Mr. Antonioni moved that the bill be amended, in section 2, in item 4510-0110, by inserting, after the words, "Merrimack Valley Hospice Home Care" the following:- "provided further, that $40,000 shall be expended for the Dismas House at the Worcester county house of correction;".

The amendment was adopted.

Mr. Augustus, Mr. Timilty, Mr. Marzilli, Mr. Joyce, Ms. Fargo, Ms. Jehlen, Mr. Antonioni, Ms. Candaras, Ms. Menard, Ms. Resor, Mr. Montigny, Mr. McGee, Mr. Knapik, Ms. Wilkerson, Ms. Creem, Mr. Buoniconti and Ms. Spilka moved that the bill be amended, in section 2, in item 4513-1130, by striking the figure, "$250,000" and inserting in place thereof the figure, "$350,000".

The amendment was adopted.

Messrs. Montigny, Moore, Timilty, Downing and Ms. Spilka, Ms. Wilkerson and Ms. Tucker moved that the bill be amended, in section 2, in item 4513-1111, by striking out the wording "stroke treatment and ongoing prevention" and inserting in place thereof the following wording:- "a statewide STOP stroke program and ongoing stroke prevention and education".

The amendment was adopted.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 1410-0012 by striking the words "provided further, that not less than $35,000 shall be expended for the Mason Square Veterans Outreach Center in the city of Springfield" and inserting in place thereof the following:- "provided further that not less than $70,000 shall be expended for the Mason Square Veterans Outreach Center in the city of Springfield".

The amendment was adopted.

Ms. Candaras, Ms. Jehlen Ms. Spilka and Ms. Wilkerson moved that the bill be amended, in section 2, in item 5046-0000, by inserting after the penultimate proviso the following proviso:- "; provided further, that not less than $300,000 shall be expended for a pre-trial jail diversion grant program at the department of mental health for 5 new programs".

The amendment was adopted.

Mr. Pacheco moved that the bill be amended, in section 2, in item 4512-0500, by striking out the figure "$122,000" and inserting in place thereof the following:- "$150,000".

The amendment was adopted.

Ms. Candaras, Mr. Buoniconti and Mr. Knapik moved that the bill be amended, in section 2, in item 4512-0200 by striking the words "provided further, that $150,000 shall be expended for the Hampden County Residential Program for Women" and inserting in place thereof the following:- "provided further, that $300,000 shall be expended for the Hampden County Residential Program for Women".

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 4512-0500, by striking the words “Harbor Health Services” and inserting in place thereof the words:- “the Community Coalition of Cape Cod”.

The amendment was adopted.

Messrs. Montigny, Marzilli and Spilka moved that the bill be amended, in section 2, in item 4513-1111, by striking the wording “multiple sclerosis screening, education and research” and inserting in place thereof the following:- “multiple sclerosis screening, information, education, treatment programs and the Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society”.

The amendment was adopted.

Ms. Chandler moved that the bill be amended, in section 2, in item 4590-0250, by adding to the end thereof the following: “provided further, that not less than $75,000 shall be expended a pilot program to provide community health services through the school-based health center at the Helen A. Bowditch Health Center at Elm Park School in the City of Worcester”; and by striking out the figure “$16,782,134” and inserting in place thereof the following figure:- “16,857,134”.

The amendment was adopted.

Messrs. Knapik and Galluccio moved that the bill be amended in section 2, in item 4180-1100, by inserting after the word “Home”, the second time it appears, the following words:- “; provided further that the Soldiers’ Home may accept gifts, grants, donations, and bequests; and in item 4190-1100, by inserting after the word “Home”, the second time it appears, the following words:- “; provided further that the Soldiers’ Home may accept gifts, grants, donations, and bequests;” and by striking the figure “$200,442” and inserting in place thereof the figure “$225,000”.

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2, in item 4000-0112, by inserting at the end thereof the following:- “provided further, that not less than $5,000 be expended for the Gardner Community Action Committee Fellowship Table” and by striking out the figure “$5,260,000” and inserting in place thereof the following figure:- “$5,260,000”.

The amendment was adopted.

Mr. Marzilli, Ms. Creedon, Mr. Joyce, Mr. Hedlund, Mr. Augustus, Mr. Antonioni, Mr. Tisei, Ms. Spilka, Ms. Resor, Mr. Moore, Mr. Morrissey, Mr. O’Leary, Ms. Creem, Ms. Tucker, and Mr. Tarr moved that the bill be amended, in section 2, in item 9110-9002, by striking out the figure $8,457,068 and inserting in place thereof the following figure:-”$8,637,068”.

The amendment was adopted.

Messrs. Montigny, Moore, Marzilli and Tarr and Ms. Wilkerson and Ms. Fargo moved that the bill be amended, in section 2, in item 9110-1455, by adding the following:- “; and provided further, that the secretary of elder affairs shall not implement cost sharing increases during fiscal year 2009 unless said cost sharing increases have been approved by a vote of the general court.”; and in section 8 by adding the following:-

“The secretary shall not implement such cost sharing increases required of enrollees in the form of co-payments, premiums and deductibles or any combination thereof, unless the executive office has given 90 days notice to the general court and has received approval of the proposed plan from a majority of the general court”.

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2, in item 4800-0038, by inserting at the end thereof the following:- “provided further, that not less than $7,500 be expended for the House of Peace and Education in Gardner for 'Hope for Kids'“.

The amendment was adopted.

Mr. Morrissey moved that the bill be amended, in section 2, in item 4400-1001, by inserting after the words “federal nutrition programs;” the following:- “provided however, that any activities, educational programs and materials, including the annual report on the status of hunger in the commonwealth, developed and implemented by Project Bread with funds provided through this grant for the purpose of expanding participation and outreach for school based federal child nutrition programs shall be conducted in collaboration with state agencies and private non profit organizations working on behalf of child health and nutrition issues including but not limited to the Department of Elementary and Secondary Education and the School Nutrition Association of Massachusetts”.

The amendment was adopted.

Messrs. Marzilli, Augustus, Downing, Galluccio, McGee, Morrissey, Petruccelli, Montigny, Ms. Jehlen, Ms. Walsh and Ms. Tucker moved that the bill be amended, in section 2, in item 4003-0122, by striking out the figure “$500,000” and inserting in place thereof the following figure:- “650,000”.

The amendment was adopted.

Mr. Moore moved that the bill be amended, in section 2, in item 4000-0355, by striking out the figure “$1,428,000” and inserting in place thereof the following figure:- “$1,888,616”; and in said Section 2, by inserting, after item 4000-0355, the following new item:-

“4000-0360 For the health care quality and cost council established pursuant to section 3 of chapter 58 of the acts of 2006; provided that the council may expend an amount not to exceed $100,000 from the monies received from the sale of data reports; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system……..…$100,000”.

The amendment was adopted.

Ms. Spilka, Ms. Candaras, Ms. Jehlen, Messrs. Marzilli, Augustus and Ms. Creem move that the bill be amended, in section 2, by striking out item 5055-0000 and inserting in place thereof the following item:-

"5500-0000 For forensic services provided by the department; provided, that not less than $1,186,000 shall be expended to sustain and expand services provided through juvenile court clinics in fiscal year 2009……$8,105,485".

The amendment was adopted.

Ms. Walsh and Ms. Creem moved that the bill be amended, in section 2, in item 9110-1660, by inserting at the end the following:- "provided that $90,000 shall be expended for the AgeWell Boston program operated by Ethos"; and by striking out the figure "$2,223,031" and inserting in place thereof the following figure "$2,313,031".

The amendment was adopted.

Messrs. Marzilli, McGee and Ms. Jehlen moved that the bill be amended, in section 2, in item 4518-0200, by inserting after the words "compensation of employees" the following:- ", and provided further, that the registrar of vital records shall exempt from payment of a fee any person requesting a copy of a birth certificate for the purpose of establishing eligibility for Medicaid".

The amendment was adopted.

Ms. Spilka and Messrs. Tolman, Montigny, Timilty, Morrissey, Joyce, Petruccelli and Brown and Ms. Creem move that the bill be amended, in section 2, in item 5920-3010, by inserting at the end thereof the following wording:- "; and provided further, that $100,000 be allocated to the Asperger's Association of New England to provide support services to individuals with high functioning autism or Asperger's syndrome".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by striking the words "provided further, that not less than $833,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program" and inserting in place thereof "provided further, that not less than $933,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program".

The amendment was adopted.

Ms. Jehlen, Ms. Resor, Ms. Creem and Messrs. McGee, and Montigny moved that the bill be amended, in section 2, in item 4513-1130 by striking the following wording:- "for qualified aliens, in accordance with 8 U.S.C. section 1641 (c), and refugees" and inserting in place thereof the following wording "and domestic violence services".

The amendment was adopted.

Ms. Spilka moves that the bill be amended, in section 2, by striking out item 3000-4050 and inserting in place thereof the following item:-

"3000-4050 For financial assistance for families currently involved with or transitioning from transitional aid to families with dependent children to enroll in an early education and care program; provided, that early education and care shall be available to former participants who are working for up to 1 year after termination of their transitional benefits; provided further, that post-transitional early education and care benefits shall be provided to participants who are working for up to 1 year after the transitional period; provided further, that all early education and care providers that are part of a public school system shall accept vouchers funded through this item; provided further, that the department may provide early education and care benefits to parents who are under 18 years of age, who are currently enrolled in a job training program, and who would qualify for benefits under chapter 118 of the General Laws but for the deeming of the grandparents' income; provided further, that all teens eligible for year-round full-time early education and care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations; provided further, that recipients of transitional aid shall not be charged fees for care provided under this item; provided further, that early education and care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to early education and care for all eligible individuals; provided further, that informal early education and care benefits may be funded from this item; provided further, that not more than $2 per child per hour shall be paid for the services; provided further, that all children eligible for services under this item shall receive said services; provided further, that the commissioner of early education and care may transfer funds to this item from items 3000-1000 and 3000-4060, as necessary, pursuant to an allocation plan, which shall detail by object class the distribution of the funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means at least 30 days before the transfer; and provided further, that not more than 3 per cent of any item may be transferred in fiscal year 2009
…… $176,367,855".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 4512-0202 by striking out the words "pre-arraignment," and further, by inserting after the words "may be diverted" the following: - "prior to or after their arraignment", and further, after the words "and the department of corrections;" the following: - "provided further, that prior to release from said facility a one year treatment plan shall be developed for the individual".

The amendment was adopted.

Ms. Creem and Mr. Timilty moved that the bill be amended, in section 2, in item 4513-1000, by striking the words "and the Massachusetts Birth Defects Monitoring Program" and inserting in place the following "provided further, that not less than $450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program;".

The amendment was adopted.

Mr. Galluccio moves that the bill be amended, in section 2, in item 4512-0200, by adding the following: - "provided further that not less than $75,000 be expended for the Charlestown Substance Abuse Coalition for securing placement of at-risk adults in

job training programs, apprenticeships, and permanent employment".

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in section 2, in item 4590-0915, by inserting after the words "pharmacy services" the following:- "; provided further, that $45,000 shall be made available for the position of Volunteer and Development Coordinator at the Massachusetts hospital school".

The amendment was adopted.

Mr. Antonioni moved that the bill be amended, in section 2, in item 5047-0001, by inserting at the end thereof the following:- "provided further, that the department shall require a performance specification to be developed for safe aftercare options for adults upon release from acute inpatient mental health care services".

The amendment was adopted.

Mr. O'Leary moved that the bill be amended, in section 2, in item 4800-0038, by adding at the end thereof the following:- "; provided further, that not less than $35,000 shall be expended for the Barnstable County Council for Children, Youth and Families;".

The amendment was adopted.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended, in section 2, in item 4100-0060, by adding at the end thereof the following words:- "provided further, that the division shall provide a report not less than quarterly on the projected costs and enrollment figures of Commonwealth Care; provided further, that such report shall be filed with the House and Senate clerks".

The amendment was adopted.

Ms. Wilkerson and Messrs. Galluccio, Augustus, Baddour, Montigny and McGee moved that the bill be amended, in section 2, in item 4590-1506, by striking the figure "$3,000,000" and inserting in place thereof the figure, $3,500,000".

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 *Rejected*, to wit:

Mr. Rosenberg moved that the bill be amended, in section 2, in item 2200-0100, by adding the following:- "provided further, that not less than $30,000 be expended for erosion protection at the Center Cemetery in the Town of Gill".

The amendment was *rejected*.

Messrs. Marzilli, Tolman and Galluccio and Ms. Jehlen moved that the bill be amended, in section 2, in item 2800-0700 by adding at the end thereof the following:- "provided further, that not less than $140,000 shall be expended for a hydraulic study of increasing the pumping capacity of the Amelia Earhart Dam on the Mystic River".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 2820-0100, by inserting the following wording:- "provided further, that not less than $250,000 shall be expended for the linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 2850-0100, by inserting the following wording:- "provided further, that not less than $2,210,000 be expended for the dredging of Hingham Harbor in the town of Hingham:".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 2820-0100, by inserting the following wording:- "provided further, that not less than $735,000 shall be expended for the Hull Land Conservation Trust for the purposes of protecting wildlife and providing public access to conservation and passive recreation areas in the town of Hull;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 2800-0500, by inserting the following wording:- provided further, that not less than $75,000 shall be expended for the North and South Rivers Watershed Association for the purposes of restoring the North and South rivers and their tributaries to meet clean water act standards;".

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended, in section 2, in item 2820-0100, by adding at the end thereof the following:- "provided further, that not less than $25,000 shall be expended for the eradication of invasive aquatic weeds in the town of Lincoln".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for a grant for the Fino Field Complex in Milford" and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,302,209".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 2200-0100, by adding at the end thereof the following:- "provided further, that $168,000 shall be expended for sediment control in Lake Webster;" and in said item, by striking out the figure "$35,641,864" and inserting in place thereof the following figure:- "$35,809,864".

The amendment was *rejected*.

Ms. Spilka and Mr. Brown move that the bill be amended, in section 2, in item 2810-0100, by inserting at the end thereof the following wording:- "; provided further, that not less than $100,000 be expended for eradication of invasive aquatic species in Lake Cochituate State Park".

The amendment was *rejected*.

Ms. Spilka and Mr. Moore move that the bill be amended, in section 2, in item 2810-0100, by inserting at the end thereof the following wording:- "; provided further, that not less than $100,000 shall be expended for a grant to the town of Hopkinton for the North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton, Milford, and Upton".

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended, in section 2, in item 2820-0100, by inserting after the words "city of Boston;" the following:- "provided further, that not less than $60,000 shall be expended to repair the Abe Bashara Boathouse in the city of Lawrence;".

The amendment was *rejected*.

Mr. Tarr, Mr. Downing and Ms. Candaras moved that the bill be amended, in section 2, in item 2511-0105, by striking out the figures "$12,000,000" and inserting in place thereof the figures "$12,600,000".

The amendment was *rejected*.

Messrs. Tarr, Hedlund, and Brown moved that the bill be amended, in section 2, in item 2000-0100, by inserting after the words "Cape Cod bay sanctuary program" the words "and provided further, that not lass than $75,000 shall be expended for the Massachusetts bays program to match the funding provided to the program through a federal grant"; and in said item by striking out the figures "7,236,256" and inserting in place thereof the figures "7,311,256".

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 2800-0100, by inserting at the end the following words:- "provided further, that the department shall develop a sand management plan for the coastal zone extending from Cape Ann to Salisbury and shall seek and available federal funds to defray the costs of doing so".

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 2810-0100, by inserting at the end thereof the following:- "provided further, that not less two full-time employees shall be assigned to work at the Manuel F. Correllus State Forest on Martha's Vineyard and the Nantucket State Forest".

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 2800-0100, by adding at the end thereof the following:- "; provided further, that not less than $60,000 be expended for the Martha's Vineyard Commission".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 2810-0100, by inserting after the words "Schooner Ernestina Commission;" the following:- "provided further, that not less than $200,000 shall be expended for the town of Holbrook".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 2810-1000, by inserting after the words, "Schooner Ernestina Commission" the following:-"provided further, that not less than $20,000 shall be expended for Squantum Park in the city of Quincy."

The amendment was *rejected*.

Messrs. Moore, Augustus, Hedlund, Rosenberg, Timilty, Tarr, Knapik, Ms. Resor and Ms. Spilka moved that the bill be amended by inserting, after Section __, the following new section:-

"SECTION ___. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $4,250,000 from the General Fund to the Drinking Water Revolving Fund, established pursuant to Chapter 78 of the Acts of 1998."

The amendment was *rejected*.

Messrs. Petruccelli, Morrissey, McGee, Walsh, Marzilli, Joyce, Hart, Augustus and Ms. Jehlen moved that the bill be amended, in section 2, in item 2820-0100, by striking out the figure "$26,981,754" and inserting in place thereof the following figure:-"$29,917,828".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 2820-0100, by adding the following: "; and provided further that not less $150,000 shall be expended for the Hill Park and the William G. Reinstein Recreation Complex in the City of Revere".

The amendment was *rejected*.

Ms. Jehlen and Mr. Galluccio moved that the bill be amended, in section 2, in item 2800-0101 by inserting at the end the following:- "that not less than $200,000 shall be expended for the Mystic River Master Plan".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 2800-0401, by inserting after the words "emergency repairs to roadway drainage" the following:- "provided further, that not less than $300,000 shall be expended for dredging of Alewife Brook" and in said item striking out the figures "944,643" and inserting in place thereof the figures "1,244,643".

The amendment was *rejected*.

Messrs. Tisei and Brown moved that the bill be amended, in section 2, in item 7006-1000, by striking out the figure "$1,714,580" and inserting in place thereof the following figure:- "1,027,121".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 2800-0500 by inserting the language after the words "metropolitan beaches commission", "provided that not less than $400,000 is expended for the maintenance of machinery and

beach programming."; and by striking the figure "$4,020,000" and inserting in place thereof the following figure "$4,420,000".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 2820-9005, by adding the following at the end of the item:- "and provided further, that $30,000 shall be expended on the re-design of Alewife Linear Park in Arlington, Cambridge, Somerville, and Medford".

The amendment was *rejected*.

Messrs. Joyce and Timilty moved that the bill be amended, in section 2, in item 2000-0100, by inserting the following:- "; provided further, that not less than $100,000 shall be expended for the replacement of the septic system on the property known as "Horizons for Youth" in the Town of Sharon".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 2800-9004, by striking out the figure "$425,000" and inserting in place thereof the following figure:- "$500,000".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 2820-0100, by adding the following: "; and provided further that not less than $25,000 shall be expended for the North End Athletic Association".

The amendment was *rejected*.

Ms. Jehlen and Mr. Marzilli moved that the bill be amended, in section 2, in item 2800-0100 by inserting, at the end, the following:- "not less than $150,000 shall be expended for a toddler park in the City of Woburn".

The amendment was *rejected*.

Mr. Brown moved that the bill be amended, in section 2, in item 2820-0100, by inserting the following:- "provided further, that not less than $50,000 shall be expended for the eradication of invasive aquatic weeds in the town of Wayland".

The amendment was *rejected*.

Ms. Jehlen moved that the bill be amended, in section 2, in item 7007-0900 by inserting after the words "Heritage State Park;" the following:- "provided further, that not less than $250,000 shall be expended for the historic Chevalier auditorium in Medford".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $250,000 shall be expended for the Berkshire Museum, in the city of Pittsfield".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $50,000 shall be available for the Berkshire Opera Company in the city of Pittsfield".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $125,000 shall be made available to the Hancock Shaker Village for educational programming and marketing purposes".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $200,000 shall be expended to the Mahaiwe Performing Arts Center in Great Barrington".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $150,000 shall be expended for the North Adams Armory".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $75,000 shall be available for a public safety enhancement grant for the city of Pittsfield".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $200,000 shall be expended to the Boston Symphony Orchestra for renovation, repairs, design and construction to the grounds at Tanglewood".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that $50,000 be expended to the town of Westhampton, to support the renovation and supplement existing funding for the Westhampton town library".

The amendment was *rejected*.

Ms. Wilkerson and Mr. Moore moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "homelessness services" the following: "provided further, that not less than $50,000 shall be expended for operational support for the affordable housing program for formerly homeless individuals at Egleston Crossing in the Dorchester neighborhood of Boston".

The amendment was *rejected*.

Ms. Wilkerson and Mr. Moore moved that the bill be amended, in section 2, in item 5046-2000, by inserting after the words "homelessness services" the following: "provided further, that not less than $60,000 shall be expended for operational support for the affordable housing program located at 7 Locksley Street in the Jamaica Plain neighborhood of Boston".

The amendment was *rejected*.

Mr. Downing and Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: "provided further, that not less than $200,000 shall be expended as grants for the Bay State Games".

The amendment was *rejected*.

Ms. Wilkerson and Ms. Creem moved that the bill be amended, in section 2, in item 7003-0702, by inserting after the words "city of Gardner" the following: "; provided further, that not less than $250,000 shall be expended for a workforce skills and training program operated by Human Resources Development Institute, inc."

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 7007-0900 by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for School Zone safety projects in Arlington."

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 7007-0900 by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for a transportation development grant in Arlington".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following wording:- "provided further, that not less than $120,000 shall be expended for patrols in Wompatuck State Park, Hingham Square and the Hingham Harbor sections of Hingham;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following wording:- "provided further, that not less than $750,000 shall be expended for amelioration of an area bounded by Middle, Garey and Commercial Streets in the Town of Weymouth;".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $25,000 shall be provided for an emergency preparedness program for the town of Millville;" and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,227,209".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7004-0099, by adding at the end thereof the following:- "provided further, that not less than $150,000 shall be provided for disability access services at the Caryville Mill Senior Housing Program and Bellingham Disability Commission." and in said item, by striking out the figure "$9,580,805" and inserting in place thereof the following figure:- "$9,730,805".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "the Lowell Wish Project" the following:- "provided further, that not less than $75,000 shall be expended for the continued operation of computer technology centers at the Commonwealth Housing Development, the Jackson Mann Community Center and the Power Up Center at Brighton High School".

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended, in section 2, in item 7004-0099, by striking out the following:- "provided further, that not less than $40,000 shall be expended for Methuen Arlington Neighborhood" and inserting in place thereof the following:- "provided further, that not less than $75,000 shall be expended for the Methuen Arlington Neighborhood".

The amendment was *rejected*.

Messrs. Timilty and Brown moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following:- "provided further that $50,000 be provided for the Women at Work Museum in Attleboro".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for the Tri-County Chamber of Commerce and Regional Tourism Center for the restoration of the historic White's Farm House in the Town of Mansfield".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following: - "provided further, that not less than $50,000 shall be expended for the historic Academy Building in Attleboro".

The amendment was *rejected*.

Ms. Spilka moves that the bill be amended, in section 2, in item 7007-0702, by inserting at the end thereof the following wording:- "; provided further, that not less than $100,000 shall be expended for training and improvements to a public safety and emergency communications program in the town of Holliston".

The amendment was *rejected*.

Ms. Spilka and Mr. Brown move that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following wording:- "; provided further, that not less than $50,000 shall be expended for the preservation of historic documents in the town of Natick".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 7004-0099, by adding at the end there of the following:- "provided further, that not less than $175,000 shall be expended for construction plans and bid documents for a new park and recreation building utilizing green technologies in the town of Medfield".

The amendment was *rejected*.

Ms. Spilka and Mr. Brown move that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof

the following wording:- “; provided further, that not less than $100,000 shall be expended for the law enforcement technology fund in the town of Franklin”.

The amendment was *rejected*.

Ms. Spilka moves that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following wording:- “; provided further, that not less than $100,000 shall be expended for the Medway Senior Center”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by striking after the words “Cape Cod Economic Development Council” the following language:- “; provided further that not less than $100,000 shall be expended for the Head of the Charles Regatta” and inserting in place thereof the following new language:-“; provided further that not less than $200,000 shall be expended for the Head of the Charles Regatta”; and by striking the figure “19,202,209” and inserting in place thereof the figure: - “19,302, 209”.

The amendment was *rejected*.

Messrs. Hart and Marzilli moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “regional tourism and economic development” the following:- “; provided further that no less than $250,000 shall be expended for First Night Boston”.

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended, in section 2, in item 7007-0900 by inserting after the words “Freedom’s Way Heritage Commission;” the following:- “provided further, that not less than $200,000 shall be expended to the Town of Andover for a child safety grant;”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “Samuel Harrison House in the city of Pittsfield”, the following words:- “provided, that not less than $60,000 shall be expended for a re-use planning study of Conomo Point in the Town of Essex”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “Discover Quincy” the following words:- “provided further, that no less than $100,000 shall be expended for the historic restoration of the Main Pier at the Gloucester Maritime Heritage Center in the port of Gloucester”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 7004-0099, by adding at the end thereof the following:- “provided further, that not less than $50,000 shall be expended for the North Shore Housing Trust, Inc.”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended, in section 2, in item 7007-0900 by inserting at the end the following:- “provided further, that not less than $50,000 shall be expended for the Salisbury Beach Partnership Maritime Festival;”.

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- “provided further, that not less than $50,000 shall be expended to the Hyannis Athletic Association for a grant to make field improvements and upgrades at McKeon field in Hyannis”.

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- “provided further, that not less than $100,000 shall be expended for the Cape Cod Maritime Museum located in Hyannis”.

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- “provided further that $75,000 shall be expended for the Cultural Center of Cape Cod”.

The amendment was *rejected*.

Messrs. Augustus, Buoniconti, Hart and Montigny, Ms. Jehlen, Ms. Resor, Mr. Antonioni, Ms. Tucker, Mr. Knapik and Ms. Candaras moved that the bill be amended, in section 2, by inserting the following new item:

“7004-1966 For the loan program established pursuant to section 197E of chapter 111 of the General Laws for lead abatement throughout the commonwealth; provided, that the terms and conditions of such loans will be based on income eligibility criteria and include terms and plans that allow low and moderate-income individuals to defer loan repayment until transfer of the property; provided further, that funds made available herein shall be administered by the department of housing and community development in consultation with the department of public health; provided further, that funds shall be disbursed from this item on a quarterly basis subject to a disbursement plan which shall be filed in advance with the house and senate committees on ways and means; provided further, that such disbursements shall be made upon demonstration of need by the entity selected by the department to implement the program funded herein; and provided further, that funds received for the repayment of loans made under the provisions of this item may be retained and expended without further appropriation for the loan program established pursuant to said section 197E of said chapter 111 ..... $4,500,000”.

The amendment was *rejected*.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 7003-0702 by striking the words “provided further, that not less than $200,000 shall be expended for the Massachusetts Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed” and insert in place thereof the following:- “provided further, that not less than $250,000 shall be expended for the Massachusetts

Career Development Institute in Springfield to provide job training, employability development and career counseling to the unemployed and underemployed".

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- "; provided further, that not less than $75,000 shall be expended as a matching grant for the Josiah Dennis Manse".

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7003-0702, by inserting at the end thereof the following:- "; provided further, that not less than $250,000 shall be expended for Mid Upper Cape Community Health Center for a health center skilled training program on Cape Cod".

The amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following words:- "; provided further, that not less than $75,000 of the funds appropriated herein shall be used to assist year round rural theater organizations on the lower and outer Cape through grants for non-prime season operating expenses and audience enhancement initiatives".

The amendment was *rejected*.

Ms. Candaras and Messrs. Buoniconti and Downing moved that the bill be amended, in section 2, in item 7007-0900 by inserting at the end thereof the following:- "; provided further that not less than $250,000 shall be expended for the Economic Development Council of Western Massachusetts".

The amendment was *rejected*.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0300 by inserting at the end thereof the following:- "; provided further, that no less than $250,000 be expended for the Springfield Technical Assistance Program run by the Affiliated Chambers of Commerce of Greater Springfield".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- "provided further, that not less than $150,000 be expended for the restoration and repairs to the historical Crocker Field in the city of Fitchburg" and by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,352,209".

The amendment was *rejected*.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 7004-0099 by striking the words "provided further that not less than $125,000 shall be expended for the Hungry Hill Community Development Corporation in the city of Springfield" and inserting in place thereof:-- "provided further that not less than $250,000 shall be expended for the Hungry Hill Community Development Corporation in the city of Springfield".

The amendment was *rejected*.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 7003-0702 by inserting at the end thereof the following: - "; and provided further that not less than $150,000 shall be expended for the Urban League of Springfield Parent Empowerment Program".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following 95 sections:-

"SECTION 91. Section 18D of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 46, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 92. Section 18E of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 93. Section 18F of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 94. Section 18F of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 6, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 95. Section 18H ½ of said chapter 6A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 96. Section 18H ½ of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 8, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 97. Section 18H ½ of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 18, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 98. Section 3(b) of chapter 23A, as amended by section 11 of chapter 123 of the Acts of 2006, is hereby amended by striking out, in the third sentence, the words "telecommunications and energy" and inserting in place thereof the following words:- telecommunications and cable.

SECTION 99. Section 3(b) of said chapter 23A, as inserted by section 11 of chapter 123 of the Acts of 2006, is hereby amended by striking out, in sixth sentence, the words "chairman of department of telecommunications and energy" and inserting in place thereof the following words:- commissioner of the department of telecommunications and cable.

SECTION 100. Section 2A of chapter 59, as so appearing, is hereby amended by striking out, in line 55, the words "telecommunications and energy" and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 101. Section 40H of chapter 90, as so appearing, is hereby amended by striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 102. Section 43 of chapter 92, as so appearing, is hereby amended by striking out, in line 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunication and cable.

SECTION 103. Section 44 of said chapter 92, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunication and cable.

SECTION 104. Section 24 of chapter 93, as so appearing, is hereby amended by striking out, in line 54, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 105. Section 108 of said chapter 93, as so appearing, is hereby amended by striking out, in line 6, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 106. Section 8 of chapter 110C, as so appearing, is hereby amended by striking out, in line 4, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 107. Section 81R of chapter 112, as so appearing, is hereby amended by striking out, in lines 81 and 82, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 108. Section 34A of chapter 132, as so appearing, is hereby amended by striking out, in lines 12 through 15, the words “telecommunications and energy after public hearing to be required by public necessity or convenience for telephone, telegraph or electric light or power transmission lines, or pipe lines for natural gas” and inserting in place thereof the following words:- public utilities after public hearing to be required by public necessity or convenience for electric light or power transmission lines or pipe lines for natural gas or found by order of the department of telecommunications and cable after public hearing to be required for public necessity or convenience for telephone or telegraph lines.

SECTION 109. Section 34A of said chapter 132, as so appearing, is hereby further amended by striking out, in line 25, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities if a location for electric light or power transmission lines or pipe lines for natural gas or the department of telecommunications and cable if a location for telephone or telegraph lines.

SECTION 110. Section 34A of said chapter 132, as so appearing, is hereby further amended by striking out, in line 35, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 111. Section 34A of said chapter 132, as so appearing, is hereby further amended by striking out, in line 38, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 112. Section 16 of chapter 132A, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 113. Section 7 of chapter 141, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 114. Section 57 of chapter 147, as so appearing, is hereby amended by striking out, in line 18, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 115. Section 4 of chapter 155, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 116. Section 5 of said chapter 155, as so appearing, is hereby amended by striking out, in line 1, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 117. Section 5A of said chapter 155, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 118. Section 16 of chapter 158, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 119. Section 7 of chapter 166, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 120. Section 8 of said chapter 166, as so appearing, is hereby amended by striking out, in line 9, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 121. Section 1 of chapter 166A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words

"'Commission', the commission appointed pursuant to section 2 of chapter 25."

SECTION 122. Section 2 of said chapter 166A, as most recently amended by chapter 19 of the Acts of 2007, is hereby amended by striking out, the first paragraph and inserting in place thereof the following paragraph:-

There shall be in the department of telecommunications and cable a division of community antenna television. Subject to section 4 of chapter 25C, the commissioner of the department shall have all the powers and duties under this chapter, including, but not limited to, presiding at hearings pursuant to section 2A; the right to maintain or intervene in an action pursuant to section 12; the authority to hear appeals and issue enforcement orders pursuant to section 14; the authority to regulate rates pursuant to section 15; the authority to adopt regulations pursuant to section 16; its enforcement powers pursuant to section 17; and all other authority to carry out the duties and responsibilities of this chapter. Except as otherwise provided in this chapter, appeals taken from the orders of the department shall be taken in the same manner and according to the same procedure as set forth with respect to the department of public utilities in section 5 of chapter 25.

SECTION 123. Section 2 of said chapter 166A, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 124. Section 2A of said chapter 166A, as so appearing, is hereby amended by striking out, in line 1, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 125. Section 2A of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 7, the word "division" and inserting in place thereof the following word:- department.

SECTION 126. Section 2A of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 8, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 127. Section 2A of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 9, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 128. Section 2A of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 9, the word "director's" and inserting in place thereof the following word:- commissioner's.

SECTION 129. Section 2A of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 11, the word "director" and inserting in place thereof the following word:- commissioner.

SECTION 130. Section 4 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 3, the word "division" and inserting in place thereof the following word:- department.

SECTION 131. Section 7 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 5, the word "division" and inserting in place thereof the following word:- department.

SECTION 132. Section 8 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 4, the word "division" and inserting in place thereof the following word:- department.

SECTION 133. Section 8 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 5, the word "division" and inserting in place thereof the following word:- department.

SECTION 134. Section 8 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 5, the second occurrence of the word "division" and inserting in place thereof the following word:- department.

SECTION 135. Section 8 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 7, the word "division" and inserting in place thereof the following word:- department.

SECTION 136. Section 8 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 8, the word "division" and inserting in place thereof the following word:- department.

SECTION 137. Section 10 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 2, the word "division" and inserting in place thereof the following word:- department.

SECTION 138. Section 10 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 4, the word "division" and inserting in place thereof the following word:- department.

SECTION 139. Section 10 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 5, the word "division" and inserting in place thereof the following word:- department.

SECTION 140. Section 11 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 2, the word "division" and inserting in place thereof the following word:- department.

SECTION 141. Section 11(c) of said chapter 166A, as so appearing, is hereby amended by striking out, in line 10, the word "division" and inserting in place thereof the following word:- department.

SECTION 142. Section 11(d) of said chapter 166A, as so appearing, is hereby amended by striking out, in line 12, the word "division" and inserting in place thereof the following word:- department.

SECTION 143. Section 13 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 4, the word "division" and inserting in place thereof the following word:- department.

SECTION 144. Section 13 of said chapter 166A, as so appearing, is hereby further amended by striking out the second occurrence, in line 4, of the word "division" and inserting in place thereof the following word:- department.

SECTION 145. Section 14 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 8, the word "division" and inserting in place thereof the following word:- department.

SECTION 146. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 12, the word "division" and inserting in place thereof the following word:- department.

SECTION 147. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 14, the word "division" and inserting in place thereof the following word:- department.

SECTION 148. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 15,

the word “division” and inserting in place thereof the following word:- department.

SECTION 149. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 18, the word “division” and inserting in place thereof the following word:- department.

SECTION 150. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 25, the word “division” and inserting in place thereof the following word:- department.

SECTION 151. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 31, the word “division” and inserting in place thereof the following word:- department.

SECTION 152. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 32, the word “division” and inserting in place thereof the following word:- department.

SECTION 153. Section 14 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 35, the word “division” and inserting in place thereof the following word:- department.

SECTION 154. Section 15 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 2, the word “division” and inserting in place thereof the following word:- department.

SECTION 155. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 9, the word “division” and inserting in place thereof the following word:- department.

SECTION 156. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 13, the word “division” and inserting in place thereof the following word:- department.

SECTION 157. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 16, the word “division” and inserting in place thereof the following word:- department.

SECTION 158. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 19, the word “division” and inserting in place thereof the following word:- department.

SECTION 159. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 20, the word “division” and inserting in place thereof the following word:- department.

SECTION 160. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 32, the word “division” and inserting in place thereof the following word:- department.

SECTION 161. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 33, the word “division” and inserting in place thereof the following word:- department.

SECTION 162. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 34, the word “division” and inserting in place thereof the following word:- department.

SECTION 163. Section 15 of said chapter 166A, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 164. Section 16 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 1, the word “division” and inserting in place thereof the following word:- department.

SECTION 165. Section 16 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 4, the word “division” and inserting in place thereof the following word:- department.

SECTION 166. Section 16 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 7, the word “division” and inserting in place thereof the following word:- department.

SECTION 167. Section 17 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 1, the word “division” and inserting in place thereof the following word:- department.

SECTION 168. Section 17 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 4, the word “division” and inserting in place thereof the following word:- department.

SECTION 169. Section 17 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 5, the word “division” and inserting in place thereof the following word:- department.

SECTION 170. Section 17 of said chapter 166A, as so appearing, is hereby further amended by striking out, in line 9, the word “division” and inserting in place thereof the following word:- department.

SECTION 171. Section 5 of chapter 167B, as so appearing, is hereby amended by striking out, in lines 76 and 77, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 172. Section 20 of said chapter 167B, as so appearing, is hereby amended by striking out, in lines 54 and 55, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 173. Section 1 of chapter 182, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunication and cable.

SECTION 174. Section 32 of chapter 184, as so appearing, is hereby amended by striking out, in lines 95 and 96, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 175. Section 5 of chapter 187, as so appearing, is hereby amended by striking out, in line 17, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunication and cable.

SECTION 176. Section 5 of said chapter 187, as so appearing, is hereby further amended by striking out, in line 23, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities, or the department of telecommunications and cable,.

SECTION 177. Section 76 of chapter 233, as so appearing, is hereby amended by striking out, in line 6, the words

“telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunication and cable.

SECTION 178. Section 44 of said chapter 262, as so appearing, is hereby amended by striking out, in line 1, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 179. Section 6 of chapter 268, as so appearing, is hereby amended by striking out, in line 3, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities, the department of telecommunications and cable.

SECTION 180. Section 26 of said chapter 268, as so appearing, is hereby amended by striking out, in lines 5 and 6 , the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities or the department of telecommunications and cable.

SECTION 181. Section 8B of chapter 268A, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “department of telecommunications and energy” and inserting in place thereof the following words:- Commonwealth Utilities Commission.

SECTION 182. Section 8B of said chapter 268A, as so appearing, is hereby further amended by inserting after the words “chapter 25” in line 2, the words:- or the commissioner of the department of telecommunications and cable.

SECTION 183. Section 17B of chapter 271, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “telecommunications and energy” and inserting in place thereof the following words:- the department of telecommunications and cable.

SECTION 184. Section 1 of chapter 25C, as created by chapter 19 of the Acts of 2007, is hereby amended by inserting after the words “chapter 166”, the following words:- and chapter 159.

SECTION 185. Section 3 of Chapter 40A is hereby amended by replacing the second paragraph with the following new paragraph:

No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. Lands or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or by-law if, upon petition of the corporation, the department of telecommunications and cable or the department of public utilities, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public; provided, however, that if lands or structures used or to be used by a public service corporation are located in more than one municipality such lands or structures may be exempted in particular respects from the operation of any zoning ordinance or by-law if, upon petition of the corporation, the department of telecommunications and cable or the department of public utilities shall after notice to all affected communities and public hearing in one of said municipalities, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public. For the purpose of this chapter the petition of a public service corporation relating to zoning of a communications or cable facility should be filed with the department of telecommunications and cable. All other petitions shall be filed with the department of public utilities.”

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words, “Homeowner Options for Massachusetts Elders;”, the following:- “provided further, that not less than $300,000 shall be expended for a senior center in the city of Quincy”.

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7004-0099, by striking out the figure “$100,000” and inserting in place thereof the following figure:- “$150,000”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by striking out “provided further that not less than $150,000 shall be expended for the Naismith Memorial Basketball Hall of Fame for the purpose of promoting and hosting the NCAA Men’s Division II Basketball Championship in the City of Springfield” and inserting in place thereof the following words:- “; provided further that not less than $300,000 shall be expended for the Naismith Memorial Basketball Hall of Fame”.

The amendment was *rejected*.

Messrs. Marzilli, Augustus, Buoniconti, Downing, O'Leary, Petruccelli, Ms. Resor, Ms. Spilka and Ms. Tucker moved that the bill be amended in Section 7 by deleting the following words: “(2) after making the transfer required by clause (1), the balance as follows, but if the balance in the fund is insufficient the following transfer shall be proportionately reduced accordingly: $7,000,000 to the Massachusetts Cultural Facilities Fund, established by section 42 of chapter 23G.”; and adding the following words:-

“Section XX. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $7,000,000 from the General Fund to the Massachusetts Cultural Facilities Fund, established in section 42 of chapter 23G of the General Laws.”

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $50,000 shall be expended for the non-profit North End Music and Performing Arts".

The amendment was *rejected*.

Messrs. Moore, Baddour, O'Leary, Petruccelli, Downing, Marzilli, and Ms. Resor and Spilka moved that the bill be amended by inserting, after Section __, the following new section:-

"SECTION ___. Notwithstanding any general or special law to the contrary, not less than 10 days after the effective date of this act, the comptroller shall transfer $2,000,000 from the General Fund to the District Local Technical Assistance Fund, established in section 2XXX of chapter 29 of the General Laws."

The amendment was *rejected*.

Messrs. Moore, Hart, Petruccelli, Augustus and Timilty moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that $150,000 shall be expended for the Old Provincial State House; and provided further, that $500,000 shall be expended for the Old Provincial State House for stabilization and restoration of the building"; and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,852,209".

The amendment was *rejected*.

Messrs. Marzilli and Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- "and provided further, that not less than $75,000 shall be expended for the further collaboration between the Boston Ballet and Opera Boston".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 7007-1000, by striking out the figure "$9,000,000" and inserting in place thereof the following figure:- "$10,000,000".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following at the end of the item:- "and provided further, that not less than $50,000 shall be expended on tourism traffic infrastructure to support Arlington's historic and cultural attractions".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $300,000 shall be expended for the restoration of the recently purchased 5 Lathrop Place".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- "and provided further, that not less than $65,000 shall be expended for the Designing an Industry initiative at the Massachusetts College of Art and Design for cluster research and promotion of the statewide design industry".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0515, by adding at the end thereof the following:- "provided further, that not less than $50,000 shall be expended for a regional planning and economic development grant to the town of Uxbridge for the Four-Town Regional Economic Planning Project managed collaboratively by the towns of Douglas, Northbridge, Sutton, and Uxbridge;".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "; and provided further that not less than $10,000 shall be expended to the Rumney Marsh Burial Ground Restoration Committee for the purpose of rehabilitating the Rumney Marsh Burial Ground in Revere".

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0605 by inserting at the end thereof the following:- "; provided further that no less than $600,000 be expended for the city of Springfield for the purpose of economic development in the field of advanced biofuel development in the city, where the term 'advanced biofuel' shall be defined as contained in the federal 2007 Energy Independence and Security Act".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 7006-0029, by striking out the words "provided further, that not less than $500,000 shall be expended for costs associated with health insurance rate hearings", and by striking out the figure "$1,100,000" and inserting in place thereof the following figure:- "600,000".

The amendment was *rejected*.

Messrs. Tisei and Brtown moved that the bill be amended, in section 2, in item 7006-0011, by striking out the following wording:- "; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 7007-0300, by striking out the figure "$3,808,692" and inserting in place thereof the following figure:- "3,540,696".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following:- "; provided

further, that not less than $50,000 shall be expended for the historic preservation of the David Tilden House in Canton".

The amendment was *rejected*.

Messrs. Joyce and Creedon moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following:- "; provided further, that not less than $13,750 shall be expended for the photography, brochure creation, printing, and mailing of a project to bring awareness to the historic properties in East Bridgewater and surrounding towns".

The amendment was *rejected*.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702, by inserting at the end thereof the following words:- "; provided further that not less than $150,000 shall be expended for the Puerto Rican Cultural Center in the city of Springfield".

The amendment was *rejected*.

Messrs. Joyce, Timilty, and Hart moved that the bill be amended, in section 2, in item 7007-0515, by striking out the wording "not less than $125,000 shall be expended to the Massachusetts Alliance for Economic Development"; and inserting in place thereof the following:- "not less than $350,000 shall be expended to the Massachusetts Alliance for Economic Development", and in said item, by striking out the figure "$725,000" and inserting in place thereof the figure "$950,000".

The amendment was *rejected*.

Messrs. Buoniconti and Downing and Ms. Candaras moved that the bill be amended, in section 2, in item 7007-0900 by inserting at the end thereof the following words:- "; and provided further that not less than $250,000 shall be expended for the Economic Development Council of Western Massachusetts".

The amendment was *rejected*.

Messrs. Joyce and Creedon moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following:- "provided further, that not less than $50,000 shall be expended for a restoration project on the Sachem's Rock Property".

The amendment was *rejected*.

Messrs. Joyce, Petruccelli, Antonioni, Timilty, Knapik, Downing, and Hart moved that the bill be amended, in section 2, in item 7007-0334, by striking the out the figure "$750,000" and inserting in place thereof the following figure:- "$1,360,697".

The amendment was *rejected*.

Messrs. Antonioni, Tolman, Walsh, McGee, Augustus and Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702, by adding at the end thereof the following:- "provided further, that not less than $240,000 be expended for the Massachusetts School of Professional Psychology to recruit and provide career support and workforce retention of graduate students training for careers in public sector behavioral health service delivery"; and in said item, by striking out the figure "$6,363,000" and inserting in place thereof the following figure:- "$6,603,000".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following language:- "provided further, that not less than $50,000 shall be expended for the operation and administration of the Commonwealth Cup, a series within the Canadian-American Association of Professional Baseball;".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 7007-0900 by inserting the following language:- "provided further, that not less than $50,000 shall be expended for Brockton's Fuller Craft Museum;".

The amendment was *rejected*.

Messrs. Hart, Augustus and Ms. Creem moved that the bill be amended, in section 2, in item 7007-0900, by adding the following: "provided further, that not less than $1,000,000 shall be expended for the international education and foreign language grant program fund established pursuant to Section 2VVV of chapter 29 of the General Laws".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 7002-0100, by striking out the figures "1,362,069" and inserting in place thereof the figures: -"$1,498,977".

The amendment was *rejected*.

Mr. Brown moved that the bill be amended, in section 2, in item 7004-0099, by inserting the following:- "provided further, that not less than $100,000 be expended for preliminary economic development designs for downtown Needham".

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by striking the words "$100,000 shall be expended for the Essex National Heritage Commission Agreement" and inserting in place thereof the following:- "$125,000 shall be expended for the Essex National Heritage Commission Agreement".

The amendment was *rejected*.

Ms. Tucker and Messrs. Hedlund, Augustus, Joyce, Creedon, Galluccio and Ms. Candaras, and Ms. Wilkerson moved that the bill be amended, in section 2, in item 7004-9005, by striking out the figure "$66,000,000" and inserting in place thereof the following figure:- "$67,000,000".

The amendment was *rejected*.

Ms. Tucker and Messrs. Montigny, McGee, Joyce, Hart, Galluccio, Ms. Wilkerson and Ms. Candaras moved that the bill be amended, in section 2, in item 7004-2475, by striking out the figure "$5,750,000" and inserting in place thereof the following figure:- "$7,000,000".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in 7004-0099, by striking the words "provided further, that not less than $50,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West

Broadway Task Force;" and inserting in place thereof the following: "provided further, that not less than $95,000 shall be expended for the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force;" and in said item, by striking out the figures $8,520,831 and inserting in place thereof the figures "$8,565,831".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7006-0110, by striking out the figures "$1,977,538" and inserting in place thereof the figures:- "$2,113,360".

The amendment was *rejected*.

Ms. Menard and Mr. Montigny moved that the bill be amended, in section 2, in item 7003-0702 by including, that not less than $100,000 shall be provided for the Work Certified Program operated by the Greater New Bedford Workforce Investment Board, Inc.

The amendment was *rejected*.

Messrs. Downing and Rosenberg moved that the bill be amended, in section 2, in item 7061-9404, by inserting the following: "provided further, that $30,000 shall be expended to provide matching grants for Early Intervention Tutorial Literacy teachers in each of the towns of Dalton and Bernardston to provide literacy intervention services for students in danger of failure on the MCAS test".

The amendment was *rejected*.

Ms. Wilkerson and Mr. Galluccio moved that the bill be amended, in section 2, in item 7100-0200, in line 12 by inserting after the words "department of public health" the following: "provided further, that not less than $368,000 shall be expended for the Mauricio Gaston Institute for Latino Development and Public Policy at the University of Massachusetts at Boston".

The amendment was *rejected*.

Ms. Wilkerson and Mr. McGee moved that the bill be amended, in section 2, in item 4800-0038, by inserting at the end thereof the words "; provided further, that not less than $140,000 shall be expended for the Comprehensive School Age Parenting Program, Inc. for maintaining and expanding its year-round school based programs in Boston high schools, middle schools, pilot schools, and small schools education complexes for pregnant teens, young mothers and fathers and other youth at high risk for school drop out".

The amendment was *rejected*.

Ms. Spilka moves that the bill be amended, in section 2, in item 7061-9404, by inserting at the end thereof the following wording:- "; provided further that, not less than $50,000 shall be expended for the Reducing the Achievement Gaps program operated by the United Way of Tri-County in collaboration with Jewish Family Service of MetroWest and the Framingham School Department".

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended, in section 2, in item 7061-9404, by inserting at the end thereof the following wording:- "; provided further, that not less than $370,000 shall be allocated to the Framingham public schools to evaluate existing dual immersion programs in the town of Framingham and elsewhere in the Commonwealth, including an evaluation of best practices and all professional development related to these programs".

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended, in section 2, by inserting after item 7506-0100 the following new item:-

"7506-0101 For the Engaging Latino Communities for Education program at Holyoke Community College……..…$200,000".

The amendment was *rejected*.

Messrs. Brewer, Rosenberg, Downing, Antonioni, and Moore moved that the bill be amended, in section 2, in item 7035-0006, by inserting at the end the following:- "provided further, that the Department shall study district needs for additional assistance in the wake of rising fuel costs; provided further, that the commission shall provide results of the study to the chairpersons of the house and senate ways and means committees not later than December 31, 2008".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7061-0012, by inserting after the words "voluntary residential placement prevention program administered by that department;" the following words:- "provided further, that not less than $500,000 shall be expended for the interagency "Complex Systems Communication Project" pilot;" and by striking out the figure "$226,043,700" and inserting in place thereof the following figure:- "$226,543,700".

The amendment was *rejected*.

Messrs. Antonioni and Galluccio moved that the bill be amended, in section 2, by inserting after line item 7061-0029 the following new line item:-

"7061-0222 For grants issued by the department of elementary and secondary education on a competitive basis to school departments for targeted intervention for the purpose of establishing low-class size classrooms in grades K-3, starting in FY09 with kindergarten, to assist the schools in improving their performance and to establish the efficacy of such a program in reducing gaps in achievement between at-risk and other children; provided further that the grants shall be used for establishing a class size of 15-17 pupils for kindergartens in the selected schools, planning, professional development, and other activities that enhance the capacity of the schools to develop a successful program; provided further that an evaluation/research component be included by the department to assess the efficacy of reduced class size in the early years in enhancing student achievement; provided further that the department may allocate a reasonable sum for evaluation/research and administration; provided further that the department may set additional criteria in awarding the grants, such as geographic distribution or diversity of size or types of school systems; and provided further, that said grants shall be coordinated by the department with all efforts undertaken

through item 7061-9408…….$400,000".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7010-0005 by inserting after the words "prevention efforts" the following:- "; provided further that not less than $100,000 shall be expended for the operation of the advisory councils to the Board of Elementary and Secondary Education pursuant to section 1G of chapter 15 of the General Laws"; and in said item by striking the figure "$16,580,047" and inserting in place thereof the following:- "$16,680,047".

The amendment was *rejected*.

Messrs. Augustus, Buoniconti, Antonioni, O'Leary, Ms. Candaras and Messrs. Hart, Montigny and Pacheco moved that the bill be amended, in section 2, in item 7061-9610, by striking the figure, "$475,000" and inserting in place thereof the figure, "$600,000".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7009-6379 by striking out the figure "$500,000" and inserting in place thereof the following figure:-"$947,092".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7030-1002, by inserting after the words "subsequent fiscal years;" the following words:- "provided further, that grants may be awarded in the first year of transition to full-day kindergarten implementation as a transition to chapter 70 funding in subsequent years; provided further, that all public kindergarten programs in the commonwealth shall be eligible to apply for grants;"; and in said item, by striking out the figure "$33,802,216" and inserting in place thereof the following figure:- "$42,175,651".

The amendment was *rejected*.

Messrs. Antonioni and Timilty moved that the bill be amended, in section 2, in item 7030-1005 by striking out the figure "$2,900,000" and inserting in place thereof the following figure:- "$3,100,000".

The amendment was *rejected*.

Mr. Morrissey, Ms. Resor and Ms. Spilka moved that the bill be amended, in section 2, in item 7100-0700, by striking out the figure "$166,440" and inserting in place thereof the following figure:- "$366,440".

The amendment was *rejected*.

Mr.. Antonioni and Ms. Menard moved that the bill be amended, in section 2, in item 3000-7070, by striking out the figure "$1,000,000" and inserting in place thereof the following figure:- "$1,300,000" and in said item by striking out the figure "$4,000,000" and inserting in place thereof the following:- "$4,300,000".

The amendment was *rejected*.

Ms. Spilka, Ms. Jehlen, Messrs. Montigny, Joyce McGee and Tarr move that the bill be amended, in section 2, in item 3000-2050, by striking out the figure "$1,349,658" and inserting in place thereof the following figure:- "$1,415,054".

The amendment was *rejected*.

Messrs. Antonioni, Moore and Joyce moved that the bill be amended, in section 2, by inserting after item 7035-0002 the following new item:

"7035-0004 For reimbursements to cities, towns, regional school districts, and independent vocational schools for certain expenditures for transportation of pupils pursuant to section 1I of Chapter 15 of the General Law's, sections 7A, 7B, and 37D, of chapter 71 of the General Laws, section 8 of chapter 71A of the General Laws, and Section 14 of Chapter 71B of the General Laws; provided that of the amount appropriated in this item not less that $750,000 shall be obligated for the implementation of chapter 663 of the acts of 1983; provided further, that a school district that transports or pays for the transportation of public school children grades 7 to 12, inclusive, shall provide transportation or payment for transportation for non-public school children in the same grades; provided further, that any city, town, or regional school district or independent vocational school which has not accepted chapter 663 of the acts of 1983 shall be ineligible for any reimbursement of costs incurred during fiscal year 2008 under this item or for reimbursement of such costs under any General law referred to in this item and provided further, a school district may require public and non public students to pay for non mandated transportation pursuant to the provisions of G.L.c. 71, S.68; and provided further, that notwithstanding any general or special law to the contrary, the commonwealth's obligation shall not exceed the amount appropriated in this item……$10,000,000".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 7061-9611, by striking out the figure "$5,450,000" and inserting in place thereof the following figure:- "2,000,000".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 3000-6050, by striking out the figure "$3,658,000" and inserting in place thereof the following figure:- "3,108,000".

The amendment was *rejected*.

Ms. Spilka and Mr. Marzilli move to amend the bill in section 2, by inserting after item 7100-0700 the following item:

"7100-0801 For the Massachusetts technology transfer center, established pursuant to section 45 of chapter 75 of the General Laws ……..$200,000".

The amendment was *rejected*.

Ms. Resor, Ms. Creem, Ms. Jehlen, Mr. Augustus, Ms. Fargo and Mr. Tarr moved that the bill be amended, in section 2, in item 7100-0300, by inserting at the end thereof the following:- "; provided further, that not less than $250,000 shall be expended for research on breast cancer prevention performed in collaboration with the University of Massachusetts at Lowell, the

Silent Spring Institute, and the Massachusetts Breast Cancer Coalition".

The amendment was *rejected*.

Messrs. Hart, McGee, Tarr and Ms. Resor, moved that the bill be amended by inserting, after Section 85 the following new section:

"SECTION __. Notwithstanding any other general or special law to the contrary, 10 days after the effective date of this act, the comptroller shall transfer $1,000,000 from the General Fund to the CITI Fund established pursuant to section 2TTT of chapter 29 of the General Laws, a portion of which is to be spent on specific activities with the Boston Advanced Technological Education Connections (BATEC) as approved by the CITI Advisory Board".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 3000-3050, by striking out the figure "$79,091,314" and inserting in place thereof the following figure:- "73,194,722".

The amendment was *rejected*.

Ms. Spilka, Messrs. O'Leary, McGee and Antonioni, Ms. Jehlen and Ms. Tucker moved that the bill be amended, in section 2, in item 7066-0000, by inserting at the end thereof the following wording:- "; provided further, that not less than $1,000,000 shall be expended for a Social Worker Loan Forgiveness Program, to increase access to child protective services and social work services in geographic and programmatic areas of high need in the Commonwealth".

The amendment was *rejected*.

Ms. Spilka, Messrs. O'Leary, McGee and Antonioni and Ms. Jehlen move that the bill be amended by inserting after Section _____, the following new Section:-

"SECTION ____. Notwithstanding the provisions of any other general or special law to the contrary, the board of higher education, established pursuant to section 4 of chapter 15A, shall, subject to appropriation, establish a social worker student loan repayment program for the purpose of increasing access to child protective services and social work services in geographic and programmatic areas of high need in the Commonwealth. The program shall be administered by the board of higher education in accordance with guidelines promulgated by the board of higher education in collaboration with the executive of health and human services. Eligibility shall be limited to social workers licensed under chapter one hundred twelve who have completed a baccalaureate or masters degree in social work in a public or private college or university; to persons entering the social work profession after July 1, 2008; and to licensed social workers employed in child protective services or in a geographic or programmatic setting defined as high need according to guidelines established by the board of higher education in collaboration with the executive office of health and human services. Repayment of a participating social worker's student loan shall be at a rate not to exceed one hundred and fifty dollars per month for a period not to exceed forty-eight months and shall be made to the participating social worker annually upon the presentation by the participating social worker of satisfactory evidence of payments under the loan."

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 7061-9404, by inserting the following:- "provided further, that not less than $300,000 be expended for a pilot Science Enrichment Program for the Randolph Public Schools including, but not limited to, providing educational opportunities in robotics and new programs designed to increase participation and success in Science Fairs".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7514-0100, by inserting at the end thereof the following words:- "; provided further that not less than $200,000 shall be expended for the dental hygienist program"; and by striking out the figure "$25,165,995" and inserting in place the figure "$25,365,995"

The amendment was *rejected*.

Messrs. Antonioni, Montigny, Augustus Timilty and Ms. Tucker moved that the bill be amended, in section 2, in item 3000-2000, by inserting after the words "as defined by the department;" the following words:- "provided further, an additional $250,000 shall be made available by the department of early education and care for the administration of the vouchers by child care resource and referral agencies;"; and by striking out the figure "$25,060,771" and inserting in place thereof the following figure:- "25,410,771".

The amendment was *rejected*.

Messrs. O'Leary, Augustus and Moore, Ms. Candaras, Mr. Timilty and Ms. Tucker moved that the bill be amended, in section 2, in item 7027-0016, by inserting at the end thereof the following:- "; provided further, that not less than $200,000 shall be provided for the Diploma Plus dropout prevention program in partnership with the Commonwealth Corporation and the Massachusetts Department of Elementary and Secondary Education".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 7061-9408, by inserting the following:- "; provided further, that not less than $583,000 be expended for instructional coaches for the Randolph Public Schools".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 7035-0002, by inserting the following:- "; provided further, that not less then $100,000 shall be expended for the expansion of the Randolph Community Partnership Program".

The amendment was *rejected*.

Messrs. O'Leary, Rosenberg, Moore, Creedon, Augustus and Petruccelli, Ms. Resor, Mr. Moore, Ms. Candaras, Messrs. Joyce, Downing, Knapik Montigny, Timilty, and Ms. Tucker moved that the bill be amended, in section 2, in item 7070-0065, by striking out the figures "$29,912,018" and inserting in place thereof the figures "$34,912,018".

The amendment was *rejected*.

Messrs. O'Leary and Petruccelli and Ms. Tucker moved that the bill be amended, in section 2, by inserting after item 7066-0000 the following new item:-

"7066-0004……For the implementation of the Accuplacer early assessment initiative at the board of higher education, provided that the board may engage in intergovernmental service agreements with the department of education to streamline and improve administration of the program……..$896,500".

The amendment was *rejected*.

Messrs. O'Leary, Petruccelli and Moore, Ms. Candaras, Mr. Montigny and Ms. Resor moved that the bill be amended, in section 2, by inserting after item 0610-0060 the following new item:-

0610-0070 For the Commonwealth Covenant Trust Fund; provided that $250,000 be expended for the administration of said fund ……. "$3,750,000".

The amendment was *rejected*.

Messrs. O'Leary and Petruccelli moved that the bill be amended, in section 2, in item 7504-0100, by inserting at the end thereof the following:- provided further, that $50,000 be provided for a partnership with Wheelock College to prepare needed early childhood educators and support the completion of their degrees".

The amendment was *rejected*.

Messrs. Antonioni, Creedon, Petruccelli, Augustus, Buoniconti, Timilty, Galluccio and Joyce, Ms. Spilka, Messrs. Knapik Montigny, Pacheco and Ms. Tucker moved that the bill be amended, in section 2, in item 3000-5075, by inserting after the words "median income;" the following:- "provided further, that funds may also be used to leverage and enhance community-wide capacity building efforts within statewide parameters established by the board;"; and by inserting after the words "Child Development Associate credential" the following:- "or higher;" and by striking out the figure "12,138,739" and inserting in place thereof the following figure:- "13,138,739".

The amendment was *rejected*.

Messrs. Creedon, Antonioni Joyce and Ms. Tucker moved that the bill be amended, in section 2, in item 3000-4060, by inserting after the words "vouchers funded in fiscal year 2008" the following:- "provided further, that $47,761,095 shall be expended to provide preschool direct services to eligible children through the local councils funded in item 3000-2000 in chapter 139 of the acts of 2006; provided further, that said funds shall be provided only to councils which provided direct services to children through item 3000-4000 in fiscal year 2007; provided further, that programs receiving funding through said councils in fiscal year 2009 shall meet the quality standards required by programs funded through item 3000-4000 in fiscal year 2007; provided further, that said councils shall receive grants sufficient to ensure that any child receiving services through the councils on July 1, 2008, shall continue to receive services on the same terms and conditions as during fiscal year 2008;".

The amendment was *rejected*.

Messrs. Creedon, Pacheco, Joyce, McGee, Montigny, Morrissey and Ms. Menard moved that the bill be amended, in section 2, in item 7027-0016, by striking the wording:- "and provided further, that not less than $50,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities." And inserting the wording:- "and provided further, that not less than $150,000 shall be expended for MY TURN, INC. for the purpose of school to work activities, connecting to college activities and youth workforce development activities".

The amendment was *rejected*.

Mr. O'Leary and Ms. Wilkerson moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION __ (a) Notwithstanding any general or special law to the contrary, the Massachusetts College of Art and Design shall submit to the secretary of education and the board of higher education, a plan under clause (p) of section 22 of chapter 15A of the General Laws for the college. The plan shall be updated every 5 years and all updates shall be submitted to the secretary of education and the board of higher education. The plan and any update thereto shall establish tuition rates and admission standards for the college, and shall ensure that the number of undergraduate degree candidates who are Massachusetts residents enrolled in the college shall not be less than 60% of the total number or undergraduate degree candidates enrolled, or the number of Massachusetts residents enrolled on October 1, 2002, whichever is greater. In-state tuition rates for the college shall preserve affordability for Massachusetts residents. Out-of-state tuition rates shall appropriately balance the financial needs of the college with the need to be competitive with peer institutions regionally and nationwide. The plan and any update thereto shall include, but shall not be limited to, budget and enrollment projections for each year, projections for total student charges for each year, projections for in-state and out-of-state enrollments for each year, provisions for performance standards specific to the mission of the college and a system for measuring progress in achieving the performance standards to be used in place of performance measurement systems under section 7A of chapter 15A of the General Laws, and plans to ensure continuing access to the institution by residents of the commonwealth and to maintain and increase access for economically disadvantaged and minority students. Within 90 days of the submission of a plan or any update thereto, the secretary and the board**,** shall approve the plan or any update thereto, or shall return it to the college with suggested changes. If the secretary and the board take no action within 90 days of receipt of the plan or any update thereto, it shall be considered approved. The Massachusetts College of Art and Design shall file a copy of the plan, or any update thereto, with the joint committee on higher education at the time of submission to the secretary of education and the board of higher education for review and comment by the committee. The college shall annually submit the results of its performance measurement system to the secretary of education, the board of higher education and the joint committee on higher education.

(b) Notwithstanding any general or special law to the contrary, all tuition and fees received by the board of trustees of the

Massachusetts College of Art and Design under this act shall be retained by the board of trustees of that institution in a revolving trust fund or funds and shall be expended as the board of trustees may direct for the operation and support of the institution. Any balance in a trust fund at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor. For employees of the Massachusetts College of Art and Design who are paid from tuition retained under this act, fringe benefits and any collective bargaining increases shall be funded as if those employees' salaries were supported by state appropriations.".

The amendment was *rejected*.

Messrs. Brown and Petruccelli moved that the bill be amended by inserting, after Section 90, the following new Section:-

"SECTION 91. Chapter 15A of the General Laws is hereby amended by inserting after section 5 the following section:- Section 5A. For the purposes of this chapter, those community colleges within the system of public institutions of higher education described in section 5 shall collectively be known as the Governor Foster Furcolo Community College System."

The amendment was *rejected*.

Messrs. Antonioni, Augustus and Marzilli Galluccio, Hart, Pacheco, Petruccelli, Timilty, and Ms. Fargo, Ms. Creem, Ms. Tucker, and Ms. Wilkerson moved that the bill be amended, in section 2, in item 7010-0216, by inserting at the end thereof the following:- "; provided further that not less than $750,000 per year shall be expended by the department to develop and field test diagnostic and other supports for licensure candidates who fail one or more of the required teacher tests and to develop valid and reliable performance assessments to measure said candidates ability to teach;. provided further that not less than $2,000,000 per year shall be expended by the department of elementary and secondary education to conduct 3 year pilot programs designed to improve educator quality; provided that said pilot programs be conducted by school districts, educational collaboratives, or other regional entities identified by the department for the purpose of designing, developing and implementing comprehensive, systematic and standards-based approaches to educator support and ongoing development; provided that the pilot programs are based on a common core of professional knowledge and implement a plan to provide sustainable, systemic training and support for educators in their first three years of work in schools; provided that plans align and redesign teacher hiring and recruitment; teacher supervision and evaluation; professional development; career advancement and teacher leadership; school structure; and school and district culture; provided further that priority in the first year shall be given to development of professional teaching standards that include the common core of professional knowledge; provided further that the development of these teaching standards by the department shall occur in collaboration with the Working Group for Educator Excellence, a coalition of education associations, business groups, and legislators and the educational personnel advisory council to the board of elementary and secondary education pursuant to section 1G of chapter 15; provided further, that the department shall include external partners, including, but not limited to, the Working Group for Educator Excellence in developing and evaluating the pilot; provided further that the department shall hire staff to manage and support the planning and implementation of said pilots; provided further, that the department shall issue an initial report, not later than February 15, 2009 and updated reports on February 15, 2010 and 2011 on the implementation of this initiative; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate ways and means committees and the house and senate chairs of the joint committee on education; and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009, to allow for activities which occur in the summer months"; and in said line item by striking out the figure "$595,881" and inserting in place thereof the following:- "3,345,881".

The amendment was *rejected*.

Mr. O'Leary and Ms. Tucker moved that the bill be amended, in section 2, in item 7070-0065, by striking the figure "$4,000,000" and inserting in place thereof the figure"$6,000,000".

The amendment was *rejected*.

Mr. Antonioni, Ms. Candaras Messrs. Galluccio, Augustus, Joyce and Ms. Resor moved that the bill be amended, in section 2, in item 7061-9804, by inserting after the words "content knowledge;" the following:- "provided further, that not less than $250,000 shall be expended for the Massachusetts Math and Science Initiative for the purpose of providing grants to no less than 10 school districts for teacher training for advanced placement instruction;"; and in said item by striking out the figure "$891,367" and inserting in place thereof the following figure:- "$1,141,367".

The amendment was *rejected*.

Ms. Menard moved that the bill be amended, in section 2, in item 7061-9611 by striking out the figure "$5,450,000" and inserting at the end thereof:- ";provided further that not less than 100,000 be expended for civic engagement education and involvement by high school students for "The Be The Change Global Village Program" sponsored by the Empower Peace Foundation……..$5,550,000".

The amendment was *rejected*.

Mr. Antonioni and Ms. Resor, move that the bill be amended, in section 2, in item 7100-0220 by striking out striking out the words "provided further, that the sum expended for the UMASS Extension in fiscal year 2009 shall be adjusted only in direct proportion to university budget adjustments to other academic programs of the University of Massachusetts at Amherst; provided further, that such funds shall be expended in accordance with a plan reviewed and recommended by the UMASS Extension Board of Public Overseers;" and inserting in place thereof the following words:- " provided further, that not less than $2,800,000 shall be expended in fiscal year 2009 for the University of Massachusetts Extension; provided further, that such funds shall be expended under a plan reviewed and recommended by the UMASS Extension Board of Public Overseers;".

The amendment was *rejected*.

Messrs. Antonioni, McGee, Joyce, Timilty and Galluccio, Ms. Spilka, Ms. Menard, Mr. Augustus, Ms. Candaras, Ms. Jehlen, Messrs. Moore and Petruccelli, and Ms. Wilkerson move that the bill be amended, in section 2, in item by inserting at the end thereof the following:- "provided further, that not less than $1,000,000 shall be transferred to JFY Networks, a non-profit corporation formerly Jobs for Youth, for a matching grant for the purposes of enhancing student on the Massachusetts Comprehensive Assessment System examination through instructional computer software;".

The amendment was *rejected*.

Messrs. Brown, Knapik and Tarr moved that the bill be amended by inserting, after Section 90, the following new Section:-

"SECTION 91. Chapter 15A of the General Laws is hereby amended by inserting after section 5 the following section:- Section 5A. For the purposes of this chapter, those community colleges within the system of public institutions of higher education described in section 5 shall collectively be known as the Governor Foster Furcolo Community College System."

The amendment was *rejected*.

Messrs. Brown and Hedlund moved that the bill be amended, in section 2, in item 7100-0200, by striking out the figure "$495,417,600" and inserting in place thereof the following figure:- "$494,417,600"; and in item 7070-0065 by striking out the figure "$96,875,218" and inserting in place thereof the following figure:- "$97,875,218".

The amendment was *rejected*.

Ms. Menard, Ms. Candaras, Ms. Jehlen and Messrs. Antonioni, Augustus, Buoniconti, Pacheco, Petruccelli, and Timilty moved that the bill be amended, in section 2, in item 7027-0016:- by including at the end after the word activities by adding the following, ";provided further, that not less than $245,000 shall be made available to Junior Achievements of Massachusetts, of which not less than $75,000 shall be provided to Junior Achievement of Eastern Massachusetts, and further, of which not less than $60,000 shall be provided to Junior Achievement of Central Massachusetts, and further, of which not less than $60,000 shall be provided to Junior Achievement of Southern Massachusetts, and further, of which not less than $50,000 shall be provided to Junior Achievement of Western Massachusetts;".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 8000-0110, by striking out the words" "(c) limit the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise authorized by law; and (d) require that any entity other than a criminal justice agency that receives a criminal offender record information report from the board as to an individual and, as a result of that report, is inclined to make an adverse decision as to the individual, shall, before making a final decision, afford the individual an opportunity to dispute the accuracy and relevance of the criminal offender record information report." and inserting in place thereof the following words: and (c) limit, notwithstanding clause (c) in the first paragraph of section 172, chapter 6, of the Massachusetts General Laws, the distribution of criminal offender record information to conviction data and data regarding any pending criminal charge, except as otherwise specifically granted by a separate statute relating to a particular agency, entity or class of entities; provided further, that not later than January 1, 2009, the board shall file a report with the house and senate committees on ways and means detailing the steps the board has taken to implement the preceding proviso and the success of those steps in improving the accuracy of the criminal offender record information system".

The amendment was *rejected*.

Messrs. Knapik and Brown moved that the bill be amended by inserting after Section 90, the following new Section:-

"SECTION 91. The Executive Office of Public Safety along with the Massachusetts State Police shall conduct a study of ticketing practices on all Massachusetts State Highways encompassing the time period between July 2007 and July 2008. Said study shall include but not be limited to: number of tickets issued by the Massachusetts State Police on Routes 93, 95/128, 495, and 91, daily and annually; number of officers on said highway at one time; ratio of tickets per mile issued on said highway; rate of tickets per mile as it relates to the amount of revenue generated from issued tickets. Said report shall be filed with the House and Senate Committees on Ways and Means."

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $50,000 shall be provided for a public safety grant for the town of Uxbridge;"; and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,252,209".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $17,100 shall be expended for a technology grant for the Hopedale Police Department;"; and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,219,814".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for a public safety program in the town of Dudley;"; and in said item, by striking out the figure "$19,202,209" and inserting in place thereof the following figure:- "$19,302,209".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 8700-0001, by striking out the figure "$9,140,782" and inserting in place thereof the following figure:-"9,207,659".

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended, in section 2, in item 8200-0200 by inserting after the words "town of Boylston;" the following:- "provided further that not less than $25,000 shall be expended to the town of Salisbury as

startup funding for the new Essex County Police Institute, a reserve officer training academy".

The amendment was *rejected*.

Mr. Timilty and Ms. Tucker moved that the bill be amended, in section 2, in item 8000-0054, by striking out the figures "$4,000,000" and inserting in place thereof the figures "$8,000,000".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8950-0001, by striking out the figures "$18,963,004" and inserting in place thereof the figures "$20,611,578".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8315-1025, by striking out the figures "$80,000" and inserting in place thereof the figures "$130,000".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8000-0202, is hereby amended by striking out the following:- "provided, that no funds shall be expended in the AA object class; and".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8900-0001, by striking out the figures "$530,386,205" and inserting in place thereof the figures "$534,773,077".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8324-0000, by striking out the following words:- "provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to Section 27 of Chapter 29 of the General Laws for this item in fiscal year 2009 shall not be transferred to any other object class in said fiscal year;".

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 8910-0110 by striking out the figure "$12,890,012" and inserting in place thereof the figure "13,090,012".

The amendment was *rejected*.

Messrs. Tarr and Brown moved that the bill be amended, in section 2, in item 8324-0000, by striking out the following words:- "provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class pursuant to Section 27 of Chapter 29 of the General Laws for this item in fiscal year 2009 shall not be transferred to any other object class in said fiscal year".

The amendment was *rejected*.

Messrs. Buoniconti, Knapik and Ms. Candaras moved that the bill be amended, in section 2, in item 8910-0102, by striking out the figure "$73,973,122" and inserting in place thereof the figure "$74,534,643".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2b, in item 8100-0002, by striking out the figures "$6,481,181" and inserting in place thereof the figures "$6,567,381".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8000-0110, by striking out the figures "$6,432,924" and inserting in place thereof the figures "$7,398,772".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 8000-0106, by striking out the figure "$16,706,813" and inserting in place thereof the figure "$17,558,170".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 8000-0105, by striking out the figures "$8,719,907" and inserting in place thereof the figures "$9,438,452".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 8311-1000, by inserting after the words "intumescent or refractory paint;" the following:- "provided further, that not less than $250,000 shall be expended for a pilot program to employ luminescent system in public safety buildings to clearly delineate egress routes leading to all exits, including traditional, emergency, and evacuation routes,. The installation of this technology on said routes shall not require the use of electrical power, but shall require performance standards of the photo luminescent technology, post loss of power, to achieve a minimum of 150 mcd/m2 at 10 minutes, 30 mcd/m2 at 60 minutes and 15 mcd.m2 after 90 minutes. Said route systems shall meet state building code and fire code standards for heat resistance to be a viable safety path in extreme fire and smoke, other calamitous events and in the event of a natural disaster".

The amendment was *rejected*.

Messrs. Petruccelli, Tolman, Galluccio and McGee moved that the bill be amended, in section 2, in item 8xxx-xxxx, by adding the following: "For a pilot grant program to be administered by the Executive Office of Public Safety to support the establishment of a pilot transitional employment project in four sites for very high-risk youth and young adults ages 16 – 24 in the cities and/or geographic areas with high incidences of violence, incarceration, court-involvement and related activities; provided, that the Secretary of Public Safety shall distribute grant funds through a competitive grant program that gives preference to applications that:

(1) serve communities that have been identified as being high risk communities for youth and young adult violence;

(2) demonstrate multi-disciplinary collaboration, including youth/young adult serving community organizations, state

agencies, local law enforcement, medical and public health professionals, and faith-based organizations;

(3) utilize a stages of change framework that includes addressing intervention work with young people including but not limited to transitional employment, education, employment readiness, life skills, substance abuse education and treatment referral as needed, re-entry, promoting accountability, and work with other organizations and the Executive Office of Public Safety to determine best practices and long-term programming for transitional employment;

(4) demonstrate commitment and ability to develop and implement the pilot as proposed in the model including but not limited to intensive case management component, re-hire component for transitional employment, work with TA provider, purchase and implementation of Efforts Towards Outcomes for tracking work and outcomes, work with evaluator, and willingness to work as a group to demonstrate the capacity and improve the model;

(5) demonstrate ability to provide a minimum match of $200K to pilot the project and have the administrative capacity and organizational mission to implement such a program; and

(6) demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities.....$1,500,000".

The amendment was *rejected*.

Messrs. Timilty, Montigny, Augustus, McGee, Antonioni, Hart, Ms. Spilka, Ms. Tucker, and Ms. Wilkerson moved that the bill be amended, in section 2, in item 8100-0011, by striking out the figures "$13,000,000" and inserting in place thereof the figures "$15,000,000".

The amendment was *rejected*.

Messrs. Tisei, Tarr, Brown, Hedlund, and Knapik moved that the bill be amended, in section 2, in item 8311-1000, by striking out the figure "$2,771,301" and inserting in place thereof the following figure:- "1,341,542".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 8324-000 by inserting the following language:- "provided further, that $25,000 be expended for the cost of operating the Fire Starters Program in the Plymouth County Juvenile Court".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 8100-0000, by inserting the following language:- "provided further, that not fewer than 5 officers shall be provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse;".

The amendment was *rejected*.

Messrs. Timilty, Antonioni, Augustus, Hedlund, Joyce, Knapik, Moore, Tisei, and Ms. Candaras, Ms. Creem, Ms. Resor and Ms. Fargo and Messrs. Tarr and Tolman, moved that the bill be amended, in section 2, in item 8200-0200, by striking out the figures "$2,886,398" and inserting in place thereof the figures "$3,396,167".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 8100-0000, by inserting the following:- "; provided further, that not less than $100,000 shall be expended for the design and planning of a new public safety facility for police, fire, and EMS personnel in the town of Avon".

The amendment was *rejected*.

Messrs. Joyce and Brown moved that the bill be amended, in section 2, in item 8324-0000, by adding the following: "; provided further, that $100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire and Rescue Dispatch Center".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended, in section 2, in item 8900-0001, by striking out the following words:- "; and provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the parole board and the sex offender registry board".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 8324-0000, by inserting the following:- "; provided further, that not less than $250,000 shall be expended for safety equipment for the Randolph Fire Department".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4590-1506, by striking item 4590-1506 and inserting in place thereof the following:

"4590-1506 For a program to be administered by the department of public health to support the establishment of a comprehensive youth violence prevention program; provided, that the department shall work with the executive office of public safety and the executive office of labor and workforce development in program implementation; provided further, that the commissioner of public health shall distribute grant funds through a competitive grant program that gives preference to applications that: (1) serve communities that have been identified by the department as being high risk communities for youth violence; (2) demonstrate multi-disciplinary collaboration, including youth serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; (3) utilize a youth development framework that includes addressing out-of-school time activities, mentoring, leadership training, employment readiness training, conflict resolution, education support, family support services and financial literacy; (4) provide positive programming during, but not limited to, the hours of 2 pm and 10 pm; and (5) demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that no contracts shall be

awarded to law enforcement agencies; provided further, that the department of public health shall report to the executive office for administration and finance and the house and senate committees on ways and means detailing the contract amount awarded to each recipient and a description of each contract; provided further, that each recipient shall provide the department of public health with a comprehensive list of best practices that have been instituted as a result of these contracts… $4,000,000".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 6005-0015, by inserting the following wording:- "provided further, that not less than $150,000 be expended for the repair of the Pemberton Pier commuter float located in the town of Hull;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 6005--001, by inserting the following wording:- "provided further, that not less than $300,000 shall be expended for the study and design of the redesign and reconstruction of Rockland Street in the town of Hingham;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 6005-0015, by inserting the following wording:- "provided further, that not less than $750,000 be expended for minor drainage work and the resurfacing of Route 123 in Norwell;".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 6010-0001, by inserting at the end thereof the following:- "provided further, that not less than $150,000 shall be expended for design costs for the Route 119 reconstruction project in the town of Townsend"; and by striking out the figure "$16,906,691" and inserting in place thereof the following figure:- "$17,056,691".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 6010-0001, by inserting at the end thereof the following:- "provided further, that not less than $100,000 shall be expended for a traffic study of Route 13 at Route 2 in the city of Leominster"; and by striking out the figure "$16,906,691" and inserting in place thereof the following figure:- "$17,006,691".

The amendment was *rejected*.

Messrs. Rosenberg, Antonioni, Augustus, Brown, Buoniconti, Downing, Joyce, Knapik, Moore, O'Leary, Pacheco, Timilty and Ms. Candaras, Ms. Chandler, Ms. Menard, Ms. Ms. Resor, Ms. Tucker, and Ms. Spilka moved that the bill be amended by inserting, after Section ___, the following new sections:-

"SECTION XXX. Chapter 291 of the acts of 2004 is hereby amended by inserting after section 2K the following new section:-

SECTION 2L.

6001-0606. For the purpose of retiring revenue anticipation notes and any interest associated thereof for the purpose of currently financing the regional transit authorities established pursuant to chapters 161 and 161B. Each authority shall submit to the executive office of transportation and the executive office for administration and finance a certified statement identifying the total amount of notes and interest issued by the regional transit authority which are attributable to contract assistance and any notes and interest that may be outstanding which are attributable to contract assistance which are payable in fiscal year 2006 or fiscal year 2007. Amounts allocated to the authorities from this item shall be expended in accordance with policies, rules and regulations established by the executive office of transportation……..$75,000,000".

The amendment was *rejected*.

Ms. Creem moved that the bill be amended, in section 2, in item 6010-0001, by inserting at the end thereof the following:- "provided further, that $800,000 is allocated for District 4 Project 604995".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 6005-0015, by adding the following:- "provided further, that the Massachusetts Bay Transportation Authority shall conduct a feasibility study of adding a MBTA station within the town of West Bridgewater".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 4512-0200 by inserting after the words "AA object class" the following: "provided further that the commissioner of public health shall ensure that monies spent pursuant to this line item is consistent with and proportionate to the level of need among the demographic populations of the commonwealth".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 4800-0038, by inserting the following: "provided further, that not less than $150,000 shall be expended in region 1 for a community-based family unification counseling program to prevent juvenile delinquency".

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 4513-1000,
by adding at the end thereof the following:- "provided further, that $25,000 shall be expended for regional respite, counseling and holistic therapy services offered by the Cancer Connection, located in the City of Northampton".

The amendment was *rejected*.

Messrs. Rosenberg, Marzilli and Moore, moved that the bill be amended by adding, after Section __, the following new section:-

"SECTION XXX There shall be a special commission to consist of 20 members to review the statewide implementation

of the medical-legal partnership model -- partnerships between legal services offices and community health centers or hospitals which focus on ensuring that low-income patients' basic human needs aremet, and that health disparities are reduced, through preventive legal intervention and assistance. The special commission shall consist of the following members: one member of the judiciary committee, one member of the health care finance committee, and 16 persons to be appointed by the governor, one of whom shall be a representative of the Boston Bar Association, one of whom shall be a representative of a health care-related foundation, one of whom shall be a representative of a third-party insurer, one of whom shall be a representative of the Massachusetts Legal Assistance Corporation, one of whom shall be a representative of the Massachusetts Bar Association, two of whom shall be representatives of the MLAC-funded legal services community, one of whomshall be a representative of a non-MLAC-funded, IOLTA-funded legal services program, one of whom shall be a representative of the MA Association of Community Health Centers, one of whom shall be a representative of the MA Hospital Association, one of whom shall be a representative of the law school community, one of whom shall be arepresentative of the medical school community, one of whom shall be a representative of EOHHS, one of whom shall be a representative of the Disparities Action Network, one of whom shall be a representative of MLPC, one of whom shall be a representative of the private bar, and two of whom shall be health care staff who work as part of amedical-legal partnership. The commission shall be co-chaired by the Secretary of HHS (or her designee) and the Attorney General (or her designee).

The commission shall examine the implementation of medical-legal partnerships throughout Massachusetts, building on 8 programs currently in operation across the state, wherein legal services attorneys offer basic human needs civil legal assistance in health centers and hospitals, including Boston Medical Center, Massachusetts General Hospital and others. The commission shall place a special emphasis on exploring current and potential funding mechanisms and matching dollars between the health care delivery system and legal services. The commission shall also examine the role of preventive legal access as a strategy to address health disparities. The commission shall also convene a statewide summit on medical-legal partnership, in collaboration with interested stakeholders from the legal, medical, public health and governmental communities.

The commission shall meet a minimum of 4 times and will report the results of its study and recommendations, together with drafts of legislation necessary to carry out is recommendations, by filing the same with the clerks of the Senate and the House of Representatives as well as the Senate and House committees on Ways and Means."

The amendment was *rejected*.

Ms. Jehlen moved that the bill be amended, in section 2, in item 4513-1111, by inserting, at the end, the following:- "provided further that not less than $100,000 shall be expended for Brain Aneurysm Education, Awareness and Early Detection".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 9110-9002, by inserting the following wording:- "provided further, that not less than $80,000 be expended equally among the councils on aging in the towns of Cohasset, Duxbury, Hingham, Hull, Marshfield, Norwell, Scituate and Weymouth;".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 5920-3000, by inserting after the words "such services" the following: - "provided further, that not less than $50,000 be expended for the Friendship Home project in the town of Norwell".

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended, in section 2, in item 4403-2120, by inserting the following wording:- "provided further, that not less than $50,000 shall be expended for the Weymouth Youth and Family Services Teen Center to provide for advocacy, social service programs and to promote growth, social welfare and education;".

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended, in section 2, in item 4510-0110, by striking out the figure "$6,917,772" and inserting in place thereof the following figure:- "$7,307,772".

The amendment was *rejected*.

Ms. Fargo and Messrs. Moore, Augustus, Marzilli, Joyce, Petruccelli, Ms. Candaras and Ms. Tucker, moved that the bill be amended, in section 2, in item 4512-0500, by inserting after the words "developmentally disabled" the following words:- "provided further, that not less than $1,711,168 shall be allotted to the Tufts Dental Facilities serving persons with developmental disabilities to improve access to dental care for people with disabilities across the Commonwealth"; and in said item by striking out the figure "$3,119,016" and inserting in place thereof the following figure:- "$3,444,016".

The amendment was *rejected*.

Ms. Fargo and Ms. Resor moved that the bill be amended in Section 70, by inserting at the end of the second sentence the following words:- "(6) grants to financially stressed hospitals that are not disproportionate share hospitals and that have experienced operating losses in FY 2007 that jeopardize operations and services to the communities they serve".

The amendment was *rejected*.

Ms. Fargo and Messrs. Augustus, Moore, Joyce, Timilty, Marzilli, Ms. Tucker and Ms. Wilkerson move to amend the bill, in section 2, in item 4590-0300, by striking out the figure "$12,750,000" and inserting in place thereof the following figure:- "$13,750,000".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 5920-2000, by inserting after the words "Mass Citizens Advocacy" the following:-"provided further, that not less than $500,000 shall be expended for Best Buddies Massachusetts".

The amendment was *rejected*.

Mr. Tolman and Ms. Menard moved that the bill be amended, in section 2, in item 4000-03000, by inserting after the words "chapter 58 of the acts of 2006" the following:-"provided further, that the executive office shall not reduce the outpatient rates for any specialty hospital which limits its services to patients under active diagnosis and treatment of cancer below that which was granted in the previous year".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 4510-0110, by inserting after the words "Merrimack Valley Hospice Home Care" the following:-"provided further, that not less than $500,000 be expended for the Joseph Smith Community Health Center".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 5920-3010, by inserting after "Youth Enhanced Services Non-Profit" the following:- "provided further, that not less than $200,000 shall be expended for the purposes of a contract with the New England Center for Children, Inc. to provide training and support to public school districts and families for the establishment of in district partner classrooms to serve children with autism spectrum disorders;".

The amendment was *rejected*.

Messrs. Baddour and Tarr moved that the bill be amended, in section 2, in item 4000-0300 after the words "30 days prior to making such expenditures," the following new language:- "provided further, that said executive office shall not reduce the outpatient rates for any specialty hospital which limits its admissions to patients under active diagnosis and treatment of the eyes, ears, nose, and throat, below that which was granted during hospital fiscal year 2005;".

The amendment was *rejected*.

Mr. Timilty and Ms. Spilka moved that the bill be amended, in section 2, in item 4000-0112, by inserting the following:- "provided further, that not less than $100,000 shall be expended for the Healthy Initiative Program by Hockomock YMCA".

The amendment was *rejected*.

Ms. Spilka moves that the bill be amended, in section 2, in item 4403-2120, by inserting at the end thereof the following wording:- "; provided further, that not less than $100,000 shall be expended for a contract with Project Just Because, a non-profit organization in the town of Hopkinton, to assist in providing food, supplies, and services to the indigent and those in danger of becoming homeless across the MetroWest region".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0103, by inserting after the words "fiscal year 2009;" the following: "provided further, that not less than$20,000 shall be allocated for operational support for the affordable housing program at 28 Rockwell Street in Dorchester"; and in said item by striking out the figures $37,166,608 and by inserting in place thereof the figures "$37,186,608".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 9110-1660, by inserting after "services for the elderly" the following: "provided, that not less than $50,000 shall be expended for operation support for the affordable housing program located at 151-55 Geneva Avenue by Pine Street Inn in Dorchester," and by striking out the figures "$2,639,031" and inserting in place thereof the figures "$2,689,031".

The amendment was *rejected*.

Messrs. Hart and Petruccelli moved that the bill be amended, in section 2, in item 7004-0099, by adding the following "and $25,000 shall be allocated for operational support for the affordable housing program located at 9 Half Moon Street, Dorchester by Pine Street Inn and $60,000 shall be allocated for the operation support for the Pine Street affordable housing program located on Bradlee Street, by Pine Street Inn in Dorchester and in said item by striking out the figure "$9,580,805 and inserting in place thereof the figure "$9,665,805".

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended, in section 2, in item 4000-0500, by adding the following:- "provided further, that not less than $2,000,000 shall be expended to an acute care hospital located in Holyoke that provides clinical training programs for nurses, allied health professionals and technicians through affiliations with community colleges and private universities;".

The amendment was *rejected*.

Ms. Jehlen and Mr. Joyce, Ms. Tucker, Mr.Marzilli and Mr. McGee moved that the bill be amended, in section 2, by inserting after item 9110-1633 the following item:

"9110-1635 For a one-time rate add-on for wages, compensation and/or salary and associated employee-related costs to personnel providing homemaker and personal care homemaker services to elderly clients under items 9110-1500, 9110-1630, and 4000-0600 $2,000,000".

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended, in section 2, in item 5920-2000, by striking out the figure "$568,961,352" and inserting in place thereof the figure:- "$569,504,352".

The amendment was *rejected*.

Ms. Tucker, Ms. Jehlen, Messrs. Moore, Rosenberg, Knapik and Petruccelli, Ms. Resor and Ms. Wilkerson moved that the bill be amended, in section 2, in item 4405-2000, by inserting after the words "this item" the following:- "provided further, that not less than $2,592,360 shall be expended for a $4.00 per diem rate add on for rest homes;".

The amendment was *rejected*.

Ms. Jehlen, Mr. Joyce, Ms.Candaras, Ms. Fargo, Ms. Tucker, and Messrs. Galluccio and Tarr moved that the bill be amended, in section 2, by adding the following item:-

"9110-1650 For the family caregivers program…….$253,406".

The amendment was *rejected*.

Mr. Augustus, Ms. Resor, Ms. Creem, Mr. Timilty, Ms. Spilka and Ms. Tucker moved that the bill be amended, in section 2, in item 4513-1130, by striking the words, "for sexual abuse and domestic violence services for qualified aliens, in accordance with 8 U.S.C. section 1641 (c), and refugees and statewide suicide and violence prevention outreach to gay and lesbian youth; provided further, that funds shall be expended for certified batterer intervention program services;" and inserting in place thereof the following:- ", provided further, that not less than $1,000,000 shall be expended for sexual and domestic violence prevention; not less than $1,331,934 shall be expended for domestic violence batterers' intervention services; not less than $2,200,000 shall be expended for sexual abuse and domestic violence services for immigrants and refugees;: and in section 2, in item 4800-1400, by striking the words, "For shelters and support services for people at risk of domestic violence; provided, that the department shall pursue the establishment of public-private partnership agreements established for family stabilization services funded from sources other than the commonwealth; provided further that services shall include supervised visitation programs and scattered site transitional housing programs, including programs to assist victims of domestic violence in finding and maintaining permanent housing; provided further, that participant in battered women's programs shall be provided with information regarding local transitional housing resources; provided further, that funding shall be made available to enhance counseling services for children who have witnessed domestic violence; provided further, that funding shall be made available for emergency shelters for substance abusing battered women; provided further, that funding shall be made available for a statewide domestic violence hotline; provided further, that the department shall continue to provide any match funding required by federal program regulations; provided further, that domestic violence prevention specialists shall be funded from this item;" and inserting in place thereof the following:- "For shelter and support services for people at risk of domestic violence; provided that no less than $27,000,000 be expended for domestic violence emergency shelter and services, advocacy, outreach and prevention, including community based services and systems advocacy and of that amount no less than $6,000,000 be expended for infrastructure stabilization of local non-profit domestic violence services organizations"; and the same section, by inserting, after the words, "Western Mass Women's Initiative Survivor's Project;" the following:- "provided further that no less than $75,000 shall be expended for Abby's House in Worcester".

The amendment was *rejected*.

Messrs. Tarr, Brown, Hedlund, Knapik and Tisei moved that the bill be amended, in section 2, in item 9110-9002, by inserting after the word "means" the words "The Secretary of Elder Affairs shall have discretion over this grant program and said program shall be based on annual population statistics".

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended, in section 2, in item 4510-0100, by adding at the end the following:- "and provided further, that the department, in concert with the department of early education and care, shall identify effective methods of positive discipline and develop and implement a plan to educate parents about said methods".

The amendment was *rejected*.

Mr. Montigny moved that the bill be amended, in section 2, in item 4000-0640, by striking out the wording "provided, that not more than $9,000,000 of this amount shall be expended for reimbursing nursing facilities for up to 10 bed hold days" and inserting in place thereof the following wording:- "provided, that not less than $9,000,000 of this amount shall be expended for reimbursing nursing facilities for up to 20 bed hold days".

The amendment was *rejected*.

Ms. Candaras and Ms. Creem moved that the bill be amended, in section 2, in item 5046-0000 by adding at the end thereof, the following:- "; provided further, that $150,000 shall be expended for a grant program for adolescents re-entering high school after a psychiatric hospitalization; provided further that of that $150,000, $75,000 shall be expended for the post-hospitalization program in Brookline".

The amendment was *rejected*.

Ms. Jehlen and Messrs. Marzilli, Joyce, Creedon, Augustus, McGee, Ms. Fargo and Ms. Resor moved that the bill be amended, in section 2, in item 4000-0650, by inserting at the end, the following:- "and provided further that $17,500,000 shall be expended for the fiscal year 2009 cost of the so-called agreement Rolland vs. Cellucci settlement".

The amendment was *rejected*.

Ms. Candaras, Ms. Jehlen, Ms. Fargo and Mr. Tarr moved that the bill be amended by inserting after Section 89, the following new Section:-

"SECTION __. Notwithstanding any general or special laws to the contrary, there shall be a special commission established to examine the Commonwealth's institutional long term care system, which shall recommend a plan to provide a seamless transition to a continuum of long term care services for elders and persons with disabilities that recognizes the central place of consumer choice and consumer control in any long term care setting; evaluate options and prepare policy recommendations regarding potential savings to the commonwealth achieved by reducing the number of MassHealth licensed nursing home beds; develop recommendations as to the criteria to be used to determine which beds are de-licensed, provided that said criteria shall include at a minimum established Quality Indicators and other quality measures, such as staffing levels, turnover rate and training options for direct care staff; and to consider any programmatic or financial incentives to reduce the number of nursing home beds, convert said beds to subacute beds or other uses, or otherwise more efficiently use the institutional long term care facilities in the Commonwealth.

The commission shall consist of 16 members, 1 of whom shall be the secretary of health and human services or his designee, 1 of whom shall be the secretary of elder affairs or her designee, 1 of whom shall be the director of the office of Medicaid or her designee, 1 of whom shall be the Attorney General or her designee, 1 of whom shall be the Auditor or his designee, 1 of whom shall be the house chair of the joint committee on elder affairs, 1 of whom shall be the senate chair of the joint committee on elder affairs, 1 of whom shall be the senate chair of the joint committee on health care financing, 1 of whom shall be the house chair of the joint committee on health care financing, 1 of whom shall be a consumers or consumer surrogates member of the PCA quality home care workforce council approved by a majority of the Council, and 6 persons to be appointed by the governor, 1 of whom shall be a health care economist, 1 of whom shall be a representative of 1199SEIU, 1 of whom shall be a representative of the Statewide Independent Living Council, 1 of whom shall be a representative of the Massachusetts Extended Care Federation, 1 of whom shall be a representative of AARP, 1 of whom shall be a representative of Mass Home Care, and 1 of whom shall be a representative of the Mass Alzheimers Association. The commission shall be co-chaired by the senate and house chairs of the joint committee on elder affairs.

The commission shall meet within 30 days of passage, and not less than quarterly thereafter, and shall release its first recommendations to the house and senate committees on ways and means no later than December 31, 2008."

The amendment was *rejected*.

Ms. Candaras and Ms. Wilkerson moved that the bill be amended, in section 2, in item 5046-0000 by inserting at the end thereof the following:- "; provided further, that not less than $100,000 shall be expended for culturally and linguistically appropriate mental health services for immigrants at the International Institute of Boston".

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended, in section 2, in item 4512-0225 by striking out the figure "1,000,000" and inserting in place thereof the following figure:- "1,700,000".

The amendment was *rejected*.

Ms. Candaras, Ms. Jehlen, Ms. Spilka, Messrs. Joyce, Augustus, McGee, Ms. Fargo and Ms. Tucker moved that the bill be amended, in section 2, by inserting after item 9110-0100 the following item:

"9100-1640 For the Geriatric Mental Health Services program, including residential care, case management, and day treatment services, to deinstitutionalize or divert elders with serious and persistent mental illness from institutionalized settings……$225,000".

The amendment was *rejected*.

Mr. Marzilli, Ms. Spilka, and Mr. Morrissey moved that the bill be amended, in section 2, in item 4120-4000, by inserting after the words "Joseph F. Timilty Adult Day Health and Memory Loss Center," the following: "provided further that not less than $250,000 shall be expended for Partners for Youth with Disabilities" and in said item striking out the figures "12,424,034 and inserting in place thereof the figures "12,674,034".

The amendment was *rejected*.

Ms. Spilka, Messrs. Morrissey, Joyce, Timilty and Ms. Fargo move that the bill be amended, in section 2, in item 5911-1003, by striking out the figure "73,213,906" and inserting in place thereof the following figure:- "74,522,766".

The amendment was *rejected*.

Ms. Candaras and Ms. Wilkerson moved that the bill be amended, in section 2, in item 4512-0200 by striking the figure "79,337,940" and inserting in place thereof the following figure:- "80,550,008".

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended, in section 2, in item 4000-0500, by adding the following:- "provided further, that a supplemental payment shall be made from the MassHealth Office of the Executive Office of Health and Human Services ("MassHealth") to Holyoke Medical Center, which is a disproportionate share hospital as defined by 114.1 CMR 36.04 and M.G.L. 118G §1, in the amount of the difference between 70% of the charges such hospital has incurred in Fiscal Year 2009 for providing medical or behavioral health services, both inpatient and outpatient, and any payments for such services received by such hospital from MassHealth".

The amendment was *rejected*.

Ms. Spilka, Mr. Morrissey, and Ms. Fargo move that the bill be amended, in section 2, in item 5930-1000, by striking out the figure "186,997,359" and inserting in place thereof the following figure:- "$188,217,948".

The amendment was *rejected*.

Mr. Candaras moved that the bill be amended, in section 2, in item 4512-0500 by inserting at the end thereof the following:- "; and provided further, that not less than $300,000 shall be expended for the relocation of the Springfield Technical Community College Dental Clinic".

The amendment was *rejected*.

Mr. Hart and Ms. Tucker moved that the bill be amended, in section 2, in item 4000-0640, by inserting the following language: "; and provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 1410-0010 by striking out the figure "$2,213,552" and inserting in place thereof the following: - "$2,386,227".

The amendment was *rejected*.

Ms. Spilka and Messrs. Morrissey and Timilty move that the bill be amended, in section 2, in item 5920-2020, by striking

out the figure “87,971,902” and inserting in place thereof the following figure:- “$88,340,110”.

The amendment was *rejected*.

Messrs. McGee, Buoniconti and Hart moved that the bill be amended, in section 2, in item 4000-0300, by inserting: “provided further, that in calculating rates of payment for children enrolled in MassHealth receiving inpatient services at acute care pediatric hospitals and pediatric subspecialty units as defined in section 1 of chapter 118G of the General Laws, the executive office shall make a supplemental payment, if necessary, sufficient to assure that inpatient SPAD and outlier payments for discharges with a case mix acuity greater than 3.5 shall be at least equal to 85 per cent of the expenses incurred in providing services to those children”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 9110-1660 by adding the following at the end thereof: - “Provided further, that no less than $125,000 shall be expended to fund the NORC, Aging-In-Place program operated by the Jewish Family Service of the North Shore in Swampscott”.

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended, in section 2, in item 9110-9002, inserting after the words “the LGBT Aging Project;” the following: “provided further, that not less than $25,000 shall be expended for the Braintree Council on Aging”.

The amendment was *rejected*.

Mr. Morrissey, Ms. Spilka and Ms. Creem moved that the bill be amended, in section 2, in item 5920-2010, by striking out the figure, “$137,187,683” and inserting in place thereof the following figure:- “$138,030,000”.

The amendment was *rejected*.

Ms. Spilka, Ms. Candaras and Mr. Augustus move that the bill be amended, in section 2, in item 4200-0300, by inserting at the end thereof the following wording:- “; provided further that the department shall expend not less than $1,600,000 to adjust the wages, compensation or salary on an equal percentage basis to direct care staff earning less than $25,000 in annual compensation who are employed by private human service providers that deliver services under contracts with the departments of youth services within the executive office of health and human services, this shall be in addition to any other wage adjustment”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 4510-0100, by adding at the end thereof the following:- “provided further that not less than $100,000 shall be expended for the purpose of a falls prevention pilot program in the department of public health. Said program shall provide direct assistance to health care facilities, long-term care providers, home care providers and community groups to reduce falls among the elderly, particularly those duly eligible for Medicare and Medicaid;” and in said item, by striking out the figure “$21,911,667” and inserting in place thereof the figure “$22,011,667”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended, in section 2, in item 4100-0060, by adding at the thereof the following:- “provided, that the Commissioner shall report to the Joint Committee on Health Care Financing and the House and Senate Committees on Ways and Means on or before December 15, 2008, regarding the scope of work of the division and recommendations for assessments on entities other than acute care hospitals consistent with said scope of work”.

The amendment was *rejected*.

Messrs. Moore, Augustus, Tarr, Buoniconti and Ms. Tucker moved that the bill be amended, in section 2, in item 4000-0600 by adding at the end thereof the following:- “provided further, that not less than $250,000 shall be provided for a demonstration project evaluating the feasibility and efficacy of managing and treating patients with specified chronic medial conditions using TeleHome Care; provided further, that recipients of TeleHome Care shall be selected based on factors that include, but are not limited to: the presence of a chronic medical condition such as congestive heart failure, diabetes or COPD, and/or the fact that they have required or will require services of unusually high frequency, urgency or duration; provided further, that reimbursement for TeleHealth Services provided pursuant to this section shall be provided only to federally certified home health agencies and only in connection with Federal Food and Drug Administration-approved and interoperable devices, and incorporated as part of the patient's plan of care; provided further, that demonstration rates or fees shall be established and shall reflect TeleHealth service costs on a monthly basis in order to account for daily variation in the intensity and complexity of patients' TeleHealth service needs”; and in said item, by striking out the figure “2,158,355,058” and inserting in place thereof the following figure:- “2,158,605,058”.

The amendment was *rejected*.

Messrs. Moore, Joyce, Ms. Spilka and Ms. Tucker moved that the bill be amended, in section 2, by inserting after item 5920-2000 the following item:-

“5920-2006, For the implementation of a residential rate initiative; provided, that the department shall submit a report to the house and senate committees on ways and means not later than January 18, 2009, detailing the use of such funds to establish a rate system for vendor-operated residential services.....$2,250,000”.

The amendment was *rejected*.

Ms. Resor, and Mr. Marzilli moved that the bill be amended, in section 2, in item 1107-2501, by inserting in line 1 after the words “disabled persons protection commission;” the following:- “provided that no less than $141,000 shall be expended for an investigator and oversight officer”.

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item 4512-0200, by adding the following: - “Provided further that $100,000 shall be expended for the prevention of substance abuse in the town of Saugus”.

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 1410-0012, by inserting after the word "Natick" the following: "; provided further that not less than $100,000 shall be expended for the 54th Massachusetts Volunteers and The Colored Ladies".

The amendment was *rejected*.

Ms. Spilka, Messrs. McGee, Montigny, Marzilli, Knapik, Augustus and Ms. Creem, Ms. Menard and Ms. Tucker move that the bill be amended, in section 2, in item 4530-9000, by striking out the figure "$4,055,586" and inserting in place thereof the following figure:- "$5,055,586".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 4403-2120, by adding the following: "; and provided further that not less than $179,381 shall be expended for the Crossroads Family Shelter in East Boston".

The amendment was *rejected*.

Mr. McGee moved that the bill be amended, in section 2, in item in item 4513-1000 by inserting the following text; - "Provided further, that $200,000 shall be expended for an elder health and outreach program in Saugus."

The amendment was *rejected*.

Messrs. Petruccelli, Joyce, Montigny, Ms. Spilka, Ms. Fargo and Ms. Tucker moved that the bill be amended, in section 2, in item 9110-1636, by striking out the figure "$16,246,087" and inserting in place thereof the following figure:- "$17,078,812".

The amendment was *rejected*.

Messrs. Petruccelli and Galluccio moved that the bill be amended, in section 2, in item 4000-0300, by adding the following: "; **and provided that not less than $2,000,000 will be made available for supplemental payments to one or more of the three largest Medicaid participating licensed non-profit chronic and rehabilitation hospitals with less than 500 beds, with Medicaid participation measured and ranked by the number of Medicaid days in the most recently completed fiscal year, but excluding for purposes of this clause any such hospital that is eligible for a rate or payment benefit pursuant to either line item 4000-0500 or line item 4000-0600 by virtue of being within a class of providers specifically identified therein and any such hospital that is not an inpatient rehabilitation facility for Medicare payment purposes providing both adult and pediatric services"**.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word "costs" the words "provided further that not less than $250,000 shall be expended to maintain the current levels of substance abuse programs at the South Boston Health Center located in the South Boston section of Boston,"; and in said item striking the figure "$79,337,940" and inserting "$79,587,940".

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, in section 2, in item 4512-0500, by striking out the figure "$3,119,016" and inserting in place thereof the following figure:- "$3,844,016".

The amendment was *rejected*.

Messrs. Petruccelli and Hart moved that the bill be amended, in section 2, in item 4000-0300, by adding the following: ";and **provided further, that notwithstanding section 1 of chapter 118G of the General Laws or any general or special law to the contrary, for fiscal year 2009 the definition of a "pediatric specialty unit" shall mean an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons or a pediatric unit of an acute care hospital in which the ratio of licensed pediatric beds to total licensed hospital beds as of July 1, 1994, exceeded 0.20; provided further, that in calculating that ratio, licensed pediatric beds shall include the total of all pediatric service beds, and the total of all licensed hospital beds shall include the total of all licensed acute care hospital beds, consistent with Medicare's acute care hospital reimbursement methodology as put forth in the Provider Reimbursement Manual Part 1, Section 2405.3G; provided further, that a hospital with a unit designated as a pediatric specialty unit, or an acute care hospital with a burn center verified by the American Burn Center and the American College of Surgeons and a level 1 trauma center for pediatrics verified by the American College of Surgeons as defined in this item shall be exempt from the inpatient and outpatient efficiency standards being applied to their rate methodology".**

The amendment was *rejected*.

Mr. Marzilli moved that the bill be amended, after section 85, by adding the following new sections:-

"SECTION XX. Chapter 111 of the General Laws is hereby amended by inserting after section 4L the following section:-

Section 4M (a) The department shall have an office of oral health with responsibility for the following, though not limited to, oral public health activities:

(1) Provide recommendations and guidance to the department and other state departments, agencies, community providers, the legislature and others for preventing oral diseases of all Massachusetts residents and for improving, promoting and protecting the oral health of state residents with a focus on underserved populations and reducing oral health disparities;

(2) Surveillance, study and appraisal of the state's oral health needs and resources;

(3) Foster the development, expansion and evaluation of oral health services for residents of the state in collaboration with key state partners, including but not limited to other executive office of health and human services agencies and departments, including but not limited to MassHealth, department of youth services; department of social services; department of mental

retardation, department of mental health and the executive office of elderly affairs; board of registration in dentistry; and other public agencies including but not limited to department of education and department of early education and care;

(4) Provide information and education concerning oral health to the dental and health community and public;

(5) Promote and provide technical assistance, monitoring and evaluation of population-based dental programs, such as community water fluoridation and school prevention programs and mobile and portable dental programs, as well as other programs to improve access to services;

(6) Policy development to promote the public's oral health; and

(7) Other related programs, policies and preventive measures that impact oral health.

(b) (1) In order to improve, promote and protect the oral health of all residents of the Commonwealth, a full-time dental director shall be located in the office of medicaid and shall work collaboratively with the department of public health to facilitate integration of programs to improve oral health. The director shall be funded through an interagency agreement between the executive office of health and human services and the department of public health.

(2) The full-time dental director shall be a Massachusetts licensed dentist with public health experience and shall oversee the MassHealth dental program and work in collaboration with the office of oral health on dental public health programs for MassHealth recipients to increase access, oral health prevention activities, and other initiatives to address oral health disparities, including but not limited to workforce shortages.

SECTION XX. The office of oral health in the department of public health shall evaluate programs and develop quality assurance activities, including but not limited to, an update on progress to date on the recommendations of the 2000 report of the special legislative commission on oral health. The update shall be delivered to the house and senate chairs of the joint committee on public health on or before May 1, 2009."

The amendment was *rejected*.

Messrs. Petruccelli and Hart moved that the bill be amended, in section 2, in item 4513-1111, by adding the following: "; and provided further that not less than $100,000 shall be expended for a case management pilot project; and provided further that not less than $120,000 shall be expended for HCV surveillance throughout the Commonwealth".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4800-0038, by inserting at the end thereof the following words:- "and provided further, that not less than $100,000 shall be expended for the State Street Community Center in the city of Springfield".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 1410-0250 by inserting the words "provided further than no less than $100,350 shall be expended for the Veterans Benefits Clearing Housing in the Dorchester section of Boston; and in said item by striking out the figures "$2,603,730" and inserting "$2,704,080".

The amendment was *rejected*.

Messrs. Tisei and Brown moved that the bill be amended, in section 2, in item 4100-0060, by striking out the figure "$17,513,039" and inserting in place thereof the following figure:- "17,013,069".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 4512-0200, by adding the following: "; and provided further that not less than $750,350 shall be expended for a contract with STEP, Inc., for sobriety treatment, education and prevention".

The amendment was *rejected*.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 4000-0112, by adding the following: "; and provided further that not less than $50,000 shall be expended for the YMCA in East Boston".

The amendment was *rejected*.

Messrs. Hart, Knapik, Petruccelli, and Ms. Tucker moved that the bill be amended, in section 2, in item 4590-1506, by striking the figure "$3,000,000" and inserting in place thereof the figure, $7,000,000".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 4510-0110, by adding at the end thereof the following: "; provided further, that $300,000 shall be expended for medical respite services provided by the Boston Health Care for the Homeless Program" and by striking out the figures "6,917,772" and inserting in place thereof the figures "7,217,772".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 70 by inserting the following: "Provided the Secretary shall make available from said fund $4,000,000 in one-time grant for a disproportionate share financially distressed hospital located in Suffolk county with a locked inpatient adolescent psychiatric unit that participates in the Masshealth program".

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 4110-4000, by striking out the wording and inserting in place thereof the following wording:- "For the administration of the Ferguson Industries for the Blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be placed in a retained revenue account to be used by Ferguson Industries for its operational expenses."

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 4000-0355, by striking out the figure "$1,428,000" and inserting in place thereof the following figure:- "1,000,000".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 4120-4000 be amended by inserting the following language:- "; provided further, that not less than $25,000 shall be expended on Living Independently for Equality, Inc of Brockton for the operation of participants to meet other physically challenged individuals and take part in a number of therapeutic activities".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 0810-0000, by inserting the following:- "; provided further that no less than $260,000 shall be expanded for the Ella J. Baker House in the City of Boston for violence prevention programs for high risk youth".

The amendment was *rejected*.

Messrs. Creedon, Hedlund, Baddour, McGee and Ms. Fargo moved that the bill be amended, in section 2, in item 4110-1000, by striking the figure "$4,365,633" and inserting in place thereof the figure "$4,553,764".

The amendment was *rejected*.

Messrs. Creedon and Joyce moved that the bill be amended, in section 2, in item by inserting the following language:- "provided however, that $50,00 shall be expended for handicap accessibility to the athletic field located at Oliver Ames High School in the town of Easton".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 4510-0100, by adding the following: "; provided further, that not less than $158,000 shall be expended for the Haitian Multi-Service Center in the Dorchester section of the city of Boston".

The amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in section 2, in item 4513-1111, by inserting the following language: - "provided further, that not less than $50,000 shall be expended for the operation of NECPAD, a support organization which provides patient education and support for people diagnosed with PKU and related disorders and their families; and provided further, that none of these funds shall be expended for any personal-related cost;"; and by striking out the figure"14,197,093" and inserting in place thereof the following:- "$14,247,093".

The amendment was *rejected*.

Messrs. Creedon, Hedlund and Baddour moved that the bill be amended, in section 2, in item 4110-3010, by striking the figure "$2,920,455" and inserting in place thereof the figure "$3,104,688".

The amendment was *rejected*.

Ms. Creem, Mr. Timilty and Ms. Tucker moved that the bill be amended, in section 2, in item 4513-1130, by striking out the wording: "provided further, that funds shall be expended for certified batterer intervention program services;" and inserting in place thereof the following wording:-- "provided further, that no less than $1,050,574 shall be expended for domestic violence certified batterer intervention program services;".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 5920-2000, by adding the following:- "; provided further, that not less than $100,000 shall be expended for Employ+Ability in the town of Braintree".

The amendment was *rejected*.

Ms. Jehlen and Messrs. Moore , Joyce, Galluccio, Ms. Fargo and Ms. Tucker moved that the bill be amended, in section 2, in item 9110-1500, by striking out the figure "$48,024,305" and replacing it with the following:- "$49,306,583".

The amendment was *rejected*.

Ms. Creem moved that the bill be amended, in section 2, in item 4000-0112, by striking the figure "$80,000" and replacing it with the figure "$155,000".

The amendment was *rejected*.

Messrs. Hart, Joyce and Ms. Wilkerson moved that the bill be amended, in section 2, in item 4590-1506, by inserting at the end thereof the following, "; provided further, $50,000 shall be expended for the City-Wide Dialogues on Boston's Ethnic & Racial Diversity, a program that provides a safe venue for honest, respectful discussions across racial and ethnic lines, including neighborhood diversity dialogues and youth-police dialogues".

The amendment was *rejected*.

Ms. Candaras, Messrs. Knapik and Buoniconti moved that the bill be amended in Section 69, at the end thereof, the following:- "The Secretary of the Executive Office of Health and Human Services shall make a payment of up to $7,000,000 from the Medical Assistance Trust Fund to the acute hospital system in Hampden County which operates Providence Behavioral Health Hospital in Holyoke."

The amendment was *rejected*.

Messrs. Joyce and Creedon moved that the bill be amended, in section 2, in item 5920-3000, by inserting the following:- "; provided further, that not less than $50,000 shall be expended towards the construction costs of House of Possiblities, a respite home for special needs children and adults in the town of Easton".

The amendment was *rejected*.

Ms. Candaras, Messrs. Augustus, Buoniconti, Ms. Jehlen and Mr. Antonioni moved that the bill be amended, in section 2, by inserting after item 4512-0200 the following item:-

"4512-0201 For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class for

any personnel-related costs; and provided further, that the department shall submit quarterly to the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program…….$5,000,000".

The amendment was *rejected*.

Messrs. Joyce, Hedlund, Marzilli, Moore, Brown, Augustus, Creedon, Morrissey, Ms. Resor, Ms. Candaras and Ms. Fargo moved that the bill be amended, in section 2, in item 5920-5000, by striking out the figure "$17,664,660" and inserting in place thereof the following figure:- "$19,664,660".

The amendment was *rejected*.

Ms. Jehlen, Ms. Candaras, Ms. Resor, Mr. Creedon, Ms. Creem, and Mr. Montigny moved that the bill be amended, in section 2, in item 4000-0600, by inserting after the words "standards for determining admission to" the following words:- "and continued stay in".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended by inserting, after Section 85 the following new section:

"SECTION___ Section 5 of Chapter 115 of the General Laws, as appearing in the 2006 Official edition is hereby amended by striking out paragraph eight and inserting in place thereof the following paragraphs:-

The benefits provided herein shall include an amount for "Shelter" not to fall below $600 per month for eligible veterans and dependents who do not pay their own heating costs.

The benefits provided herein shall include an amount for "Shelter" not to fall below $500 per month for eligible veterans and dependents who pay their own heating costs. The benefits provided herein shall include an amount for "fuel" not below $250 per month for eligible veterans and dependents who pay their own heating costs; Provided further that said benefits shall be paid throughout the year".

The amendment was *rejected*.

Ms. Menard moves to amend the bill by inserting, after Section ___, the following new Section:-

"SECTION 1. Paragraph (g) of subdivision (2) of section 3 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after line 307, the following new paragraph:-

Any municipality may elect to place in Group 4 uniformed employees of a municipal or public emergency medical service who are certified at any level as an Emergency Medical Technician (EMT) by the department of public health. This placement of such EMTs into Group 4 shall take effect in a municipality upon its acceptance in the following manner: in a city having Plan D or a Plan E charter, by majority vote of its city council and approved by the manager; in any other city by majority vote of the city council and approved by the mayor; in a town, by vote of the board of selectmen".

The amendment was *rejected*.

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

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. The Division of Capital Asset Management and the Division of Energy Resources are hereby authorized and directed to identify, evaluate and inventory property and facilities owned or under the care and control of the Commonwealth or any of its quasi-public agencies, so-called, which may be suitable for use in the production of renewable energy.

For the purposes of this section, the term "renewable energy" shall refer to solar, wind, and geothermal energy and the harvest or refinement of materials comprising biofuels for space heating, the production of electricity or transportation.

In carrying out the purposes of this section, the department shall consult with the Massachusetts Highway Department, the Massachusetts Turnpike Authority, the Massachusetts Port Authority and the Department of Conservation and Recreation, provided that in each case the respective department or authority may be charged with developing its own inventory of suitable property and facilities for review and further inventory by the Department of Capital Asset Management and the Division of Energy Resources.

In developing the inventory and evaluation, the departments and authorities may utilize requests for proposals from private entities engaged in the production of renewable energy, and may consult with academic institutions, including the University of Massachusetts.

Said inventory shall be completed not later than twelve months following the passage of this act, and shall be provided to the clerks of the House and Senate and to the Joint Committee on Telecommunication, Utilities and Energy.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following section:-

"SECTION 91. Section 2Z of chapter 29 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended, in line 21, by inserting after the word "project" the following: 'And any project in which construction has been initiated and for which the total cost is greater than $8,000 per capita on a per resident basis as determined by the most recent United States census or any sewer system that experiences extraordinary rate increases due to a mandate pursuant to environmental laws and regulations.'"

The amendment was *rejected.*

Mr. Hedlund moved that the bill be amended, in section 2, in item 2810-0100, by inserting the following wording:- "provided further, that not less than $200,000 be expended to the town of Hull for Police, Fire and Ambulance expenses associated with the Nantasket Beach Reservation".

The amendment was *rejected*.

Messrs. Augustus, Tarr, Joyce, and Hedlund moved that the bill be amended by inserting, after Section XX, the following new

section:-

Section XX. Section 44 of chapter 85 of the acts of 1994, as amended by section 50 of Chapter 15 of the Acts of 1996, and as further amended by section 19 of Chapter 23 of the Acts of 2002, is hereby further amended by inserting after the words "Mount Greylock state reservation" the following words:- , Wilbur Farmhouse and Barn at Borderland state park, Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park, Police Station, Dormitory, Laundry and Waiting Room structures at Nantasket Beach reservation, Caretaker's Cottage and the Barn at Brookwood Farm in the Blue Hills reservation, 1 Woodland Road in the Middlesex Fells reservation, Print Shop at the Brook Farm Historic Site in West Roxbury, Carriage House at Havey Beach in West Roxbury, CCC Camp in Upton state forest, Teahouse and Boathouse in Maudsley state park.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by inserting, after Section 90, the following new Section:-

"SECTION ___. Paragraph (b) subsection 2 of section 5 of chapter 44B of the General Laws is hereby amended by striking out the words "for the acquisition, creation and preservation of land for recreational use" and inserting in place thereof the following words:- "for the acquisition, creation, regeneration, rehabilitation, restoration and preservation of land for recreational use".

The amendment was *rejected*.

Ms. Resor, Ms. Fargo, Mr. Morrissey, and Mr. Augustus moved that the bill be amended, in section 2, in item 4510-0600, by striking out the figure "$4,023,923" and inserting in place thereof the following item:- "$4,217,201".

The amendment was *rejected*.

Ms. Resor, Ms. Jehlen, and Messrs. Moore, Joyce, and Augustus moved that the bill be amended, in section 2, in item 2810-0100, by striking the number "$22,696,714" and inserting in place thereof the following:- "$26,545,320".

The amendment was *rejected.*

Messrs. O'Leary, Fargo, Pacheco, Moore, Montigny and Tarr moved that the bill be amended by adding at the end thereof the following section:-

"SECTION __. Chapter 252 of the General Laws is hereby amended by inserting after Section 14D following new section:

Section 14E Whereas mosquito control projects and mosquito control districts are solely funded by member towns and cities, mosquito control projects and mosquito control districts shall have sole authority in all personnel decisions, including but not limited to the following: hiring and firing of personnel, the establishment of rates of compensation for personnel representative of the regional economy, the hiring of appropriate outside professionals deemed necessary to carry out and fulfill statutory obligations.".

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, by inserting at the end thereof, the following new section:-

SECTION XXX. Chapter 81 of the Acts of 2005 is hereby amended, in item 1599-2005, by inserting the following:- "provided further, that not less that $150,000 shall be expended to the town of Wendell for an emergency assistance safety grant;".

The amendment was adopted.

Messrs. Creedon, Joyce, Montigny, Brown and Timilty moved that the bill be amended by insert, after section 90, the following new section:-

"SECTION__. Notwithstanding any general or special law, rule or regulation to the contrary, in the city of Brockton, or in the towns of West Bridgewater, East Bridgewater, Easton and Walpole, no fossil fuel electric power facilities or facility shall be located in an area which is less than 1 mile in linear distance from a playground, licensed day-care center, school, church, area of critical environmental concern, as determined by the secretary of environmental affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. Said linear distance shall be measured from the outermost perimeter of such facility to the outermost point of the aforementioned zones; provided, however that any such facility in operation on January 1, 2007, shall not be subject to this act. For the purpose of this section, "fossil fuel electric power facilities or facility" shall be defined as any electric generating power plant that is fueled in whole or in part, by coal, oil or natural gas."

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-seven minutes past one o'clock P.M., on motion of Mr. Creedon, as follows, to wit (yeas 26 - nays 13) **[Yeas and Nays No. 233]:**

Insert Roll Call "D"

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

Subsequently, Mr. Morrissey moved reconsideration of the adoption of the amendment; and after debate, reconsideration prevailed.

The recurring question came on adoption of the amendment, Ms. Tucker, Ms. Wilkerson, and Messrs. Marzilli, O'Leary, and Brewer moved that amendment (Creedon et al) be further amended by adding the following section:-

"Section 2. There is hereby established a special commission on fossil fuel energy generation facilities and fossil fuel storage siting. For purposes of this section, "fossil fuel" shall mean coal, oil or natural gas. The commission shall be composed of 17 members, including the secretary of energy and environmental affairs who shall chair the commission, the commissioner of energy resources, the commissioner of environmental protection, 3 members of the senate, 1 of whom shall be the senate chair of

the joint committee on telecommunications, utilities, and energy, 1 of whom shall be the senate chair of the joint committee on the environment, natural resources, and agriculture; 1 of whom shall be appointed by the senate minority leader; 3 members of the house, 1 of whom shall be the house chair of the joint committee on telecommunications, utilities, and energy, 1 of whom shall be the house chair of the joint committee on the environment, natural resources, and agriculture; 1 of whom shall be appointed by the house minority leader; 2 members to be appointed by the governor from an environmental group and 1 from the New England Clean Energy Council who is an energy management services provider; 1 member from the Energy Facilities Siting Board; 1 member appointed by the Massachusetts Municipal Association who shall be a member of a regional planning board; a member to be appointed by the Associated Industries of Massachusetts who is an owner of a fossil fuel energy generating facility; 1 member to be appointed by the public health council; and 1 member to be appointed by the American Lung Association of Massachusetts; and 1 member to be appointed by the Green Justice Research Collaborative at Northeastern University.

The commission shall study the siting of fossil fuel energy generation and storage facilities. In reviewing existing procedures, the commission shall consider the power of municipalities to control their own zoning, the demand for energy generation, the economic, public heath, and environmental impacts of fossil fuel energy generation and storage facilities. The commission shall review the respective roles of the state and local governments in this process, including but not limited to the power of the energy facilities siting board to overrule municipal decisions. The commission shall make recommendations on what changes in the siting process should be implemented at both the state and local levels to promote the well being and health of the citizens of the commonwealth, the environment, and other matters of concern to the commission on this issue.

The commission shall submit its findings together with any legislative or regulatory recommendations with the clerks of the senate and house of representatives not later than December 31, 2008."

The further amendment was adopted.

The pending amendment (Creedon et al), as amended (Tucker et al) was then adopted.

Recess.

There being no objection, at six minutes before two o'clock P.M., the President declared a recess subject to the call of the Chair; and, at twenty minutes before three o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were considered as follows:-

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was read a second time, the main question being on ordering the bill to a third reading.

Mr. Creedon moved that the bill be amended, in section 2, in item 2820-0100, by inserting the following language "provided further, that not less than 15,oo shall be expended for a recreational facility adjacent to Memorial Field and the former site of the Holt Elementary School in the Town of Whitman"; and by striking the figure "26,981.754" and inserting in place thereof the following figure "26,996,754".

The amendment was *rejected.*

Mr. Joyce moved that the bill be amended, in section 2, in item 2800-0100, by adding the following: "; provided further, that not less than $100,000 shall be expended for the DCR Park Rangers mounted unit in the Blue Hills Reservation".

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in section 2, in item 2820-0100, by adding the following: "; provided further that $450,000 shall be expended for the completion of Phase I of improvements along Blue Hills Parkway, including but not limited to infrastructure and road improvements, signalization, sidewalks, lighting, safety and aesthetic improvements, in the town of Milton".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in section 2, in item 2820-0110, by inserting the following:- "; provided further, that not less than $600,000 shall be expended for improvements to the Houghton's Pond athletic fields".

The amendment was *rejected*.

Messrs. Joyce and Timilty moved that the bill be amended, in section 2, in item 2000-0100, by inserting the following:- "; provided further, that not less than $100,000 shall be expended for the replacement of the septic system on the property known as "Horizons for Youth" in the Town of Sharon".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 2800-0500, "provided that not less than $200,000 be expended to the Department of Conservation and Recreation to facilitate transportation needs on Columbia Road in the South Boston section of the city of Boston."; and by striking the figure "$4,020,000" and inserting in place thereof the following figure "$4,220,000".

The amendment was *rejected.*

Mr. Berry moved that the bill be amended, in section 2, in item 7007-0515 by adding the following words:- "provided further, that not less than $250,000 shall be expended for the North Shore Alliance for Economic Development;".

The amendment was *rejected*.

Mr. Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following: “provided further, that not less than $200,000 shall be expended for the Barrington Stage Company, in the city of Pittsfield”.

The amendment was adopted.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 7003-0702, by inserting after the words “the city of Gardner” the following: “provided further that not less than $300,000 shall be expended for Radius Specialty Hospital Boston for the purposes of developing and implementing and information technology skill upgrading program for its employees”.

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in section 2, in item 7004-3036, by inserting after the words “compensation of state employees” the following:- “provided further that $141,000 shall be expended for the Just A Start Corporation to administer a housing stabilization and conflict management services program to prevent homelessness”.

The amendment was *rejected.*

Ms. Wilkerson moved that the bill be amended, in section 2, in item 7002-0012, by striking out the figures “8,000,000” and inserting in place thereof the figures “9,200,000”.

The amendment was *rejected.*

Ms. Wilkerson moved that the bill be amended, in section 2, in item 7003-0702, in line 4 by inserting after the words “Commonwealth Corporation;” the following, “provided further that not less than $100,000 shall be expended to Inquilinos Boricuas en Accion (IBA) for the Pathways to Technology Initiative;”.

The amendment was *rejected.*

Messrs. Marzilli and Joyce moved that the bill be amended, in section 2, in item 7007-0900 by adding at the end thereof the following:- “provided further, that not less than $51,000 shall be expended for the purpose of funding the Francis Wyman Project”.

The amendment was adopted.

Mr. Baddour moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “Caribbean Carnival Association;” the following:- “provided further, that not less than $10,000 shall be expended for adolescent outreach awareness in the city of Methuen”.

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 7004-0099 by inserting after the words “the Lowell Wish Project” the following:-“provided further that not less than $50,000 shall be provided for a technology program at the Watertown Housing Authority”.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2, in item 7003-0702, by inserting after the words “Commonwealth Corporation;” the following:- “provided further, that not less than $50,000 shall be expended to provide employment, training and job placement by the New Skills Academy in the City of Lawrence;”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0515, by inserting after the words “Cape Cod Chamber of Commerce” the following words:- “provided further, that not less than $75,000 shall be granted to Gloucester for the purpose of an economic development study for a previously identified area of the city with the potential for job creation”.

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “Springfield Symphony Orchestra” the following words:- “provided further, that not less than $50,000 shall be expended for the purposes of furthering the Historic Ports Initiative”.

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the phrase “Berkshire Economic Development Corporation” the following:- “provided further, that not less than $100,000 be expended for the Wilmington Historical Commission for historic research and preservation relative to Butters Farm”.

The amendment was adopted.

Messrs. Baddour and Tarr moved that the bill be amended, in section 2, in item 7007-0900, by striking out the following:- “that not less than $50,000 shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program” and inserting in place thereof the following:- “that not less than $100,000 shall be expended for the Greater Haverhill Chamber of Commerce for the expansion of the Haverhill Means Business program.”

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- “; provided further that not less than $75,000 shall be expended for the renovation of the Bing Theater in the city of Springfield”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- “provided further that not less than $75,000 shall be expended for the Captain Leonard House in Agawam”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- “; provided further that not less than $75,000 shall be expended for the installation of street lights in the forest park area of Springfield”.

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words "Berkshire Theater Festival in Stockbridge;" the following:- "provided further, that not less than $100,000 shall be expended for an economic development grant in the Town of Braintree".

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words, "Methuen-Arlington Neighborhood, Inc.", the following:- "provided further, that not less than $150,000 shall be expended to the Town of Braintree as a one-time community action grant for the replacement of the communications console at the police department".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words, "Homeowner Options for Massachusetts Elders;", the following:- "provided further, that not less than $300,000 shall be expended for the paving and construction of parking facilities in the town of Holbrook".

The amendment was *rejected*.

Messrs. Morrissey, Petruccelli, Augustus, O'Leary, Knapik, Timilty and Jehlen moved that the bill be amended, in section 2, by inserting after item 7004-0099 the following item:-

"7004-1000 For a supplement to the federal Low Income Home Energy Assistance Program, 42 U.S.C. sections 8621 et seq., for the purpose of assisting low-income elders, working families and other households with the purchase of heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided, that expenditure of these funds shall be made in a manner consistent with the state plan submitted by the department of housing and community development in accordance with the federal program; provided further, that the department shall establish the maximum assistance for which a household is eligible commensurate with the increased funding provided in this item; provided further, that the department may expend a portion of these funds for reasonable administrative costs consistent with the state plan submitted by the department of housing and community development in accordance with the federal program; and provided further, that the department may increase maximum assistance for which a household is eligible to reflect the needs of those households ..... $15,000,000".

After remarks, the amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "Homeowner Options for Massachusetts Elders;" the following:-"provided further, that not less than $25,000 shall be expended for upkeep and maintenance of the Rockland Community Center;".

The amendment was *rejected*.

Ms. Spilka, Messrs. Moore and Timilty move that the bill be amended, in section 2, in item 7007-0515, by inserting at the end thereof the following wording:- "provided further, that not less than $150,000 shall be expended for a study of the Greater I-495 / MetroWest region to be conducted by the University of Massachusetts Donahue Institute. The report shall include: a detailed analysis of the region's economic and industrial base and leading industry clusters, cultural assets and demographic characteristics, including its social and economic cohesiveness; a detailed profile of the region's current workforce, future workforce pipeline, and commuting patterns; a detailed analysis of the pubic infrastructure needs in the region including an inventory of recent state and federal investments, and the results of a comprehensive survey of the region's local officials and leading employers that assesses the state of the region's competitiveness and key obstacles to economic growth. The executive office of transportation and construction and its agencies, the executive office of housing and economic development and its agencies, the executive office of administration and finance and its agencies, and the executive office of labor and workforce development and its agencies, shall provide any information needed to complete the study to the Donahue Institute. A report shall be filed with the Senate and House Committees on Ways and Means and the Secretary of Housing and Economic Development no later than July 1, 2009".

The amendment was *rejected*.

Messrs. Moore, Antonioni, Joyce and Ms. Spilka moved that the bill be amended, in section 2, in item 7003-0702, by adding at the end thereof the following:- "provided further, that not less than $750,000 shall be expended for a high school science program in biotechnology by Commonwealth Corporation, in consultation with the Massachusetts Biotechnology Council, including teacher and guidance counselor training, biotechnology lab equipment, and biotechnology lab supplies evaluation and technical assistance;" and in said item, by striking out the figure "$6,363,000" and inserting in place thereof the figure "$7,113,000".

The amendment was *rejected*.

Ms. Resor moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "Lowell Wish Project" the following:- "; provided further, that not less than $25,000 shall be expended for Marlborough Community Development Corporation."

The amendment was *rejected*.

Ms. Resor moved that the bill be amended, in section 2, in item 7003-0702, by inserting after the words "city of Gardner" the following:- "; provided further, that not less than $150,000 shall be expended for Barn-Raising.Org in the town of Wayland".

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended by inserting, after Section 89, the following new Section:-

"SECTION 90. Section 1 of chapter 775 of the acts of 1975 is hereby amended by striking out the definition of "electric power facilities" or "electric power facility", as inserted by section 2 of chapter 129 of the acts of 1988, and inserting in place thereof the following 2 definitions:

‘Energy facilities’ or ‘energy facility’, electric power facilities, electric power facility, or any system or facility, or any interest in, or right to the use of, services derived from facilities, facility or system or any part of a facility or system, including any energy conservation system, system for the production of renewable energy, or alternative energy facility for the manufacture, generation, transmission, distribution, transformation, transportation, storage, purchase, sale, exchange or interchange or conservation of energy or any byproducts or ancillary products thereof or services derived therefrom by any means whatsoever, including but not limited to vehicles, personal or real property and any facility for processing refuse, or other materials into fuel with or without other byproducts, or facilities and property for the acquisition, extraction, conversion, transportation, storage, reprocessing, or disposal of fuel and other material of any kind for any of these purposes, as necessary to carry out the purposes of this act.

‘Energy’, electricity, electric power, electric capacity, electric energy, natural gas, liquefied natural gas, LP air gas, propane air, synthetic natural gas, oil, steam, coal, water, wind, battery, or any byproducts, derivatives, services, ancillary products or ancillary services, derived therefrom including but not limited to reactive power/voltage control, loss compensation, scheduling and dispatch, load following, system protection service and energy imbalance service, emissions allowances, or the transmission, transportation, storage, purchase, sale, exchange or interchange of energy capacity, either electric or other, distribution, disposal, decommissioning thereof, or the transmission, transportation, storage, disposal, decommissioning or distribution of any byproducts thereof.

SECTION 91. Section 5 of said chapter 775 is hereby amended by striking out clauses (h) and (i) and inserting in place thereof the following clauses:

(h) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein, with or without consideration and notwithstanding whether the real or personal property is needed by or useful to the corporation, all upon such terms and conditions as the corporation shall determine;

(i) to pledge or assign any money, fees, charges, or other revenue of the agency, or any real or personal property and any proceeds derived by the corporation from the sale of energy or property, or any insurance or condemnation awards;.

SECTION 92. Said section 5 of said chapter 775 is hereby further amended by striking out clauses (k) to (l), inclusive, and inserting in place thereof the following clauses:-

(k) to borrow money and issue its bonds as provided in this act and to provide a pooled loan program on behalf of and for the benefit of its members, to make loans to its members and to enter into leases on behalf of its members, both as lessee or lessor;

(l) to purchase energy, including but not limited to all or a portion of the capacity and output of energy facilities and steam, whether or not produced by an energy facility;

SECTION 92 ½. Section (m) of Section 5 of said chapter 775 is hereby amended by striking out the words “electric power” which appear after the words “and other products of” and inserting in place thereof the word ‘energy’.

SECTION 93. Clause (p) of said section 5 of said chapter 775 is hereby amended by striking out the words ‘electric power’ which appear after the words ‘or otherwise to participate in’ and insert in place thereof the works ‘energy’, and further to strike the words ‘electric power’ which appear after the words ‘with others in any’ and to insert in place thereof the word ‘energy’.

SECTION 93 ½. Clause (q) of said section 5 of said Chapter 775 is hereby amended by striking out the words “electric power” which appears after the words ‘maintain and operate’ and to insist insert in place thereof the word ‘energy’.

SECTION 94. Said section 5 of said chapter 775 is hereby further amended by striking out clause (t) and inserting in place thereof the following 3 clauses:

(t) to enter into contracts determined by the corporation to be necessary or for the prudent management of the corporation’s assets, funds, debts, or fuels, including without limitation, interest rate swaps, option contracts, future contracts, forward purchase contracts, hedging contracts, leases, or other risk management instruments; and

(u) to exercise and perform all or a part of its powers and functions through 1 or more wholly-owned or partly-owned corporations or other entities; and

(v) to do all things necessary, convenient or desirable to carry out the purposes of this act or the powers expressly granted or necessarily implied in this act.

SECTION 94 ½. Clause (a) of said section 6 of chapter 775 is hereby amended by striking out the words “electric power” appearing after the words “one or more” in sentence one thereof and inserting in place thereof the word ‘energy’.

SECTION 95. Said section 6 of chapter 775 is herby further amended by striking out subsections (b) and (c) and inserting in place thereof the following 2 subsections:

(b) Neither the obligations of the corporation nor the obligations of such member or non-member cities under any energy contracts hereunder shall be included in computing the borrowing capacities of the cities and towns. Such obligations of cities and towns having municipal electric departments established under said chapter 164 or a special act shall be treated as expenses of operating their electric plants and shall constitute special obligations of the cities and towns, payable solely from the revenues and other moneys derived by the cities and towns from their electric departments or systems, the liability of such cities and towns from other funds being limited to obligations undertaken by them to pay for the energy used by them.

(c) A city or town shall be obligated to fix, revise, and collect fees and charges for electric power and energy and other services, facilities and commodities furnished or supplied through its electric department or systems at least sufficient to provide revenues adequate to meet its obligations under any contracts with the corporation and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on all bonds issued by the city or town for energy-related purposes.

SECTION 96. Section 9 of said chapter 775 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:

(a) The corporation may, subject to the approval of the department under this act, borrow money by the issue of its bonds for any of its corporate purposes. Bonds may be issued hereunder as mortgage bonds, as general obligations of the corporation or as special obligations payable solely from particular funds. Without limiting the generality of the foregoing, these bonds may be issued for project costs, prepayment of fuel, transmission or transportation of fuel, or the corporation's share of project costs of energy facilities or long-term purchases of rights to use energy facilities which may include interest before and during the carrying out of any project and for a reasonable period after that time, prepayments under contracts for the purchase of energy, or services related thereto, stranded investment costs, early termination costs of any energy project, decommissioning costs, such reserves for debt service or other capital or current expenses that may be required by a trust agreement or resolution securing bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

SECTION 97. Subsection (a) of section 10 of said chapter 775 is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences (a) In the discretion of the corporation, but subject to the terms of the department's approval, any bonds issued under this act may be secured by a resolution of the board or by a trust agreement between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, and this trust agreement shall be in a form and executed in a manner that may be determined by the corporation. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the corporation, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or later coming into existence and whether then held or later acquired by the corporation, and the proceeds thereof.

SECTION 97 ½. Clause (b) of said Section 10 of said chapter 775 is hereby amended by striking the words "electric power" which appear after the words "operation and maintenance of" and inserting in place thereof the word 'energy'.

SECTION 98. Subsection (b) of said section 10 of said chapter 775 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: (b) The corporation is authorized to fix, revise, and collect fees and charges for energy and other services, facilities, and commodities furnished or supplied by it.

SECTION 98 ½. Subsection (c) of said Section 19 of said chapter 775 is hereby amended by striking out the words 'electric power', which appear after the words 'of one or more specific' and inserting in place thereof the word 'energy'.

Subsection (f) of said section 19 of said chapter 775 is hereby amended by striking out the words 'electric power', which appear after the words 'or operation of any' in the first sentence and by inserting in place thereof the word 'energy'.

Subsection (g) of said Section 19 of said chapter 775 is hereby amended by striking out the words 'electric power', which appear after the words 'operation by the corporation of' and inserting in place thereof the word 'energy'.

The amendment was adopted.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702, by striking out the following words:- "that not less than $50,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield" and inserting in place thereof the following:- "that not less than $100,000 shall be expended for the Massachusetts Latino Chamber of Commerce in the city of Springfield"

The amendment was *rejected*.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 7004-0099, by inserting at the end thereof the following words:- "; and provided further that not less than $200,000 shall be expended for Neighborhood Housing Services, Inc. in the city of Springfield."

The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended, in section 2, in item 7007-0300, by striking the words "industries; provided," and inserting in place thereof the following:- "provided, that the office shall not expend any funds for marketing and promoting campaigns that target audiences or industries that are located or operated entirely within the borders of the commonwealth; and provided further, that said office shall submit a report to the joint committee on tourism and the house and senate clerks detailing the projected expenditure of funds on said marketing and promoting activities by November 15, 2008; and provided further;".

After remarks, the amendment was *rejected*.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- "provided further that not less than $250,000 shall be expended for the Puerto Rican Cultural Center in the city of Springfield".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- "; provided further that not less than $175,000 shall be expended for the Springfield Business Improvement District"

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by adding the following words: "; provided further, that not less than $250,000 shall be expended for the Free Shakespeare Company, a program of The Citi Performing Arts Center, for production support for performances offered for free to the public and for a pilot program to expand performances to Springfield and other cities".

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- "; provided further that not less than $75,000 shall be expended for the multicultural alzheimer's service project in the city of Springfield".

The amendment was *rejected*.

Messrs. Creedon and Joyce moved that the bill be amended, in section 2, in item 7007-0900, by inserting the following language:- "provided further, that not less than $50,000 shall be expended for a child safety grant for the town of East Bridgewater;".

The amendment was *rejected*.

Messrs. Creedon and Joyce moved that the bill be amended, in section 2, in item 7007-0900 by inserting the following language;- " provided further, that $100,000 shall be expended for the Unity Church in Easton;".

The amendment was *rejected*.

Ms. Creem and Messrs. O'Leary and Downing moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words "production of a Cranberry Harvest Map;" the following:- "provided further, that not less than $400,000 be expended for the Massachusetts Lodging Association for the continuation of Massachusetts Great Escapes, upgrades to the Massachusetts Lodging Association's web-marketing program, and related marketing programs;".

The amendment was *rejected*.

Ms. Creem moved that the bill be amended, in section 2, in item 7004-0099 by inserting after the words "Lowell Wish Project;" the following:- "provided further that $25,000 shall be allocated for operational support for the affordable housing program located at 1754 Beacon Street**,** Brookline, and that $30,000 be allocated for the property operated at 1043-45 Beacon Street**,** Brookline, and that $100,000 be allocated for the property operated at 51-53 Beals Street, Brookline by Pine Street Inn;".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following words:- "; provided further that not less than $100,000 shall be expended for the Black Chamber of Commerce, Inc. in the city of Springfield".

The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 2, in item 7004-0099:-"; provided further, that not less than $100,000 shall be expended for the purpose of the Homeless Connections Outreach program in the city of Fall River;".

The amendment was adopted.

Ms. Tucker, Mr. McGee, Mr. Petruccelli, Mr. Marzilli, Ms. Jehlen, Mr. Joyce, Mr. O'Leary, Mr. Montigny, and Mr. Timilty moved that the bill be amended, in section 2, in item 7004-9024, by striking out the figure "$33,047,202" and inserting in place thereof the following figure:- "$35,047,202".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in section 2, in item 7061-9614 by striking the figure "$1", and inserting in place thereof the figure:- "$100,001".

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended, in section 2, in item 7061-9404, by inserting after the words "Amesbury Public Schools;" the following:- "provided further, that no less than $87,5000 be expended to provide funding for Camp Pohelho in Tewksbury;"

The amendment was adopted.

Ms. Tucker, Mr. Augustus, Mr. Antonioni, Knapik, Mr. Timilty and Mr. Marzilli moved that the bill be amended, in section 2, in item 7061-0012 by inserting after the words "Plymouth counties;" the following:- "provided further, that not less than $2,000,000 shall be expended for partial reimbursement of transportation costs associated with out-of-district placements; provided further, that no district shall be eligible for said reimbursement unless it is participating in the special education transportation pilot program funded through this item, and demonstrates that they have used and applied special education transportation software to share routes; and provided further, that all eligible districts shall receive an equal prorated share of their total eligible costs upon submission of claims to the department of elementary and secondary education;".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7010-0020 by inserting at the end thereof the following:- "; provided further that no less than $250,000 shall be expended for the Massachusetts Center for Evidence-Based Literacy Instruction, the purpose of which is to incorporate data driven instruction, particularly in reading, into the undergraduate teacher education programs at Fitchburg and Framingham State Colleges, in partnership with the Bay State Reading Institute, and also to expand advanced degree programs in reading at those colleges to increase the supply of reading specialists and reading coaches who can work with or in schools, such as those who partner with the Bay State Reading Institute, to adopt evidence-based reading instruction" and further in said item by striking the figure:- "$1,200,000" and inserting in place thereof the following:- "$1,450,000".

The amendment was adopted.

Messrs. Hart, McGee, Knapik, Montigny, Augustus, Moore and Joyce moved that the bill be amended, in section 2, in item 7027-0019 by striking the figure "$4,379,687" and inserting in place thereof the following figure:- "$5,000,000".

After remarks, the amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7027-0016 by inserting at the end thereof the following words:- "; and provided further that not less than $250,000 shall be expended for the Amer-I-Can program through the Black Men of Greater Springfield, Inc."; and in item 7027-0016 by striking out the figure "$2,119,566" and inserting in place

thereof the figure “$2,169,566”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7061-9404, by inserting at the end thereof the following words:- “; provided further that not less than 300,000 shall be expended for the Efficacy Institute campaigns for proficiency program”.

The amendment was *rejected*.

Ms. Resor, and Mr. Antonioni moved that the bill be amended, in section 2, in item 7061-9408 by inserting after the word “months;” the following words:- “provided further that not more than $100,000 shall be expended to reimburse planning and/or implementation expenses incurred by municipalities in their efforts to establish new regional school districts”; and by striking the figure “9,101,718” and inserting in place thereof the following figure:- “9,201,718”.

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 7066-0000, by striking out the figure “$6,512,898” and inserting in place thereof the following figure:- “3,475,766”.

After remarks, the amendment was *rejected*.

Mr. O'Leary moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the end thereof the following:- “provided further, that not less than $50,000 shall be expended by the Massachusetts Sports and Entertainment Commission for support of film festivals on the Cape and Islands”.

The amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 7010-0005, by striking out the figure “$16,580,047” and inserting in place thereof the following figure:- “13,612,790”.

After remarks, the amendment was *rejected*.

Mr. Tisei moved that the bill be amended, in section 2, in item 7061-9412, by striking out the figure “$17,500,000” and inserting in place thereof the following figure:- “13,000,000”.

After remarks, the amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in section 2, in item 7061-9611, by inserting after the words “technical assistance, training, and transportation;” the following:-“provided further, that not less than $100,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to their program as approved by the Board of Directors of said organization”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended, in section 2, in item 6800-0010, by adding at the end thereof the following:- “On a semiannual basis the Secretary shall report any expenditures made relating to the implementation of project readiness, so-called, as well as any anticipated future expenses relating to such implementation. Said report shall be submitted to the clerks of the house of representatives and the senate, the joint committee on education, the joint committee on higher education and the house and senate committee on ways and means not later December 1 and July 1 each year”.

After remarks, the amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 3000-5075, by striking out the figure “$12,138,739” and inserting in place thereof the following figure:- “7,138,739”.

After remarks, the amendment was rejected.

Mr. Antonioni moved that the bill be amended, in section 2, in item 7027-0016, by striking the figure “$942,191” and inserting in place thereof the following figure:- “$1,242,191” and in said item by striking the figure “$2,119,566” and inserting in place thereof the following figure:- “$2,419,566”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2, in item 7061-9404, by inserting the following:- “provided further, that not less than $400,000 shall be expended for a pilot program, Randolph Accelerating and Fostering Talent, operated by the Randolph Public Schools, to offer after school, summer and vacation programming designed to offer challenging interdisciplinary enrichment experiences”.

The amendment was rejected.

Mr. Creedon moved that the bill be amended, in section 2, in item 7027-0016, by inserting the following language:- “provided further, that not less than $200,000 shall be expended for the Diploma Plus Program;”.

The amendment was rejected.

Mr. Antonioni, Ms. Menard, Ms. Candaras, Messrs. Moore, Petruccelli, Tolman, O'Leary, Galluccio, Augustus, Rosenberg, Downing, Creedon and Pacheco, Ms. Chandler, Ms. Spilka, Messrs. Joyce and Timilty, Ms. Resor and Messrs. Baddour and Knapik moved that the bill be amended, in section 2, by striking item 7061-9412 and inserting in place thereof the following section:-

“For grants to cities, towns, and regional school districts for the purpose of planning for and implementing expanded learning time in the form of longer school days or school years at selected schools; provided, that implementation grants shall only be provided under this item to schools and districts which submitted qualifying applications which were approved by the department in fiscal year 2008 and which included adding a minimum of 300 hours on a mandatory basis for all children attending that school; provided further, that in approving expanded learning time implementation grant applications, preference shall be given to districts with high poverty rates or a high percentage of students scoring in levels 1 or 2 on the Massachusetts comprehensive assessment system, those districts with plans that have the greatest potential for district-wide impact, those districts that plan to utilize partnerships with community-based organizations and institutions of higher education, and those

districts with plans that include a comprehensive restructuring of the entire school day and/or year to maximize the use of the additional learning time; provided further, that the department shall approve implementation plans that include an appropriate mix of additional time spent on core academics, additional time spent on enrichment opportunities such as small group tutoring, homework help, music, arts, sports, physical activity, and project-based experiential learning, and additional time for teacher preparation and/or professional development; provided further, that the department shall only approve implementation plans that assume not more than $1,400 per pupil per year in future state appropriations of expanded learning time implementation funds; provided further, that the department shall review all qualified proposals and award approved grants not later than August 15, 2008; provided further, that the department shall create a formula by which the per pupil amount allotment shall be increased for those implementing schools with a disproportionate number of students who require higher levels of special education and/or English language learner services; provided further, that the department may expend funds technical assistance to participating schools and districts and on evaluation of the initiative; provided further, that in carrying out the provisions of this item, funds may be expended by the department to evaluate the impact and effectiveness of the program; provided further, that the department shall issue an annual report, not later than February 1, 2009, on the implementation of plans in all participating districts; provided further, that said report shall include, but not be limited to: the names of schools and school districts participating, the number of students attending these schools and the nature and type of changes made in participating schools as a result of this program; provided further, that the report shall also include an anticipated budget for this program for the next fiscal year and a breakdown of the distribution of the $1,400 per student by school; provided further, that said report shall be provided to the secretary of administration and finance, the senate president, the speaker of the house, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education; provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2009, to allow for planning and implementation during the summer months; provided further, that any grant funds distributed from this item to a city, town, or regional school district shall be deposited with the treasurer of such city, town, or regional school district and held in a separate account and shall be expended by the school committee of such city, town, or regional school district without further appropriation, notwithstanding any general or special law to the contrary; and provided further, that no funds shall be expended for personnel costs at the department of elementary and secondary education"; and in said item by striking the figure "$17,500,000" and inserting in place thereof the following figure:- "26,000,000".

The amendment was rejected.

Ms. Creem moved that the bill be amended, in section 2, in item 3000-7050, by striking out the figure "$3,000,000" as it twice appears, and inserting in place thereof the following figure:- "$3,100,000".

The amendment was adopted.

Mr. Downing moved that the bill be amended, in section 2, in item 8910-0445, by striking out the figure "$200,000" and inserting in place thereof the figure:- "$250,000".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 8324-0000, by inserting after the words "caused by smoking" the following:- "provided further that not less than $100,000 shall be expended for the administration of a statewide program to provided critical incident stress intervention for the fire department of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment and supplies".

The amendment was adopted.

Mr. Timilty moved that the bill be amended, in section 2, in item 8315-1000, by striking out the figures "$5,198,285" and inserting in place thereof the figures "$5,304,305".

The amendment was *rejected.*

Mr. Timilty moved that the bill be amended, in section 2, in item 8100-0007, by striking out the figures "$5,000,000" and inserting in place thereof the figures "$10,000,000".

The amendment was *rejected.*

Mr. Rosenberg moved that the bill be amended, in section 2, by striking out item 8910-0188 and inserting in place thereof the following item:-

"8910-0188 For the Franklin sheriff's department which may expend for the operation of the department an amount not to exceed $2,100,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system…….. $2,100,000".

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2, by striking out item 8910-1112 and inserting in place thereof the following item:-

"8910-1112 The Hampshire county sheriff may expend for the operation of the Hampshire county regional lockup at the Hampshire county jail an amount not to exceed $250,000 in revenue; provided, that that the sheriff shall enter into agreements to provide detention services to various law enforcement agencies and municipalities and shall determine and collect fees for those detentions from the law enforcement agencies and municipalities..... $250,000".

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 8324-0000, by inserting after the words "hazardous material response teams" the following phrase:- "provided further, that that not less than $2,500,000 shall be expended for the

firefighting equipment grant program for fire departments of every city, town, fire district and authority of the commonwealth to be administered by the executive office of public safety; provided further, that said grants shall be distributed to municipalities according to a formula giving equal weight to each municipality's population; provided further, that eligible fire safety equipment under this program shall include, but is not limited to, turnout gear, hand-held power lights, communication devices, telephones, personal alert safety systems, so-called, air packs, tanks, compressors, thermal imaging devices and computerized personnel accountability systems, but shall exclude firefighter apparatus and vehicles; provided further, that grants awarded by said executive office to a municipality under said program shall not be utilized for the purpose of personnel costs unless such costs constitute 50 percent or less of the total grant award; provided further, that no grant shall be awarded to the department of fire services"; and by striking out the figure "$15,548,169" and inserting in place thereof the following figure:- "$18,048,169".

The amendment was *rejected.*

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 8910-0001 by inserting at the end thereof the following words:- "; and provided further that not less than $150,000 shall be expended for the Black Men of Greater Springfield, Inc.".

The amendment was *rejected.*

Mr. Tisei moved that the bill be amended, in section 2, in item 8000-0054, by striking the item in its entirety; and in section 2, in item 8000-0010, by striking the figure "$21,351,035" and inserting the figure:- "$25,351,035".

Mr. Rosenberg in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at nineteen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 - nays 34) **[Yeas and Nays No. 234]:**

Insert Roll Call "E"

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

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

There being no objection, during consideration of the Orders of the Day, an engrossed Bill financing the production and preservation of housing for low and moderate income residents (see House, No. 4594), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.

The bill was signed by the Acting President (Mr. Rosenberg) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were considered as follows:-

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was read a second time, the main question being on ordering the bill to a third reading.

Mr. Tisei moved that the bill be amended, in Section 2, in item 8000-0054, by inserting after the words "detail the fiscal and programmatic steps taken with the grant funds to enhance municipal policing efforts" the following:- "including in an analysis of the long-term financial sustainability of officers hired due to grants awarded as part of this program"

After remarks, the amendment was *rejected*.

Mr. Creedon moved that the bill be amended, in Section 2, in item 8100-0111, by striking the wording:- "provided further, that no grants shall be awarded to the department of state police".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in Section 2, in item 8324-0000, adding the following: "; provided further, that $250,000 shall be expended to the town of Milton for unanticipated medical expenses associated with the injury of a firefighter while on duty".

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended, in Section 2, in item 8000-0000, by inserting the following:- "; provided further, that not less than $100,000 shall be expended for the Youth Violence and Street Crimes Unit of the Randolph Police Department" and by striking the out the figure "$2,587,276" and inserting in place thereof the following figure:- "$2,687,276".

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in Section 2, in item 8324-0000, by adding the following:- "provided further, that $50,000 shall be expended to the towns of Milton and Randolph respectively for emergency municipal funding related, but not limited to, fire prevention and fire fighting in the Blue Hills reservation".

The amendment was rejected.

Mr. Timilty moved that the bill be amended, in Section 2, in item 7000-9501, by adding at the end thereof the following:- " provided further, that not less than $134,000 shall be expended for the Norton Public Library".

After remarks, the amendment was *rejected*.

Mr. Timilty and Mr. Joyce moved that the bill be amended, in Section 2, in item 6010-0001, by adding at the end thereof the following:- "provided further, that not less than $1,000,000 shall be expended for the emergency road repairs to Bay Road in Stoughton and Sharon due to an open sinkhole;

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by inserting, after Section 90, the following new section:-

"SECTION___. SECTION 1. Section 2E of Chapter 85 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:— In addition to the prohibitions contained in Section 1F of Chapter 90, the department may, by regulation, prohibit the operation of low-speed motor vehicles on ways within its jurisdiction if it determines that a way or a particular portion of the way is so heavily traveled by trucks or other large vehicles as to represent an unreasonable risk of death or serious injury to occupants of low-speed motor vehicles. The department shall post signs where necessary to provide notice to the public of such prohibited access.

SECTION 2. Section 1 of Chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Low-boy boat transporter" the following definition:— "Low-speed motor vehicle", any 4 wheeled motor vehicle whose top speed on a paved level surface is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. All low-speed motor vehicles must comply with the Federal Motor Vehicle Safety Standards in 49 C.F.R. 571.500. Low-speed motor vehicles manufactured on or after December 31, 2007, in addition to meeting said federal standards, must meet any additional equipment or performance standards adopted by the Commonwealth which are not inconsistent with or preempted by such federal standards. Where applicable, low-speed motor vehicles will be recognized as alternative fuel vehicles, electric vehicles or zero emission vehicles.

SECTION 3. Chapter 90 of the General Laws, as so appearing, is hereby further amended by inserting, after Section 1E, the following section:— Section 1F. Every person lawfully operating a low-speed motor vehicle shall have the right to use all public ways in the Commonwealth except limited access or express state highways or any other public way with a posted speed limit of more than 35 miles per hour, and shall be subject to the traffic laws and regulations of the Commonwealth and the regulations contained in this section. This shall not prohibit a low-speed motor vehicle from crossing a road or street at an intersection where the road or street to be crossed has a posted speed limit of more than 35 miles per hour, but not more than 45 miles per hour, provided said intersection begins and ends on a road or street with a speed limit no higher than 35 miles per hour and is controlled by traffic signals or stop signs. The local department of public works, in consultation with the local chief of police, or any local authority may, subject to the approval of the town council, city council or board of selectmen, by regulation, prohibit the operation of low-speed motor vehicles on any ways within its jurisdiction if it determines for any reason that a way or a particular portion of the way represents an unreasonable risk of death or serious injury or is otherwise inappropriate for use by low-speed motor vehicles. A low-speed motor vehicle shall not be operated by any person under 16 years of age nor by any person not possessing a valid driver's license, except that a person who is at least 16 years of age who possesses a valid learner's permit issued to him by the registrar may operate a low-speed motor vehicle on those ways, or portions of ways, where such operation is lawful when accompanied by an operator duly licensed by his state of residence who is 21 years of age or over, who has had at least 1 year of driving experience and who is occupying a seat beside the driver. The holder of a junior operator's license shall be subject to the same license restrictions applicable to that license holder in the operation of a low-speed motor vehicle as if said license holder were operating any other motor vehicle. A low-speed motor vehicle shall not be operated upon any public way unless such vehicle is registered in accordance with the provisions of this chapter and displays the registration number as provided in Section 6, is equipped as provided by Federal Motor Vehicle Safety Standards for low speed motor vehicles and as may be provided in equipment or performance standards adopted by the commonwealth which are not inconsistent with or preempted by the federal standards, and meets the insurance certificate requirements of Section 34A. Low-speed motor vehicles shall be subject to annual inspection as required by Section 7A, for compliance with the Federal Motor Vehicle Safety Standards in 49 C.F.R. 571.500 and such other standards adopted by the Commonwealth which are not inconsistent with or preempted by such federal standards. The registrar may issue registration plates displaying the International Symbol of Access for a low-speed motor vehicle upon the same terms and conditions applicable to registrants of other motor vehicles and may issue a special parking identification placard bearing the same designation upon the same terms and conditions applicable to persons seeking a placard for a motor vehicle."

After remarks, the amendment was *rejected*.

Messrs. Pacheco and Tarr moved that the bill be amended, in Section 2, by striking out item 6030-7201, and inserting in place thereof the following item:-

"6030-7201 For the costs of hired and leased equipment, vehicle repair, fuel costs and sand, salt and other control chemicals used for snow and ice control, provided that under no circumstances shall funds from this account be used for purposes other than snow and ice control, and provided further, the department, in consultation with the executive office of administration and finance and the Massachusetts Snow and Ice Contractors Association, shall establish a plan to be implemented by November 1, 2008, a copy of which shall be provided to the House and Senate Committees on Ways and Means and the Senate Committee on Post Audit and Oversight, which plan ensures snow and ice operators are paid for services rendered no later than thirty days from the date of submission of an invoice for payment thereof……$20,000,000".

The amendment was *rejected*.

Mr. Hart moved that the bill be amended, in Section 2, in item 7007-0900, "provided further that not less than $100,000 shall be expended for the marketing, promotion and operation of Sail Boston 2009".

After remarks, the amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in Section 2, in item xxxx-xxxx, by adding the following:- "provided further, that $100,000 shall be expended for the historic Hadley Hall in Hadley".

The amendment was *rejected.*

Ms. Fargo and Messrs. Brown and Hedlund moved that the bill be amended by inserting, after section ____, the following new section:-

SECTION ____. Section 1 of chapter 60A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraphs:-

"In any city or town which accepts the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of not less than 45 days in the calendar year of such exemption. Except, such military member who is wounded or killed in an armed conflict shall not be subject to the foregoing period of service qualification for the calendar year in which such event occurs. This exemption shall apply to not more than one motor vehicle owned and registered by such military member in his own name or jointly with a spouse for a non-commercial purpose. A municipality which accepts the provisions of this paragraph, shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add $3 to the fee prescribed in paragraph 9 of section 15 of chapter 60. The acceptance by a municipality of the provisions of this paragraph, shall take effect on the first day of January next occurring from the approval by the municipality to accept this section.

A person who qualifies for any calendar year for exemption from the excise imposed by this section on a motor vehicle owned and registered by him shall be entitled to the exemption upon application to the assessors for such year as provided in section 2 of this chapter for the procedure of an owner aggrieved by the excise assessed. An application for exemption may be made by such person; a spouse of such person if the motor vehicle is jointly owned and registered in the names of the person and spouse; or a surviving spouse or administrator, executor or trustee of the estate, will or trust, as the case may be, of such person who is deceased."

The amendment was adopted.

Ms. Jehlen moved that the bill be amended, in Section 2, in item 2810-0100, by inserting after the words "Schooner Ernestina Commission", the following:- " provided further that the Department shall submit a report on the staffing levels at all state and urban parks to the house and senate committees on ways and means not later than January 30, 2009 that shall include, but not be limited to, the following: (a) the number of staff assigned to each park (b) the total number of visitors to each park and (c) the total acreage of each park."

The amendment was adopted.

Ms. Resor, and Messrs. Moore and Joyce moved that the bill be amended, in section 2, in item 2800-0100, by inserting at the end thereof the following:- "; provided further that $100,000 is allocated to completing Resource Management Plans for state parks and urban parks in Massachusetts."

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended Section 4 of chapter 81A of the General Laws is hereby amended by striking subsection (l) and inserting in place thereof the following:-

(l) to acquire, lease, hold and dispose of real and personal property or any interest therein, in the exercise of its powers and the performance of its duties pursuant to this chapter. The authority shall issue quarterly reports to the secretary for administration and finance, house and senate committees on ways and means, the joint committee on transportation and the joint committee on bonding, capital expenditures and state assets, detailing the financial transactions and revenues associated with the sale, concession, or lease of real property held in the name of or under the control of the authority, whether by purchase or otherwise, and any transactions relating to real property currently pending; provided further, that said quarterly report shall include the current market values of the real properties related to said transactions.

For the first quarterly report submitted pursuant to this section for fiscal year 2009, the authority shall include the current market value of all real property held in the name of or subject to the control of the authority pursuant to this chapter, and the current market value of any real property held in the name of or under the control of the authority that were acquired, whether by purchase or otherwise, during fiscal year 2008.

The amendment was adopted.

Ms. Wilkerson and Mr. Marzilli moved that the bill be amended, in Section 2, in item 4000-0300 by inserting after the words "services of adequate quality" the following: "provided further, for the creation of an office of health equity within the executive office of health and human services; provided further, that not more than $250,000 shall be expended to staff the health disparities council and, subject to appropriation, the executive office of health and human services may employ such additional staff or consultants as it may deem necessary; provided further, the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions, and replicate successful programs across the state; provided, further, the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities".

After remarks, the amendment was adopted.

Ms. Wilkerson moved that the bill be amended, in Section 2, in item 4512-0103, by inserting after the words "fiscal year 2009" the following: "provided further that not less than 1,000,000 shall be provided to reduce HIV/AIDS disparities in communities of color, including African American, Latino, immigrant and refugee populations, linguistic minorities, and other

populations disproportionately at risk, for prevention and education programs, counseling and testing, and treatment and supportive services;" and by striking out the figures "$ 37,166,608 " and inserting in place thereof the figures "$ 38,166,608".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in Section 2, in item 1410-0400, by inserting after the words "considered countable income" the following: "provided further that, no less than $350,000 shall be expended for the Edward O. Gourdin Park in the Roxbury section of Boston".

The amendment was *rejected*.

Ms. Wilkerson moved that the bill be amended, in Section 2, in item 9110-1660 by striking the figure "$100,000", and inserting in place thereof the figure:- "$216,000." and striking at the end thereof the amount "2,223,031" and inserting in place thereof "$2,339,031".

The amendment was *rejected*.

Mr. Rosenberg moved that the bill be amended, in Section 2, in item 4403-2120, by adding after the words "in Fiscal Year 2008"; the following:- "provided further, that not less than $25,000 shall be expended for education, advocacy, and case management services by Casa Latina, located in the city of Northampton;".

The amendment was *rejected*.

Ms. Fargo and Messrs. Moore, O'Leary, Marzilli and Montigny move that the bill be amended, in Section 2, in item 4516-1000, by striking out the figure "$15,576,978" and inserting in place thereof the following figure:- "$15,976,978".

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended, in Section 2, in item 7061-9611, by inserting after the words "technical assistance, training, and transportation;" the following:-"provided further, that not less than $100,000 shall be expended for Girls, Inc. in the city of Lynn for improvements to their program as approved by the Board of Directors of said organization".

The amendment was adopted.

Mr. McGee moved that the bill be amended, in Section 2, in item 7061-9611, by inserting the following words:- "and provided further that $50,000 be directed to the Massachusetts After school Partnership to convene regional networks, to work with the department of education and the department of early education and care to support the implementation of school-community partnerships, and to submit a report by October 15, 2008, to the General Court and the administration making recommendations on how to enhance school-community partnerships and positive outcomes for children and youth through funding as provided in this line item".

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in Section 2, in item 4590-0915, by inserting after the words " pharmacy services;" the following:- "provided further, that not less than $855,000 shall be expended for a new dialysis unit at Tewksbury State Hospital; provided further, that the department shall submit a report to the house and senate committees on ways and means not later than January 31, 2008, on the progress of said expansion and the use of said funds;" and in said item by striking out the figure $144,026,131" and inserting in place thereof the following figure:- "144,881,131".

The amendment was adopted.

Ms. Tucker, Mr. Augustus, Ms. Spilka and Messrs. McGee and Galluccio moved that the bill be amended, in Section 2, in item 4408-1000, by striking out the figure "$71,976,084" and inserting in place thereof the following figure:- "74,836,339".

The amendment was *rejected.*

Ms. Tucker, Ms. Fargo, Messrs. Baddour, Knapik and Antonioni, Ms. Spilka, Messrs. Marzilli, McGee, Timilty and O'Leary and Ms. Resor moved that the bill be amended, in Section 2, item 4513-1020 by adding the following:- ";and provided further, that the department shall provide written notification to the House and Senate Committees on Ways and Means ninety days prior to any change to its current eligibility criteria".

After remarks, the amendment was adopted.

Ms. Tucker moved that the bill be amended, in Section 2, in item 4000-0500, by inserting after the words "substance abuse benefit;" the following:- "provided further, that not less than $2,000,000 shall be awarded to the hospital in Lawrence that has achieved primary care access for the City's low income populations in partnership with the independent health center using scarce resources;".

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended, in Section 2, in item 5920-3010, by striking out the item and inserting in place thereof the following item:-

"5920-3010 For contracted support services for families with autistic children through the autism division at the department of mental retardation; provided, that not less than $4,000,000 shall be expended for the purposes of providing services under the children's autism Medicaid waiver application submitted pursuant to chapter 107 of the acts of 2005, including providing translators, interpreters, autism support brokers, autism clinical managers, quality assurance, and other supports necessary to provide said waiver services as long as such costs do not exceed $800,000; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health's early intervention program; provided further that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comply with the requirements of this item with the Centers for Medicare and Medicaid Services; provided, that no later than January 2, 2009 the department shall report to the house and senate committees on ways and means, the joint

committee on education, and the joint committee on children, families and persons with disabilities on the number of contracted support services provided for families with autistic children under this item and the costs associated with such services and shall report on the implementation of the children's autism Medicaid waiver program pursuant to chapter 107 of the acts of 2005 including, but not limited to, information regarding the number of applicants for the waiver program, number of children enrolled in the waiver and receiving services, linguistic and cultural diversity, age, gender, and geographic representation of the applicants and the children enrolled in the program, number of children requiring waiver services from families with income higher than MassHealth standard income eligibility, department plans to continue to assess the demand for waiver services applicants and to open enrollment to new applicants, and executive office of health and human services plans to expand the waiver for children of all ages in the future; provided further, that the department shall submit copies of any amended waiver to the house and senate committees on ways and means, the joint committee on education ,and the joint committee on children, families and persons with disabilities; provided further, that not less than $200,000 shall be expended for the purposes of a contract with Melmark New England, Inc. to provide training and support to families, educational collaboratives and public school districts on methods for coping with behavioral challenges associated with children who have autism spectrum disorders; and provided further, that not less than $50,000 shall be expended for the Youth Enhanced Services Non-Profit……$6,064,413".

The amendment was *rejected*.

Messrs. Hart, Morrissey, and O'Leary moved that the bill be amended, in Section 2, in item 4513-1130, by inserting at the end thereof the following:- by inserting the following language of $200,000 for Close to Home, a domestic violence prevention program located in Dorchester" and in said item by striking out the figures "5,096,697" and inserting in place thereof the figures "5,296,697".

The amendment was *rejected*.

Messrs. Augustus and Morrissey moved that the bill be amended, in Section 2, in item 4406-3010, by striking out the figure, "$1,200,000" and inserting in place thereof the figure, "$2,500,000".

The amendment was *rejected*.

Ms. Spilka moves that the bill be amended, in Section 2, in item 4800-0015, by striking out the figure "$77,337,703" and inserting in place thereof the following figure:- "$80,500,661".

The amendment was *rejected*.

Messrs. Creedon, Morrissey, Moore and Rosenberg moved that the bill be amended by adding at the end of the bill the following new sections:-

"SECTION _. The definition of "Number plate" in Section 1 of chapter 90, as appearing in the 2006 Official Edition, is hereby amended by striking out in lines 178 and 179 on page 397, inclusive, the words "motor vehicle assigned to such motor vehicle" and inserting in place thereof the following words: – motor vehicle or trailer assigned to such motor vehicle or trailer.

SECTION _. Section 1 of chapter 90, as so appearing, is hereby amended by inserting after the definition of "Terminal" at the end of line 280, the following new definition:-

'Truck camper', a portable slide-in unit constructed to provide temporary living quarters for recreational, camping, travel or other use, consisting of a roof, floor and sides, designed to be loaded onto and mounted on the bed of a pick-up truck and unloaded from the bed of a pick-up truck.

SECTION _. The definition of 'Trailer' in section 1 of chapter 90, as so appearing, is hereby amended by inserting at the end of line 306, the following sentence:– Notwithstanding the foregoing, the definition of "Trailer" shall also mean a truck camper.

SECTION _. Section 2 of said chapter 90, as so appearing, in hereby amended in line 126 by inserting after the word 'vehicle' the following words:– 'provided, however, if the trailer is also a truck camper, then the truck camper number plate may be issued a camper registration number plate or number decal, in the discretion of the registrar, as permitted by the definition of number plate in section 1'.

SECTION _. Section 6 of said chapter 90, as so appearing, is hereby amended in line 9 by inserting after the word "vehicle" the following words:- provided, however, if the trailer is also a truck camper, then a camper registration number plate or number decal, issued by the registrar as set forth in section 2 for truck campers, shall be displayed on the outside rear wall on the truck camper and if the mounting of the truck camper prevents the registration plate issued to the pick-up truck from being clearly visible at all times, both the vehicle registration plate issued to the pick-up truck and the registration plate issued to the truck camper shall be affixed adjacent to each other on the rear outside wall on the truck camper so that both registration plates are always clearly visible.

SECTION . Section 33 of chapter 90, as so appearing, is hereby amended by inserting at the end of clause (10) the following:- except that a slide-in truck camper as defined in section 1 shall pay the fee as set for a camper plate

SECTION _. Section 1 of chapter 90D, as so appearing, is hereby amended by inserting at the end of the definition of the word "Trailer" in line 59, the following:-Notwithstanding the foregoing, the definition of "Trailer" shall also mean a truck camper.

'Truck camper', a portable slide-in unit constructed to provide temporary living quarters for recreational, camping, travel or other use, consisting of a roof, floor and sides, designed to be loaded onto and mounted on the bed of a pick-up truck and unloaded from the bed of a pick-up truck.

SECTION __. Paragraph (a) of section 2 of said chapter 90D is hereby amended by striking out clause (10) in its entirety and inserting in place thereof the following:-

(10) Trailers having gross weight of 3,000 pounds or less, and trailers that are also defined in section 1 as truck campers

regardless of weight;

SECTION __. Notwithstanding any general or special law to the contrary, the use tax imposed by chapter 64I on a truck camper, as defined in section 1 of chapter 90, shall only apply to a truck camper purchased on or after October 1, 2008.

SECTION __. Sections x-xx (all sections above) shall take effect on October 1, 2008.

The amendment was adopted.

Ms. Wilkerson moved that the bill be amended by inserting after Section 90 the following Section:

"SECTION 91:- SECTION 1. There shall be a special commission for the purpose of devising a statewide strategy to reduce by half the number of people living below the federal poverty level in the commonwealth by 2014. The commission shall consist of 3 members of the senate, 1 of whom shall be a member of the minority party, 3 members of the house of representatives, 1 of whom shall be a member of the minority party, the undersecretary of the department of housing and community development or her designee, the commissioner of the department of transitional assistance or her designee, the assistant secretary for access and opportunity or his designee, the secretary of health and human services or her designee, the secretary of labor and workforce development or her designee, 2 mayors or their designees nominated by the Massachusetts Municipal Association, 2 directors of community action agencies or their designees as nominated by the Massachusetts Association for Community Action, 2 directors of community development corporations or their designees as nominated by the Massachusetts Association of Community Development Corporations, and 9 persons to be appointed by the governor. The governor shall designate a member of the commission as co-chairperson and the members of the commission shall elect a member of the commission to serve as co-chairperson.

The commission shall develop a comprehensive strategy to reduce the number of people in poverty by half in the commonwealth, including a consensus budget proposal, capable of being implemented over a 5 year period, with a focus on the collaboration of the department of housing and community development, the executive office of health and human services and other state agencies, departments, and quasi-public authorities in the planning and distribution of resources that will create coordinated efforts to reduce the incidence of poverty, develop jobs and economic opportunities and provide appropriate services. The commission shall file its strategic plan, including a timeline for implementation, cost estimates and finance mechanisms and its recommendations, and its budget proposals together with drafts of legislation and regulations, if any, necessary to carry out its recommendations with the clerks of the senate and the house of representatives, the joint committee on children and families, the joint committee on housing, the joint committee on community development and small business, and the senate and house committees on ways and means not later than June 30, 2009.".

The amendment was adopted.

Mr. Marzilli moved that the bill be amended, in Section 2, in item 4512-0200, by inserting after the words "Ashland Recreation Department" the following:- "; provided further, that not less than $100,000 shall be expended for the substance abuse prevention programs of the Arlington Youth Health and Safety Coalition; provided further that not less than $290,000 shall be expended for the Arlington Youth Consultation Center".

The amendment was adopted.

Ms. Spilka moves that the bill be amended, in Section 2, in item 4800-1100, by striking out the figure "$157,262,697" and inserting in place thereof the following figure:- "161,108,483".

After remarks, the amendment was *rejected.*

Messrs. Montigny and Moore, Ms. Fargo, Mr. Timilty and ms. Spilka moved that the bill be amended, in Section 2, in item 4510-0710, by adding at the end thereof the following:- "provided further; that not less than $100,000 be expended to oversee the operation and administration of the Massachusetts Primary Stroke Service Designation Hospital programs established by 105CMR (130.1400), provided that all funds shall be used for the purpose of collecting and analyzing data from all Primary Stroke Service designated hospitals in the Commonwealth and for a full time surveyor for the purpose of ensuring compliance with Primary Stroke Center designation criteria."; and by striking out "$8,717,714" and replacing it with "$8,817,714".

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4512-0200, by inserting at the end thereof the following words:- "provided further that not less than $30,000 shall be expended for Boat People SOS, Inc. bi-lingual community liaison project in the city of Springfield".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4800-0038, by inserting at the end thereof the following words:- "; provided further that not less than $100,000 shall be expended for the Community Music School in the city of Springfield".

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4403-2120, by inserting at the end thereof the following words:- "Provided further that not less than $741,320 be expended for Friends of the Homeless, Inc. in the city of Springfield.".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 9110-9002, by inserting after the words "the LGBT Aging Project;" the following: "provided further, that not less than $100,000 shall be expended for relocation and improvements to the Abington Senior Center".

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended, in section 2, in item 4510-0110, by inserting after the words, "Duffy Health Center;" the following:- "provided further, that not less than $150,000 shall be expended for the Manet Community

Health Center".

Pending the question on adoption of the amendment, Mr. Morrissey moved that amendment (Morrissey) be amended by striking out the text and inserting in place thereof the following:- "that the bill be amended in section 2, in item 4050-0110, by inserting after the words, 'Duffy Health Center;' the following:- "provided further, that not less than $150,000 shall be expended for the Manet Community Health Center".

The further amendment was adopted.

The amendment, as amended was then adopted.

Ms. Resor moved that the bill be amended, in section 2, in item 5920-2000, by inserting at the end thereof the following:- "; provided further, that not less than $100,000 shall be expended for the Massachusetts Special Olympics, so-called.".

The amendment was *rejected.*

Mr. Buoniconti moved that the bill be amended, in section 2, in item 9110-1660, by inserting at the end thereof the following words:- "; and provided further that not less than $75,000 shall be expended for the Jewish Family Services of Western Massachusetts to implement the Aging-Well at Home Program in Springfield".

The amendment was *rejected.*

Mr. O'Leary moved that the bill be amended in by striking section 70 and inserting in place thereof the following section:-

"SECTION 70. Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than $25,000,000 from the General Fund to the Essential Community Provider Trust Fund, established in section 2PPP of chapter 29 of the General Laws, for the purpose of making expenditures as described in this section in fiscal year 2009. The secretary shall authorize expenditures by the division of health care finance and policy from the fund without further appropriation for the purpose of: (1) grants to financially distressed MassHealth providers that provide emergency care, behavioral health, and routine care for MassHealth and Commonwealth Care members; (2) grants to financially viable MassHealth providers that are essential providers to MassHealth and Commonwealth Care members; (3) a program, which may be based on the Medicare Management Performance Demonstration or similar models, to provide financial incentives to small group practices with MassHealth Primary Care Clinician Plan enrollment of between 100 and 1,000 members, which shall: (a) report specified clinical data; (b) achieve specified clinical benchmarks in service delivery and care management; and (c) implement an electronic medical record system within specified timeframes and with specified data sharing capacity; (4) a program to provide financial incentives to encourage the establishment of systems of care in communities with high concentrations of MassHealth, Commonwealth Care, and Group Insurance Commission membership to engage hospitals, community health centers, community mental health centers, physicians, and other providers, and to reward such providers based upon their ability to timely deliver expected health outcomes in a lower cost setting; and (5) a program to review and address, as necessary, payments for behavioral health care to MassHealth members in community hospital settings, and coordination of inpatient and outpatient care in such settings. The secretary, in consultation with the division, shall determine which entities meet the purposes and criteria described in this section. The executive office of health and human services shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. Federal financial participation received for expenditures from the Essential Community Provider Trust Fund up to $12,500,000 shall be deposited in said Fund and shall be appropriated for purposes specified in this section, for not more than $37,500,000 total expenditure from this fund. Any additional funds shall be deposited in the General Fund."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays at twenty-one minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 235]:**

Insert Roll Call "F"

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

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

"SECTION 91. (a) The general laws are hereby amended by inserting after chapter 30B the following:-

"Chapter 30C. PUBLIC CONTRACT INTEGRITY

Section 1. For the purposes of this chapter, the following terms shall be defined as follows:

'Public employer': any department, agency, or public instrumentality of the commonwealth and any person, corporation, partnership, sole proprietorship, joint venture, or other business entity providing goods or services to any department, agency or public instrumentality of the commonwealth, including but not limited to the Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority.

'Work authorization program': any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency, or any private verification system authorized by the director of the department of labor to verify the social security numbers of employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA) and its progeny.

Section 2. No public employer shall enter into a contract for the provision of goods or services within the commonwealth unless the contractor registers and participates in a work authorization program to verify information of all employees and certifies to that effect in writing to the director of the department of labor.

Section 3. No contractor or subcontractor who enters a contract with a public employer shall enter into such a contract or subcontract in connection with the provision of goods or services in the commonwealth, including those funded through any bond

issue of the commonwealth, unless the contractor or subcontractor registers and participates in a work authorization program to verify information of all employees and certifies to that effect in writing to the director of the department of labor.

Section 4. Sections 2 and 3 of this chapter shall apply as follows:

(A) On or after September 1, 2007, with respect to public employers, contractors, or subcontractors of 500 or more employees;

(B) On or after September 1, 2008, with respect to public employers, contractors, or subcontractors of 100 or more employees; and

(C) On or after September 1, 2009, with respect to all public employers, contractors, or subcontractors.

Section 5. The provisions of this chapter shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Section 6. Except as provided in section 4 of this chapter, the director of the department of labor shall prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate the provisions of this chapter.

Section 7. The Inspector General shall develop and promulgate regulations for the purpose of ensuring that any person receiving funds pursuant to a contract awarded subject to the provisions of chapter 30B and section 44A of chapter 149 of the general laws is in compliance with federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a). Such regulations shall include but not be limited to the ascertaining and verification of immigration and/or citizenship status through a work authorization program maintained by the United States Department of Homeland Security or its substantial equivalent.

Section 8. No contract shall be awarded by or to a public employer, and no public funds shall be expended in accordance with such a contract, unless the public employer named in the contract complies with the regulations prescribed in this chapter.

Section 9. No funds shall be expended in accordance with a contract awarded by or to a public employer which will result in the payment of any kind to a person not in compliance with any and all federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a).

Section 10. The auditor is hereby authorized to conduct random audits to ensure compliance with the provisions of this chapter.

(b) Section 32 of chapter 121B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a, and who is not a person residing in the United States under color of law as defined in regulations of the federal Department of Health and Human Services as in force on May 25, 2006, shall not displace or be given priority over any applicant who is so eligible."

The amendment was adopted.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 4403-2120 by inserting at the end thereof the following words:- "provided further that contract (RPO) SCWELL4092500010000 with Open Pantry Community Services, Inc. be an amount not less than $545,195".

The amendment was *rejected.*

Messrs. Tisei and Morrissey moved that the bill be amended in subsection (c) of Section 69 by striking the figure "$346,000,000" and inserting in place thereof the figure"$377,500,000"; and in the same by inserting after the words: "from the General Fund to the" and prior to the words "MassHealth provider payment account" the following:
"following funds and line items:

1. $12,500,000 to the Essential Community Provider Trust Fund, established in section 2PPP of chapter 29 of the General Laws, for the purpose of making expenditures as described in Section 70 in fiscal year 2009;
2. $14,000,000 to be added to line item 4000-0300 for payments to the fourteen (14) disproportionate share hospitals, as defined by 114.1 CMR 36.04 and M.G.L. 118G §1, that provide the largest volume of uncompensated care in the Commonwealth, as determined by the Division of Health Care Finance and Policy and have no corporate affiliation with any managed care organization under contract with MassHealth, and provided that to the extent that this funding level is insufficient to cover the unreimbursed free care costs of the qualifying hospitals under this section, the $14,000,000 shall be distributed equitably among them, in proportion to the relative amount of unreimbursed free care costs incurred by each facility;
3. $5,000,000 to be added to line item 4000-0265 for the establishment of the Community Hospital Primary Care Physician Recruitment Fund for the support of community hospital recruitment of primary care physicians into their primary service areas, provided that grants from said fund shall be administered by the Massachusetts council of community hospitals; and (iv)"

The amendment was *rejected.*

Ms. Resor, Ms. Jehlen and Messrs. Galluccio, Downing, and McGee moved that the bill be amended, in section 2, in item 4400-1001 by inserting after the word "applicants" the following:- "; provided further, that the department may expend up to $100,000 for a program of nutritional assistance to residents of the commonwealth who are qualified aliens within the meaning of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so called, and non-citizens otherwise permanently residing under color of law in the United States; provided, that such a resident shall be eligible for such benefits only if such resident (1) is ineligible for federal food stamp benefits pursuant to the provisions of sections 401, 402, or

403 of such Act, and (2) would be eligible for federally funded food stamps, but for his or her citizenship status, provided further, that the Department shall seek to maximize eligibility for federal food stamp benefits wherever possible; provided further, that the department shall establish a schedule of benefits so as not to exceed the amounts appropriated for such program".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200 by adding the following:- "provided further, that not less than $100,000 shall be expended for the Exodus Outreach Recovery Program; and provided further, that not less than $250,000 shall be expended for the Prince Hall Youth Mentoring Program;" and in said item by striking out the figures "$79,337,940" and by inserting in place thereof the figures "79,687,940".

The amendment was *rejected.*

Mr. Knapik moved that the bill be amended in section 75 by inserting after the words "resulting free care charges." the words:-

"The unit shall also examine the premium assistance payments paid by the commonwealth health insurance connector to health insurers and Medicaid managed care organizations in the commonwealth care health insurance program. Such examination shall include, but not be limited to, the amount of payments made to each insurer and Medicaid managed care organizations; how each health insurer and Medicaid managed care organization expends such payments; the distribution of enrollment among the health insurers and Medicaid managed care organizations; and the rates paid by the health insurer and Medicaid managed care organizations to health care providers on behalf of enrollees."

Pending the question on adoption of the amendment, at eleven minutes before five o'clock P.M., Mr. Tisei doubted the presence of a quorum; but a quorum was deemed present.

After debate, the amendment was adopted.

Mr. Tisei moved that the bill be amended, in section 2, in item 4510-0100, by striking out the figure "$21,911,667" and inserting in place thereof the following figure:- "17,090,934".

The amendment was *rejected.*

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended, in section 2, in item 9110-0100, by striking out the figure "$3,691,705" and inserting in place thereof the following figure:- "2,916,031"; and in section 2, in item 9110-9002 by striking the figure "$8,457,068 and inserting in place thereof the figure:- "$9,232,742".

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays at thirteen minutes before six o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 - nays 33) **[Yeas and Nays No. 236]:**

Insert Roll Call "G"

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

Messrs. Tisei and Morrissey moved that the bill be amended in amended, in section 2, in item 4000-0265, by inserting after the words "grant program at community health centers" the following words:- "and community hospitals"; and by inserting after the words "other clinicians at community health centers" the following words:- "and community hospitals".

The amendment was adopted.

Messrs. Tisei, Galluccio, Petruccelli and Jehlen moved that the bill be amended, in section 2, in item 4800-1400, by striking the words, "provided further, that not less than $100,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford" and inserting in place thereof, the following:- "provided further that not less than $150,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden, Medford and Winthrop".

The amendment was adopted.

Messrs. Joyce, Antonioni, and Morrissey, Knapik and Ms. Jehlen and Candaras moved that the bill be amended, in section 2, in item 5046-0000, by striking out the figure "$321,748,305" and inserting in place thereof the following figure:- "$322,415,939".

The amendment was *rejected.*

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

"SECTION_____. The attorney general shall, in consultation with the secretary of education and the commissioner of revenue, conduct an investigation and study to determine whether private institutions of education are fulfilling their public charity mission by serving the broader public interest in a way that is equitable with their favorable tax treatment. The attorney general's public charities division, the executive office of education and the department of revenue shall provide staff assistance and resources to the study. This study shall include, but not be limited to, the examination of: the tuition burden placed upon low and middle income students, the real cost benefits provided by private education institutions to the commonwealth, the accumulation of tax-exempt resources in private education institution endowments, and the fiscal effects of an excise on said endowments. The study shall further evaluate and report on the resources institutions are providing, including: income contingent tuition assistance for current students; loan forgiveness for alumni employed full-time in public service; promotion of a diverse student body and faculty; and outreach, recruitment and retention of minority, low and middle income students in economically distressed communities, including outreach and educational assistance for K-12 students. The attorney general shall report to the general court the results of its study, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before December 31, 2008."

The amendment was adopted.

Ms. Creem and Ms. Spilka moved that the bill be amended, by inserting at the end thereof the following section:-

"SECTION XX. The secretary of health and human services, the secretary of public safety, the chief justice for administration and management, the director of the Massachusetts district attorneys association, and the director of the Massachusetts sheriff's association shall each individually conduct a study on the feasibility, methodology, and cost of implementing a comprehensive system for collecting statistical data regarding all juveniles who are served by all offices, departments and agencies under their jurisdiction. For purposes of said study, such system for data collection shall include the race, ethnicity, gender, age, and home zip code of all juveniles in the justice system and, where relevant to each office, department or agency, data shall also be collected concerning points of official contact with juveniles, including, but not limited to, information on: arrests, charges, cases filed, trials and guilty-plea proceedings, disposition of cases denoting categories of adjudication for each delinquency charge, pre-trial detention and probation, probation violations, decisions to hold youth in detention pending final hearing on probation violations, supervised and unsupervised probation and violations of probation, commitments to the department of youth services, use of global positioning satellite (GPS) and in-home placement of electronic monitoring (ELMO) mechanisms, placements in alternatives to lock-up programs, participation in diversion programs, commitments of juveniles to department of correction facilities, as well as parole releases and revocations of adults who entered as juveniles, commitments of juveniles to state prison as youthful offenders and placement of offenders in segregated facilities, as well as juvenile commitments to sheriffs' departments and the department of corrections and all other data required for the commonwealth to comply with the federal Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5601 et seq. and 28 C.F.R. 31.303(j)). To the extent that the commonwealth is not in compliance with the federal Juvenile Justice and Delinquency Prevention Act, said study shall include reasons for such non-compliance. Each agency shall report its findings to the office of the child advocate not later than December 31, 2008.

The office of the child advocate shall report a summary of said findings and any recommendations on actual collection of this data to the senate and house committees on ways and means, the joint committee on children, families, and persons with disabilities, the executive office of public safety, the juvenile justice advisory committee, and the clerks of the senate and house, not later than March 31, 2009."

The amendment was adopted.

Ms. Resor, Ms. Spilka and Messrs. Hedlund, Marzilli, Augustus, and Creedon move to amend the bill by inserting after Section 82, the following section:-

"SECTION 82A. a) There shall be a special water infrastructure finance commission to develop a comprehensive, long-range water infrastructure finance plan for the commonwealth and its municipalities.

(b) The commission shall consist of the commissioner of environmental protection or his designee, the state treasurer or his designee, 1 member of the senate; 1 member of the house of representatives; 1 person to be appointed by the president of the senate and 1 person to be appointed by the speaker of the house of representatives, each of whom shall be a representative of a planning organization, environmental consumer organization or other public interest organization; 1 person to be appointed by the minority leader of the senate and 1 person to be appointed by the minority leader of the house, each of whom shall be from different geographic regions of the commonwealth and who shall be representatives of the business community; a representative of the Boston Water and Sewer Commission; and 9 persons to be appointed by the governor who shall not be employees of the executive branch and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts, 1 of whom shall be a representative of the Utility Contractors Association of New England, 1 of whom shall be a representative of the Massachusetts Water-works Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, 1 of whom shall be a representative of Clean Water Action, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Environmental League of Massachusetts, 1 of whom shall be a representative of the Conservation Law Foundation and 1 of whom shall be a representative of the Massachusetts Water Pollution Control Association. The aforementioned organizations shall provide a list of at least 3 but not more than 5 candidates for consideration by the governor. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance; provided, however, that at least 1 member shall have expertise in organizational finance. The governor shall designate a member to serve as the chairperson of the commission but the chairperson shall not be the commissioner of environmental protection, the state treasurer, or the designee of either of them. The members of the commission shall be appointed not later than 90 days after the effective date of this act and serve until the completion of the long-range infrastructure finance plan.

(c) In the course of its deliberations, the commission shall make it a priority to examine the technical and financial feasibility of sustaining, integrating and expanding public water systems, conservation and efficiency programs, wastewater systems and storm water systems of municipalities and the commonwealth, including regional or district systems. Further, the commission shall: (1) examine the water infrastructure needs of the commonwealth for the next 25 years as they relate to the funding gap between the water infrastructure needs of the commonwealth and the existing, available sources of funding; (2) develop mechanisms for additional funding for water infrastructure by increasing investment in critical water, wastewater, storm water and water conservation infrastructure; (3) provide mechanisms for improvements in the handling and management of water programs; (4) examine the potential threats to public health and public safety from the existing shortfalls in funding for water infrastructure;

(5) examine and develop recommendations on ways in which the commonwealth and its municipalities may meet operation and maintenance, and capital improvement and reconstruction needs for the next 25 years including, without limitation, recommendations regarding debt reduction, enhancing existing sources of revenues, developing new sources of revenues,

establishing new incentives for public-private partnerships in the development of real property resources and funding resources; and (6) examine the expanded use of full accounting systems and enterprise funding, asset management systems and best management practices, compliance with chapter 21G of the General Laws and Massachusetts water policy, and current federal and state funding programs.

The commission shall examine the finances of the various municipalities and regional water districts, including state and federal aid levels, and make recommendations for improvements to financial policies and procedures. The commission shall identify areas where cost savings can be achieved across water agencies by consolidation, coordination and reorganization. The commission shall examine the projected federal funding, projected state funding, projected local funding, projected fee-based funding, debt financing and any other sources of projected funding to finance water infrastructure needs identified by the commission.

(d) The commission shall develop recommendations as to what funding or finance measures the commonwealth or its municipalities may pursue to satisfy any unmet funding needs identified by the commission. The recommendations shall also include any recommendation for interagency agreements, intermunicipal agreements, consolidations or mergers to enable the commonwealth and its municipalities to make the most effective use of water funding resources. The recommendations shall identify fair and equitable means of financing water infrastructure investments through taxes, fees, user charges or other sources.

(e) The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

(f) The commission shall prepare a written report detailing its financials relative to identified funding sources and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect. The commission shall submit its initial report to the governor, the secretary of environmental affairs, the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on the environment not later than 2 years after the effective date of this act.

(g) Any research, analysis or other staff support that the commission reasonably requires shall be provided by the executive office of environmental affairs and its agencies, with assistance from the Massachusetts Water Resources Authority."

Pending the question on adoption of the amendment, Mr. Creedon moved that the amendment (Resor at el) be amended by inserting after the words "by the president of the senate" the following wording:- ", 1 of whom shall be a representative of the Boston Water and Sewer Commission,".

The further amendment was *rejected*.

The pending amendment (Resor et al) was then adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended in section 69 by adding after the words "that sufficient revenues are available to support projected program expenditures." the following words:- "At the end of each month the secretary of administration and finance shall post on the official website of the commonwealth a report detailing the amounts of any transfers made from the general fund to the commonwealth care trust fund or the health safety net trust fund or amongst those funds".

The amendment was *rejected.*

Mr. Tisei moved that the bill be amended, in section 2, in item 4580-1000, by striking out the figure "$51,581,508" and inserting in place thereof the following figure:- "50,176,508".

The amendment was *rejected.*

Mr. Brown moved that the bill be amended, in section 2, in item 5046-0000, by inserting at the end the following:- "and provided further, that not less than $50,000 shall be expended to continue and expand the triage counseling services in the Needham public schools"; and by striking out the figure "321,748,305" and inserting in place thereof "321,798,305".

The amendment was adopted.

Mr. Creedon moved that the bill be amended, in section 2, in item 4512-0200, by inserting the following language:- "provided further, that not less than $100,000 shall be expended for the operation of Learn to Cope, a support group providing parents of children addicted to opiates with substance abuse recovery resources and emotional support;"; and by striking out the figures "79,337,940" and inserting in place thereof:- "79,437,940".

The amendment was *rejected.*

Mr. Joyce and Ms. Jehlen moved that the bill be amended by inserting, after Section ___, the following new Section: -

"SECTION ___. Chapter 6A is hereby amended by adding the following section:-

Section 16P.

(a) As used in this section, the following words shall, except as otherwise provided, have the following meanings:-

'Level IV treatment intervention', any procedure which involves the systematic use of noxious or intrusive stimuli which are generally known to be painful or otherwise unpleasant to individuals, including but not limited to, procedures that: (1) cause physical pain to the individual, whether administered directly or through intermediate devices, such as skin electric shock, inhalants, or ingestible substances (excluding alcoholism treatments, such as disulfiram, Antabuse or Antabus) ; (2) involve sleep or food deprivation; (3) include the introduction of additives to make food unpleasant; or (4) involve the prompting of an individual to engage in a behavior which then results in an aversive stimulus being applied as a punitive consequence.

'Statewide peer review committee', the review committee established in subsection (c).

'Department', the Department of Mental Retardation.

'Executive office', the executive office of health and human services.

'Individual treatment plan', a plan approved by the statewide peer review committee pursuant to regulations promulgated under this section.

'Secretary', secretary of the executive office of health and human services.

(b) The Department hereby creates a new classification of behavioral treatment interventions, to be known as Level IV treatment interventions. The Department shall, with the advice and consent of the statewide peer review committee, promulgate rules and regulations consistent with this chapter regarding the use of Level IV treatment interventions to address behaviors that present a pattern of conduct or behavior caused by a disorder which poses a serious danger to self or others of risk of injury or harm to self or others by any consumer of any public or private agency receiving funding or subsidy through the commonwealth. Such rules and regulations shall be consistent with federal and state protections for protected persons insofar as practicable; provided, however, that the Department, with the advice and consent of the statewide peer review committee, may make such adjustments, exceptions or waivers as in their judgment are necessary to carry out the purposes of this section or to facilitate compliance. The Department regulations regulating the use of Level IV interventions will govern all uses of such procedures by any public or private agency receiving funding through the Commonwealth of Massachusetts.

Level IV interventions are designed for the treatment of certain types of dangerous or self destructive behaviors following a pre-determined treatment protocol which includes highly punitive techniques designed to teach an individual not to repeat those challenging behaviors. Level IV interventions are the most intrusive form of treatment intervention and they shall be considered to only be used as a method to address behaviors that directly present a clear risk of injury or harm to self or others. Level IV interventions are not appropriate for addressing minor behavior problems, even if said behaviors are identified as antecedents to targeted challenging behaviors, unless less intrusive interventions have been attempted and documented to have failed in addressing such minor behaviors. Level IV interventions should only be considered when reinforcement-based interventions and other less intrusive treatments have failed, including programs developed by clinicians specially skilled in positive behavior supports. Documentation of the fidelity of the application of all less intrusive interventions and the completion of formal procedural reliability assessments must be provided in all proposed Level IV treatment intervention submissions.

Level IV interventions are restricted to those techniques and procedures that are considered as evidence-based practices and meet the standards of being scientifically validated, as demonstrated by their publication in peer-reviewed professional journals. All such proposed interventions must have been demonstrated as clinically effective in the reduction of similar topographies of challenging behaviors with participants within similar age ranges or diagnostic categories, and in similar settings. All such proposed interventions for children must be consistent with the Individuals with Disabilities Education Act of 2004 (IDEA) and No Child Left Behind.

(c) There shall be a statewide peer review committee on Level IV treatment interventions. The statewide peer review committee shall be located within, but not subject to control by, the executive office. The governor, shall appoint 3 licensed psychologists, 2 of whom meet the guidelines and standards of clause (2) below, and have 10 or more years of experience in applied behavior analysis and behavior treatment of severe behavior problems.

In the case where a public or private agency in the Commonwealth receives funding from another state or jurisdiction and seeks to utilize a Level IV procedure with a client whose permanent residence from that state or jurisdiction, said state or jurisdiction may recommend an individual who meets the guidelines and standards of clause (2) below to serve as an 'ad-hoc' member of the statewide peer review committee to review any and/or all proposed Level IV interventions for residents from said state or jurisdiction.

The statewide peer review committee shall: (1) review, approve and oversee all Level IV treatment interventions being implemented with any person in the Commonwealth who is served by a public or private agency receiving funding or subsidy through the executive office as provided under this section; (2) appoint a Chair who is a board certified behavior analyst, or holds specialty certification in cognitive and behavior psychology from the American Board of Professional Psychology, or is a licensed psychologist with documented education, professional training and experience in applied behavior analysis and behavior treatment, and 5 years of full-time experience serving individuals within the same age range or diagnostic category; demonstrating similar topographies of challenging behaviors and utilizing similar treatment approaches as those proposed in the behavior treatment plan under review; (3) review individual treatment plans and approve the use of Level IV treatment interventions within such treatment plans; (4) set guidelines and standards for facility peer review committees; (5) review and make recommendations to the executive office for any requested exclusions or waivers from the regulations governing Level IV treatment interventions; and (6) be assisted in its duties by the executive office, which shall provide technical, technological, operational and administrative support.

A member of the statewide peer review committee shall be indemnified from any civil action brought for damages to the same extent as provided for public employees in chapter 258; and shall be indemnified for all expenses incurred in the defense thereof provided, however, that the claim arose out of acts performed by such member while acting within the scope of the member's official duties.

(d) All Level IV interventions shall be designed by an individual who is a Board Certified Behavior Analyst, or holds Specialty Certification in Cognitive and Behavioral Psychology from the American Board of Professional Psychology, or is a Licensed Psychologist with documented education, professional training and experience in applied behavior analysis and behavioral treatment, and 5 years of full-time experience serving individuals within the same age range and diagnostic category; demonstrating similar topographies of challenging behaviors and utilizing similar treatment approaches as those proposed in the Level IV plan under review. Individuals responsible for the design of Level IV interventions will comply fully with the Ethical Principles of Psychologists and the Code of Conduct of the American Psychological Association. All Level IV interventions submitted for review and approval must meet the standards outlined within the Guidelines for Responsible Conduct of the Behavior Analysis Certification Board, and include documentation that the challenging behaviors being addressed are not a function of a medical or psychiatric disorder. Additionally, all such proposed interventions must include evidence of the completion of a formal comprehensive functional behavioral assessment, a preference assessment, and reinforcement strategies

designed to teach functionally equivalent replacement behaviors. In addition to the ongoing empirical measurement of all targeted challenging and replacement behaviors throughout any approved Level IV intervention, all such Level IV interventions must also include ongoing objective documentation of the trauma suffered by the individual or others as a result of the challenging behaviors addressed within the treatment plan.

(e) Level IV interventions shall only be implemented by staff persons that have received specific training in the application of the intervention and the individualized treatment plan. Documentation listing all qualified staff who received specific training in the Level IV intervention and the individuals who designed the treatment protocol and who administered each application of the Level IV intervention shall be incorporated in the client record.

The statewide peer review committee shall require that all Level IV interventions shall be implemented only under the direct supervision and physical presence of the Board Certified Behavior Analyst, ABPP Certified Cognitive and Behavioral Specialist, or Licensed Psychologist with documented education, professional training and experience in applied behavior analysis and behavioral treatment.

(f) Each facility seeking to use Level IV treatment interventions shall establish a facility peer review committee, approved by the statewide peer review committee. Prior to application to the statewide peer review committee for authority to implement a behavior treatment intervention, consent shall be obtained from the client (if competent) and the facility peer review committee. The facility peer review committee shall include (1) psychologists with documented education, professional training and experience in applied behavior analysis and behavioral treatment and (2) a psychologist with broad clinical expertise outside the specialty of behavior analysis. In cases of extreme emergencies, the agency serving the individual shall not be required to apply for approval to the facility peer review committee, but shall apply directly to the statewide peer review committee for a 30-day temporary approval of the intervention; provided, that the agency has secured informed consent from the client (if competent). If such emergency application is approved by the statewide peer review committee, the application must also be submitted, prior to implementation, to the probate court of the county in which the client resides for approval through a substituted judgment review process.

(g) Level IV treatment interventions shall be permitted only when approved by the statewide peer review committee and by a court-ordered substituted judgment treatment plan for an individual client. Prior to rendering a decision, the statewide peer review committee may permit the proponent of the use of such interventions and any other interested person the opportunity to present materials in support of or in opposition to the proposed treatment plan. The decision of the statewide peer review committee shall be in writing, with supporting reasons provided for its decision. A finding by the statewide peer review committee permitting Level IV treatment interventions with respect to any individual treatment plan shall be submitted thereafter to the probate court of the county in which the client resides as part of the court's independent review and approval of said treatment plan.

(h) Level IV interventions shall not be initially approved by the statewide peer review committee unless the proponent of the use of such interventions provides clear and convincing evidence through the evaluation protocol and ongoing behavior data, that (a) the target behavior presents an immediate risk of serious physical injury or harm to self or others; (b) the Level IV procedure will lead to positive outcomes and a significant decrease in the target behaviors; and (c) that less intrusive treatments continue to be unsuccessful or would present an immediate risk of serious physical injury or harm.

Level IV treatment interventions may be initially approved for no more than 30 days by the statewide peer review committee, and may be re-approved thereafter for additional 30-day periods, not to exceed six months. Request for re-approval shall be subject to such conditions as the statewide peer review committee may designate, including a review of all existing data to confirm that the use of the Level IV treatment intervention has led to positive outcomes and a significant decrease in the target behaviors. Any request for the use of the Level IV treatment intervention beyond the 30-day trial shall require re-submission to the statewide peer review committee and the probate court of the county in which the client resides as part of the court's independent review and approval of said treatment plan. The statewide peer review committee shall petition the Commissioner of the Department of Mental Retardation to review cases in which the continued use of Level IV treatment interventions are requested beyond the six month limit.

(i) The executive office may, after a hearing pursuant to chapter 30A, deny, refuse, revoke, limit or suspend a license of any recipient of funding or subsidy through the executive office for failure to comply with the provisions of this section.

(j) Except for emergency regulations adopted pursuant to section 2 of chapter 30A, any regulation, as defined in section 1 of said chapter 30A, or any amendment or repeal of any such regulation adopted by the Department pursuant to this section, shall, after compliance with all applicable provisions of this section and said chapter 30A, except section 5, be submitted to the general court. Said Department shall file the proposed regulation, amendment or repeal with the clerk of the house of representatives, together with a statement of compliance with the pertinent provisions of said chapter 30A, except section 5. The clerk of the house of representatives, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to the joint committee on children, families and persons with disabilities. Within 30 days after such referral, said legislative committee may hold a public hearing on the regulations and shall issue a report to said Department. Said report shall contain any proposed changes to the regulations voted upon by the legislative committee. The Department and the statewide peer review committee shall review said report and shall adopt final regulations as deemed appropriate in view of said report and shall file with the chairmen of the legislative committee its final regulations. If the final regulations do not contain the changes proposed by the legislative committee, the Department and the statewide peer review committee shall send a letter to the legislative committee accompanying the final regulations stating the reasons why such proposed changes were not adopted. Not earlier than 45 days after the filing of such letter and final regulations with said legislative committee, said Department shall file the final regulations with the state secretary as provided in section 5 of said chapter 30A and said regulations shall thereupon take

effect.

If no such proposed changes to the regulations are made to the Department and the statewide peer review committee within 60 days of the initial filing of the proposed regulation or any amendment or a repeal of such regulation with the clerk of the house of representatives, the Department may file the final regulations with the state secretary as provided in section 5 of said chapter 30A and said regulations shall thereupon take effect.

SECTION 2. Within 90 days after the passage of this act, the Department, with the advice and consent of the statewide peer review committee shall draft, pursuant to chapter 30A, proposed rules and regulations to the General Court regarding the development, review, approval, and on-going review and monitoring process for behavior intervention treatments.

SECTION 3. The implementation of any Level IV intervention beyond the scope of a court-ordered treatment plan or the approval of the statewide peer review committee, or by a staff member who does not meet the requirement of this section will be considered an act of mistreatment, pursuant to section 13K of chapter 265 and shall be reported to the Disabled Persons Protection Commission.

SECTION 4. Except as provided herein, this act shall not otherwise alter the procedures for substituted judgment review by the Probate and Family Court."

The amendment was adopted.

Mr. Galluccio moves that the bill be amended, in section 2, in item 7027-0016, by adding the following: - "provided further that, not less than $125,000 be expended for the Latino After School Initiative."; and further, by striking out the figures "2,119,566" and inserting in place thereof the figures "2,244,566".

The amendment was adopted.

Ms. Menard and Ms. Tucker moved that the bill be amended by inserting, after section__, the following new section:-

Notwithstanding any general or special law to the contrary, the secretary of health and human services shall submit a report on the results of the payment methodology used in hospital fiscal year 2008 for health services from the Health Safety Net Trust Fund as implemented by the health safety net office pursuant to section 39 of chapter 118G of the General Laws. The report shall include the proposed reimbursement methodology to be used in hospital fiscal year 2009 for health services from the Health Safety Net Trust Fund as determined by the health safety net office pursuant to section 39 of chapter 118G of the General Laws.

The report shall detail all modifications made to the payment systems in effect for acute hospitals used by the United States Department of Health and Human Services Centers for Medicare & Medicaid Services to administer the Medicare Program under Title XVIII of the Social Security Act, including any adjustments to account for: (1) the differences between the program administered by the office and the Title XVIII Medicare program, including the services and benefits covered; (2) grouper and DRG relative weights for purposes of calculating the payment rates to reimburse acute hospitals at rates no less than the rates they are reimbursed by Medicare; (3) the extent and duration of covered services; (4) the populations served; and (5) any other adjustments based upon circumstances of individual hospitals. The report shall also detail the proposed hospital fiscal year 2009 reimbursement methodology for outpatient rates and adjustments made under (1) and (2) above.

The report shall include analysis of the executive office's implementation of the Medicaid provider rate provisions required in section 128 of chapter 58 of the acts of 2006. The report shall include an analysis of the distribution of funds during fiscal years 2007 and 2008 in addition to the proposal of the executive office for fiscal year 2009 to physicians and acute hospitals.

The secretary shall submit the report to the joint committee on health care financing and the house and senate committees on ways and means on or before August 1, 2008.

After remarks, the amendment was adopted.

Messrs. Creedon, Morrissey and Hedlund and Ms. Menard moved that the bill be amended, in section 2, in item 4800-0038, by inserting the following language:- "provided further, that not less than $100,000 shall be expended for the Conway Children's Advocacy Center of Plymouth County; provided further, that not less than $187,000 shall be expended for the purpose of the Bristol County Child Advocacy Center's operating expenses located in Fall River;".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, in item 5920-2025, by inserting at the end the following: "; provided that an additional $400,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services and employment opportunities for citizens with disabilities".

The amendment was adopted.

Messrs. Galluccio, Tolman, Petruccelli, and Ms. Jehlen moved to amend the bill in section 2, item 4000-0500, by adding the following:- "; and provided further, that the executive office shall implement payments required pursuant to chapter 58 of the acts of 2006 for the public entity in fiscal year 2009;"; and in section 69, in line 26, by striking out the following: "fiscal year 2008" and inserting in place thereof the following: "fiscal year 2009".

The amendment was adopted.

Mr. Tarr moved that the bill be amended, in section 2, in item 4100-0060, by adding the following at the end thereof: "provided further, that the division shall produce a report including but not limited to the following items:

1. the status of the federal '1115 waiver', so-called, and the likely impact of any foreseeable changes to the waiver
2. The amount and type of state and federal payments to the five hospitals receiving the most funding as a result of status as "Safety Net Hospitals", so-called, and the percentage of total funding being received by each hospital

3. Any potential financial obligations of the Commonwealth which may arise as a result of decreased federal funding for safety net hospitals
4. The extent to which any managed care plan authorized pursuant to Chapter 58 of the general laws is not in compliance with licensing requirements maintained by the Division of Insurance.

Said report shall be filed with the clerks of the House and Senate not later than 120 days following the passage of this act."

The amendment was *rejected*.

Ms. Menard and Tisei, Downing, Timilty and Spilka moved that the bill be amended, in section 2, in item 4000-0012 by inserting after the phrase "commitment of matching funds from the organization;" the following:- "provided further, that not less than $675,000 be expended for the YMCAs of Massachusetts, Inc., for distribution to the Athol YMCA, the YMCA of Attleboro, the Becket-Chimney Corners YMCA, the Cambridge YMCA, the Cape Cod YMCA, the Community YMCA of Danvers, the Greenfield YMCA, the Hampshire Regional YMCA, the Hockomock Area YMCA, the Greater Holyoke YMCA, the Greater Lowell Family YMCA, the Malden YMCA, the YMCA of Melrose, the MetroWest YMCA, the Montachusett Regional YMCA, the YMCA of the North Shore, the Northern Berkshire YMCA, the Old Colony YMCA, the Pittsfield Family YMCA, the Somerville YMCA, the South Shore YMCA, the YMCA Southcoast, the YMCA of Greater Springfield, the Tri-Community YMCA of Southbridge, the YMCA of Greater Westfield, the YMCA of Martha's Vineyard, and the Winchendon Clark Memorial YMCA".

The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the bill be amended by inserting after section 90 the following section:-

"SECTION 91. Section 3 of chapter 22E of the General Laws, as appearing in the 2004 official edition, is hereby amended by striking the text thereof, and inserting in place thereof following: - "Any person who is arrested by virtue of process, or is taken into custody by an officer and charged with the commission of a felony, and who upon arrest has been arraigned pursuant to the applicable court rules under the Massachusetts Rules of Criminal Procedure, shall submit a DNA sample to the department. The sample shall be collected by a person authorized under section 4 of this chapter subsequent to arraignment, in accordance with regulations or procedures established by the director. The results of such sample shall be made part of the state DNA database.

Section 2. Section 12 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended in line 6 by striking out the words "$1,000" and inserting in its place thereof the folllowing words:- $2,000. Said section is further amended in line 7 by striking out the words "six months" and inserting in place thereof the folllowing words: - one year.

Section 3. Section 13 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended by striking in line 4 the words "$1,000" and inserting in its place thereof the folllowing words:- $2,000. Said section is further amended in line 5 by striking out the words "six months" and inserting in place thereof the folllowing words: - one year.

Section 4. Section 15 of chapter 22E of the General Laws, as appearing in the 2004 offical edition, is hereby amended in line 3 by adding after the word "expunged" the following: - 'if the original offense upon which the collection of DNA is based does not result in a conviction; or'."

The amendment was *rejected.*

Mr. Tarr moved that the bill be amended, in section 2, in item 7061-0008, by adding at the end thereof the following: "provided further, that no city, town, or regional school district shall receive less in Chapter 70 funding than it did in Fiscal Year 2002 or Fiscal Year 2003, whichever is greater"; and by striking out the figures "3,948,824,061" and inserting in place thereof the figures "3,968,783,426".

The amendment was *rejected.*

Ms. Fargo, Ms. Jehlen, Ms. Resor, Ms. Spilka, and Messrs. Moore, Joyce, Hedlund, McGee, Antonioni, Timilty and Tolman moved that the bill be amended, in section 2, in item 3000-7050, by inserting, in line 1, after the words "early education and care programs;" the following words:- "that not less than $5,395,694 shall be expended on the Mass Family Networks program".

After remarks, the amendment was adopted.

Messrs. O'Leary, Rosenberg and Petrucelli moved that the bill be amended by inserting at the end thereof the following new section:

"SECTION __ (a) Chapter 10 of the General Laws is hereby amended by inserting after section 69 the following section:-

Section 70. (a) There shall be set up on the books of the commonwealth a separate fund to be known as the Endowment Incentive Holding Fund to be used, without appropriation, for purposes outlined in Section 15E of chapter 15A of the General Laws. The Board of Higher Education shall administer the fund and shall be its trustee. All monies deposited in this holding fund that are unexpended at the end of the fiscal year shall not revert to the General Fund. No expenditure from said fund shall cause said fund to be in a deficiency at the close of a fiscal year.

(b) Section 7 of the bill is hereby amended in part (2) of subsection (b) of Section 69A of Chapter 10 of the General Laws by adding at the end thereof the following:

$5,000,000 to the Endowment Incentive Holding Fund, established by section 70 of chapter 10 of the General Laws, provided that $3,000,000 from said fund shall be allocated to University of Massachusetts campuses; provided further, that

$1,000,000 from said fund shall be allocated to state college campuses; and provided further, that $1,000,000 from said fund shall be allocated to community college campuses."

The amendment was adopted.

Mr. Timilty moved that the bill be amended in Section 51, by striking out subsection (b) (5) in its entirety, and inserting in place thereof the following new subsection:-

"(5) capital improvements to state fire service facilities, including reimbursing the General Fund for debt service on bonds issued to pay for these capital improvements".

The amendment was adopted.

Messrs. Timilty, Augustus and Petruccelli and Ms. Menard move to amend the bill by inserting after section 10 the following section:-

"SECTION 10A. Chapter 22 of the General Laws is hereby amended by striking out section 12, as amended by section 6 of chapter 61 of the acts of 2007, and inserting in place thereof the following section:-

Section 12. There shall be in the department a commission a state boxing commission, which shall consist of the commissioner of the department of public safety, or his designee, and 4 persons to be appointed by the governor, with the advice and consent of the council, who shall serve for terms of 3 years. At least 1 member shall have a background in the sport of boxing and at least 1 member shall have a background in the sport of mixed martial arts. The governor, with the advice and consent of the council, shall from time to time designate 1 member as chair. The members shall receive their traveling expenses necessarily incurred in the performance of their duties and shall be allowed such sums for clerical assistance as the governor and council may approve. The department shall provide administrative support to the commission. The commission may deputize 1 or more persons to represent the commission and to be present at a match or exhibition held under sections 32 to 51, inclusive, of chapter 147. Deputies may receive such compensation for their traveling expenses necessarily incurred in the discharge of their duties."; and by inserting after section 49 the following 12 sections:-

"SECTION 49A. Chapter 147 of the General Laws if hereby amended by striking out sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-

Section 32. No boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or sparring match or exhibition for a prize or purse or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, whether professional or amateur, shall take place or be conducted except in accordance with a license granted as hereinafter provided by the state boxing commission. Applications for the license shall be accompanied by such fee, as established annually by the commissioner of administration and finance under section 3B of chapter 7. Tough-man or similar type matches or exhibitions shall be prohibited. Any persons holding, conducting, participating in or attending a match or exhibition held without a license, as provided in section 33, or a tough-man or similar type match or exhibition, shall be punished by a fine of not more than $25,000 or by imprisonment for not more than 3 months, or both. In the case of exhibitions or bouts held in accordance with the rules and regulations of amateur organizations as may be approved by the commission, the commission may issue special licenses without the requirement of a bond as provided in section 34 or payment of the annual fee. Matches or exhibitions under the governance of the Massachusetts Interscholastic Athletic Association, the National Collegiate Athletic Association or any equivalent school or college organization shall be exempt from the requirements of this section if the competitors are amateurs.

Section 33. The commission may, subject to sections 32 to 47, inclusive, issue licenses to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sporting events, sparring matches and exhibitions. The license shall be valid only for the date approved by the commission. The commission may revoke the license at any time in the interest of public safety. No license shall be issued for a tough-man competition or similar event.

SECTION 49B. Section 34 of said chapter 147, as so appearing by striking out, in line 3, the words 'five thousand dollars' and inserting in place thereof the following figure:- '$50,000'.

SECTION 49C. Said section 34 of said chapter 147, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the words 'one thousand dollars' and inserting in place thereof the following figure:-'$10,000'.

SECTION 49D. Said chapter 147 is hereby further amended by striking out sections 35 to 40, inclusive, and inserting in place thereof the following 9 sections:-

Section 35. No person shall act, directly or indirectly, as a physician, referee, judge, timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant, or as manager, trainer or second of such a contestant, at a match or exhibition or as a matchmaker therefor, unless licensed by the commission upon receipt of such classified fee to be determined annually by the commissioner of administration and finance under the section 3B of chapter 7. The commission shall set minimum requirements for licensure based upon skill or other fundamental prerequisites deemed necessary to adequately and safely execute the functions of the respective position. The commission may refuse to license any individual who does not meet those requirements or whose safety and well-being it determines will be put at substantial risk by engaging in their respective position. Whoever acts in such capacity, without being so licensed shall be punished by a fine of not more than $10,000. For the purposes of sections 32 to 47, inclusive, a professional combatant shall be a person who competes for money or other pecuniary gain. Any official who desires to officiate without charge at amateur boxing or sparring matches or exhibitions shall be licensed without charge. No person shall be licensed under this section who is under 18 years of age, except as otherwise provided in section 39.

Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all amateur boxing or sparring matches and exhibitions sanctioned by the national governing body and its local affiliate which are appointed and recognized by the United States Olympic Committee for such purposes, acknowledge and follow the rules and regulations of said amateur boxing

governing bodies.

No amateur match of any kind which is subject to section 32 shall be held unless it is licensed by the commission and sanctioned and supervised by an amateur sanctioning organization approved by the commission.

The commission shall recognize and license, upon receipt of the classified fee to be determined annually by the commissioner of administration under section 3B of chapter 7, the amateur referees, judges and other amateur officials assigned to such amateur matches or exhibitions by the amateur governing bodies and certified under their rules and regulations.

The commission shall cooperate fully with the amateur boxing governing bodies to assure that amateur boxers are eligible to participate and compete for selection to the United States Olympic boxing team.

No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day period nor shall such contestant participate in more than 3 contests between 12 noon on any 1 day and 12:30 a.m on the day following. All amateur boxing or sparring matches or exhibitions shall terminate not later 12:30 a.m. on the day following the start of the match.

During a contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the amateur boxing governing body. During a contest, contestants in amateur mixed martial arts and other unarmed combative sport matches or exhibitions shall wear gloves weighing at least 4 ounces each unless otherwise authorized by the amateur governing body.

Section 36. At every boxing, kickboxing, mixed martial arts, or other unarmed combative sport event, sparring match or exhibition there shall be in attendance a referee, duly licensed under sections 32 to 47, inclusive. There shall also be in attendance at least 3 duly-licensed judges, each of whom shall, at the termination of a match or exhibition, vote for the contestant in whose favor the decision should, in his opinion, be rendered or, for a draw if, in his opinion, neither contestant is entitled to a decision in his favor, and the decision shall be rendered in favor of the contestant receiving a majority of the votes or, if neither receives a majority as aforesaid, a decision of a draw shall be rendered. Upon the rendering of a decision, the vote of each judge shall be announced from the ring. The referee shall have full power to stop the match or exhibition whenever he deems it advisable because of the physical condition of a contestant or when 1 contestant is clearly outclassed by his opponent or for other sufficient reason. The commission shall declare forfeited any prize, remuneration or purse or any part thereof belonging to a contestant if, in the judgment of a majority of the commissioners after consultation with the judges and the referee, such contestant was not competing in good faith. The fees of the referee and other licensed officials shall be fixed by the commission and shall be paid by the licensed organization prior to the match or exhibition.

Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition there shall be in attendance at least 1 duly licensed physician, whose duty it shall be to observe the physical condition of the contestants and advise the referee or judges with regard thereto. Any competent physician who has had not less than 3 years of experience as a medical practitioner may be licensed. No contestant shall be allowed to enter the ring unless a physician licensed under sections 32 to 47, inclusive, shall certify in writing that the contestant is physically fit to engage in the proposed contest. The physician's fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

Section 38. No boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 10 rounds. No mixed martial arts match or exhibition shall exceed 5 rounds but, if a match is to determine a championship, it may exceed the round limits with the prior approval of the commission. No round in a boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 3 minutes. No round in a mixed martial arts match or exhibition shall exceed 5 minutes. No contestant in a professional match or exhibition shall participate in more than 10 rounds or more than the number of rounds determined by the commission as aforesaid, as the case may be, during a 72-hour period.

During a contest, contestants in professional boxing and kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the commission. During a contest, contestants in mixed martial arts and other unarmed combative sporting events, matches or exhibitions shall wear gloves weighing at least 4 ounces each or as otherwise authorized by the commission. Every contestant participating in boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or exhibition shall be required to wear standard protective devices as outlined by regulation by the commission.

Section 39. Except as hereinafter provided, no contestant under 18 years of age or who has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition, except that the age requirement shall not apply to a world boxing champion who is still actively engaged as a professional boxer, or to a former boxing champion of the world who has not been inactive as a professional boxer for more than 2 years from the date of his last boxing contest, but an amateur boxer shall be allowed to compete as such at the age of 16. At the discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant who has reached his thirty-fifth birthday may be permitted to engage in a match if the contestant has passed a physical examination or is otherwise medically-cleared to participate by a physician selected by the commissioners. At the discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has not yet reached his eighteenth birthday may be licensed as a professional boxer. The foregoing shall not apply to courses of instruction in boxing, kickboxing, mixed martial arts or other unarmed combative sport sponsored and conducted by recognized boys and girls clubs, youth organizations, schools or colleges, municipal or state park or recreational departments, law enforcement organizations or incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and directors. No person under the age of 16shall be admitted to or be present at a professional match or exhibition unless accompanied by an adult.

Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant licensed under section 35 who has been knocked out, technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding 12 months shall take part in a match or exhibition until he has been examined and found fit to

take part in such a match or exhibition, by a physician selected by the commission, at a place and time designated by the commission. The cost of conducting the examination shall be borne by the contestant. If a contestant is found unfit to engage in a match or exhibition, he shall be excluded from participation for 3 months, after which time he may make a request to the commission for another physical examination. The license issued to an individual pursuant to section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

Section 39B. A person licensed under section 32 to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sport events, sparring matches or exhibitions, except those persons to whom a special license may be granted thereunder without the requirement of a bond or payment of the annual fee, shall take out a policy of accident insurance on each contestant participating in the match or exhibition in the amount of $5,000s to compensate him for medical and hospital expenses incurred as the result of injuries received in such match or exhibition and in the amount of $50,000 in the event of death to the contestant resulting from participation in the match or exhibition, said $50,000 to be paid to the estate of the deceased contestant. The premiums on the policies shall be paid by the licensee.

Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the commencement of the final feature bout of the event, pay to the commission, a sum equal to 4 per cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee shall pay to the commission a sum equal to 2 per cent of the total gross receipts generated by the sale, lease or other exploitation of the television, pay per view, motion picture or other broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to be paid by the licensee whether or not the licensee ever receives a portion of that amount; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts and the total amount shall be paid to the commonwealth, as the commission may determine or as may be fixed by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24 hours prior to the event but in no event shall payment be made later than 48 hours after the live event. Pay per view showings of an event more than 48 hours after the live event shall be exempt from the requirements of this section. The broadcasting fee imposed under this section shall be not more than $75,000 per event. Within 72 hours after its conclusion, the licensee shall furnish to the commission a report, showing the exact number of tickets sold and admission fees collected for the contest, the gross receipts thereof and such other data as the commission may require.

A licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition shall, at least 48 hours before a licensed contest or exhibition, file with the commission a copy of all contracts entered into for the sale, lease or other exploitation of broadcasting rights for the contest or exhibition. All contracts filed with the commission pursuant to this section shall be exempt from disclosure pursuant to section 10 of chapter 66.

The commission shall enforce this section.

SECTION 49E. Section 40A of said chapter 147, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ‘within seventy two hours after its conclusion’, and inserting in place thereof the following words:- ‘prior to the commencement of the feature bout of the event,’.

SECTION 49F. Section 42 of said chapter 147, as so appearing, is hereby amended by adding the following paragraph :-

The commission may suspend a license of a combatant issued pursuant to section 35 without a hearing upon a finding that it would be unsafe for the individual to compete until either the passing of a fixed period of time or upon medical clearance. The commission may assess an administrative penalty not to exceed $2,000 for each violation of sections 32 to 51, inclusive, or the commission’s rules and regulations committed by an individual required to be licensed under this chapter.

SECTION 49G. Section 45 of said chapter 147, as so appearing, is hereby amended by striking out, in lines 4, 6 and 10, and in lines 14 and 15, the words:- ‘boxing or sparring’.

SECTION 49H. Said chapter 147 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section:-

Section 46. The commission may make such rules and regulations for the administration and enforcement of sections 32 to 47, inclusive, and to promote and regulate the sports of boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed necessary, including defining any terms requiring definition under said sections 32 to 47, inclusive. The rules and regulations may provide for and regulate the granting of special permits for exhibitions where no decision is to be rendered, no admission fee is to be charged and where skilled combatants merely demonstrate the mechanics of their respective discipline. The commission shall make an annual report to the general court of the acts of the commission.

SECTION 49I. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

SECTION 49J. Said chapter 147 is hereby further amended by striking out section 50A, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 50A. Courses of instruction in boxing, kickboxing, mixed martial arts and other unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by recognized boys and girls clubs, youth organizations, schools and colleges, law enforcement agencies or municipal or state parks and recreation departments, under the supervision of qualified instructors and directors, may be conducted in a city or town without requiring a license pursuant to section 33.

SECTION 49K. Section 51 of said chapter 147, as so appearing, is hereby amended by inserting after the word “boxing”, in line 3, the following words:- kickboxing, mixed martial arts or other unarmed combative sport event,”; by inserting after section 51 the following section:-

“SECTION 51A. Chapter 180 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. If a person is convicted of a violation of section 12 of chapter 265 for engaging in, giving or promoting a

public or private boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, the contestants who have received or were promised a pecuniary reward, remuneration or consideration on the premises of or under the auspices of a club or organization described in section 4, the commissioner of public safety and homeland security, the board of selectmen or the board of aldermen in a town where the club or organization is situated, or the police commissioner of the city of Boston if the club or organization is situated in Boston shall immediately give notice to the state secretary who, upon receipt thereof, shall declare the charter of the club or organization void. The state secretary shall publish a notice in at least a newspaper published in the city or town wherein the club or organization is situated that the charter of the club or organization is void."; by inserting after section 54 the following section:-

SECTION 54A. Chapter 265 of the General Laws is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following two sections:-

Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, gives or promotes a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished by imprisonment in the house of corrections for not more than 2 ½ years or by a fine of not more than $5,000, or by imprisonment in the state prison for not more than 5 years or by a fine of not more than $25,000 or both such fine and imprisonment.";

Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, engages in a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished imprisonment in the state prison for not more than 3 months or by a fine of not more than $200 or both such fine and imprisonment."; and by inserting after section 81, the following new section:-

SECTION 81A. Any existing member of the state boxing commission, appointed by the governor with the advice and consent of the council, as provided in section 12 of chapter 22, prior to the effective date of this act, may complete the remainder of their 3 year term.

The amendment was adopted.

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

"SECTION__. There shall be a special commission to investigate and study snow and ice control. The commission shall consist of one member of the senate to be appointed by the senate president, one member of the senate to be appointed by the leader of the minority party, one member of the house to be appointed by the speaker of the house, one member of the house to be appointed by the leader of the minority party, the commissioner of the department of highways or his designee, the secretary of the executive office of administration and finance or his designee, the commissioner of public safety or his designee and a representative of the Massachusetts Snow and Ice Contractors Association. The mission of the commission shall be to investigate the true cost of providing snow and ice control services to the commonwealth, to determine a method of prompt payment for snow and ice services provided to the commonwealth by contractors, and to prevent disruptions in the provision of safe and timely snow and ice control services to the commonwealth. The commission shall produce a report by October 1, 2008, a copy of which shall be provided to the House and Senate Committees on Ways and Means, detailing the most cost efficient manner in which to manage snow and ice removal services, ensure public safety and provide prompt payment to snow and ice operators.".

The amendment was adopted.

Mr. Marzilli moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the words "Ashland Recreation Department" the following:- "; provided further, that not less than $100,000 shall be expended for the substance abuse prevention programs of the Arlington Youth Health and Safety Coalition; provided further that not less than $290,000 shall be expended for the Arlington Youth Consultation Center".

The amendment was adopted.

Ms. Fargo, Ms. Jehlen, and Messrs. Baddour, Moore, Augustus, Joyce, and Hedlund moved that the bill be amended, in section 2, in item 4513-1111, by inserting after the words "statewide lupus database" the following words:- ", early detection and treatment of lung cancer"; and by striking out the figure "$14,197,093" and inserting in place thereof the following figure:- "$14,397,093".

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 4800-1400, by striking out the following language: "provided further, that not less than $100,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden and Medford" and inserting in place thereof the following language:- "provided further, that not less than $100,000 shall be expended for a domestic violence prevention program called 'Teens-At-Risk', operated by Portal To Hope for the communities of Everett, Lynn, Malden, Medford, and Winthrop;".

The amendment was adopted.

Mr. Buoniconti and Ms. Candaras moved that the bill be amended, in section 2, in item 3000-5000, by striking out the figure "$9,000,000" and inserting in place thereof the figure "$10,000,000".

The amendment was adopted.

Mr. Petruccelli moved that the bill be amended, in section 2, in item 4512-0200, by adding the following: "; and provided

further that not less than $250,000 shall be expended for the Albany Street Shelter operated by Cambridge and Somerville Program for Drug and Alcohol Rehabilitation (CASPAR)".

The amendment was adopted.

Suspension of Senate Rule 38A.

Ms. Candaras moved that Senate Rule 38A, be suspended to allow the Senate to stay in session beyond the hour of eight o'clock P.M.; and that the requirement of a call of the yeas and nays for suspension of said rule shall be suspended thereto. There being no objection, the motion was considered forthwith; and it was adopted.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering the bill to a third reading.

Mr. Moore moved that the bill be amended, in section 2, in item 4510-0710, by striking out the figure "8,717,714" and inserting in place thereof the figure "8,906,018".

After remarks, the amendment was adopted.

Mr. Moore moved that the bill be amended, in section 2, in item 510-0100 by striking out the figure "21,911,667" and inserting in place thereof the following figure:- "22,228,418".

After remarks, the amendment was *rejected.*

Mr. Pacheco moved that the bill be amended, in section 2, in item 7004-0099, by inserting at the end thereof after the word "Project" the following:- "provided further however that not less than $100,000 shall be expended for a contract with the St. Frances Samaritan House in Taunton,".

The amendment was adopted.

Messrs. Augustus, Joyce, Marzilli, Antonioni, Morrissey, Timilty, Baddour, Ms. Jehlen, Messrs. Pacheco and Mr. Petruccelli, Ms. Menard and Ms. Spilka moved that the bill be amended, in section 2, after item 1599-0025, the following:-

"1599-0042 For a reserve to improve the quality of the commonwealth's early education and care system; provided, that payments from said reserve shall be distributed by the department to increase reimbursement rates for subsidized early education and care; and provided further, that the increases shall be directed to expenditures for salaries, benefits, and stipends for professional development of early education and care workers or programmatic quality improvements, provided further, that the funds shall be used solely for the purposes of equal percentage adjustments to wages, compensation or salary..... $5,000,000".

The amendment was adopted.

Messrs. Pacheco and Moore moved that the bill be amended, in section 2, in item 4000-0600, by adding at the end thereof the following:- "provided further that the secretary of elder affairs and the director of the office of Medicaid shall report quarterly to the house and senate committees on ways and means the total projected spending in this item for the current fiscal year; provided further, that any additional funds that may become available through this item due to decreased Medicaid utilization and that are not otherwise projected to be expended for other services from this item, shall fund nursing facility MassHealth rates established by the division of health care finance and policy that are not more than $45 million in payments above the payments made to nursing facilities for fiscal year 2008, for the purpose of funding inflationary labor and benefit costs."

After remarks, the amendment was adopted.

Recess.

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

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering the bill to a third reading.

Mr. Pacheco moved that the bill be amended, in section 2, in item 2800-0700 by inserting after the words "public safety" the following:- "provided further that no less than $500,000 shall be directed toward the hiring of 8 unit 9 bargaining unit employees and provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (a) the number of staff that are assigned from this item and their job title, (b) the number of dam inspections that are scheduled for fiscal year 2009, and (c) the number of

dams that are in need of repairs or need to be replaced".

The amendment was *rejected.*

Mr. Rosenberg moved that the bill be amended, in section 2, in item 2800-0100, by adding the following:- "provided further that not less than $150,000 shall be expended to the town of Shutesbury for the purpose of aquatic management for Lake Wyola".

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7003-0702, by inserting at the end thereof the following words:- "; provided further that not less $250,000 shall be expended for a hospital-based skilled training program at a teaching hospital in hampden county".

The amendment was adopted.

Mr. Brown moved that the bill be amended, in section 2, in item 7004-0099, by inserting the following:- "provided further, that not less than $175,000 be expended for Needham Heights".

The amendment was adopted.

Ms. Wilkerson, Mr. Brown, Ms Creem, Ms. Fargo moved that the bill be amended, in section 2, in item 7010-0012 by striking out the figure "$20,615,313" and inserting in place thereof the following figure:- "$21,615,313".

The amendment was adopted.

Messrs. Rosenberg, Tisei, and Tarr and Ms. Fargo moved that the bill be amended, in section 2, by inserting after 7061-0008 the following item:-

"7061-0011. For a reserve to: (1) assist regional school districts which, prior to fiscal year 2009, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2009, will assess member towns using the required contributions calculated pursuant to section 3; (2) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (3) towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that not less than $250,000 from this item shall be awarded to a qualifying community that hosts a Veteran's Administration Hospital; (4) assist regional school districts in rural areas which meet each of the following 2 criteria: (a) have fewer than 30 full-time enrollment students per square mile; and (b) have experienced more than 7 per cent enrollment decline between fiscal year 2003 and fiscal year 2008; provided, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2008; provided, that any grants provided to school districts under this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of awards from this item not later than October 15, 2008;and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor used in the calculation of the minimum required local contribution for fiscal year 2010..... $5,500,000".

After remarks, the amendment was adopted.

Messrs. Rosenberg and Knapik moved that the bill be amended, in section 2, in item 7061-0012, by adding the following:- "provided further, that the department of elementary and secondary education, based on the availability of funding, may expend up to $500,000 to identify, analyze, and certify promising and best practices in public and approved special educational programs that can prevent or ameliorate either neuro-developmental problems or other deficits leading to learning deficiencies and/or behavior problems that result in high cost Individual Education Plans (IEPs); and, provided further, that a portion of these available funds shall be expended to provide grants for training, dissemination, and applications of research identified promising and best practices; and, provided further, that a report shall be provided to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education by March 31, 2009".

The amendment was adopted.

Messrs. Rosenberg, Antonioni, Augustus, Brown, Buoniconti, Downing, Joyce, Knapik, Moore, O'Leary, Pacheco and Timilty, Ms. Candaras, Ms. Chandler, Ms. Menard, Ms. Resor, Ms. Tucker and Ms. Spilka moved that the bill be amended, in section 2, in item 6005-0015, by striking out the figures "56,638,391" and inserting in place thereof the figures "62,867,563".

The amendment was *rejected.*

Mr. Rosenberg moved that the bill be amended, in section 2, in item 5920-3010, by adding the following:- "provided further, that not less than $30,000 shall be allocated to Whole Children, Inc. of Hadley".

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 8324-0000, by adding the following:- "provided further, that not less than $28,812 shall be expended for the costs of operating the Hampshire/Franklin Juvenile Fire Setters Intervention Program"; and by striking out the figure "$15,548,169" and inserting in place thereof the following figure:- "$15,576,981".

The amendment was adopted.

Ms. Creem and Messrs. Joyce and Hart moved that the bill be amended, in section 2, in item 9110-1660, by striking the figure "100,000" and replacing it with the figure "$216,000".

The amendment was *rejected.*

Mr. Morrissey moved that the bill be amended, in section 2, in item 0521-0000, by striking out the figure "$7,452,482" and inserting in place thereof the following figure:- "$7,800,543".

The amendment was adopted.

Messrs. O'Leary and Petruccelli moved that the bill be amended by adding at the end thereof the following new section:-

"SECTION ___. (a) Section 9 of chapter 15A of the general laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the third paragraph.

(b) Section 22 of said chapter 15A, as so appearing, is hereby amended by inserting after the first paragraph the following: -

The board of trustees of each state and community college shall, for each academic year beginning on or after July 1, 2009, fix and establish tuition and fee rates for each college. In-state tuition rates for the college shall preserve affordability for residents of the commonwealth. Out-of-state tuition rates shall appropriately balance the financial needs of the college with the need to be competitive with peer institutions regionally and nationwide

For each academic year beginning on or after July 1, 2009, all tuition and fees received by a state or community college shall be retained by the board of trustees of each state or community college in a revolving trust fund or funds and shall be expended as the board of trustees of the state or community college. Every such trust fund shall be established in accordance with and subject to the requirements of section 14 of chapter 73 of the general laws. Any balance remaining in the trust fund or funds at the end of the fiscal year shall continue to be held in said trust fund or funds, shall remain available for expenditure in subsequent fiscal years, and shall not revert to the general fund. All such trust funds shall be subject to audit by the state auditor.

Notwithstanding any general or special law to the contrary, unless the state appropriation is less than the previous fiscal year's appropriation, the rate of increase for in-state tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for Massachusetts (CPI). Each college may request a higher rate of increase within parameters and procedures set by the department of higher education, in conjunction with the presidents of the state and community colleges and upon the approval of the department of higher education. In determining approval, the department shall take into consideration the overall well-being of the institution, the quality of the academic programs, multiple years of underfunding of the institutions, any 9C cuts, so-called, that may have been instituted, and the additional financial burden on the student population of the institutions. Should the state appropriation be less than the previous fiscal year appropriation, the institutions shall first utilize not less than 25% of the combined total of their unrestricted reserve funds, including the student charges stabilization fund established pursuant to this act. For the purposes of this section, unrestricted reserves shall not include funds from auxiliary enterprise activities, grants and contracts, continuing education programs, gifts or plant funds. Following this, should their funding level still fall short of the previous year's appropriation, the institutions may increase student charges to attain the level of the previous fiscal year's appropriation plus the 3 year average of the consumer price index.

Insofar as is practicable, the final rates of student charges shall be established for the subsequent academic year no later than 15 days prior to the deadline for submission of state and federal financial aid applications by students attending institutions of higher education as set forth in section 5.

For employees of any state or community college who, after July 1, 2009, are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This paragraph shall apply only to fringe benefits associated with salaries paid from tuition retained by the board of trustees of a state or community college as a direct result of the authority granted by the preceding paragraph of this section..

Notwithstanding the provisions of this section to the contrary, the board of trustees of a state or community college may fix and establish a tuition rate and charges reduction for residents of bordering states to not less than 1 and ½ times the institution's in-state tuition and fee rates, if it determines that the institution is below enrollment capacity and the projected cost to the institution and the commonwealth of the reduction would be minimal when taking into account the projected enrollment growth associated with such an adjustment. The board of trustees shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for residents of the commonwealth.

(c) Section 1A of chapter 75 of the General Laws, as so appearing, is hereby amended by striking out clause (p) in the fifth paragraph and inserting in place thereof, the following clause: -

(p) to fix and establish tuition rates of said university and to retain such tuition in accordance with this section

(d) Said section 1A of said chapter 75, as so appearing, is hereby further amended by inserting after the fifth paragraph the following: -

The board of trustees shall, for each academic year beginning on or after July 1, 2009, fix and establish tuition and fee rates for the university. In-state tuition rates shall preserve affordability for residents of the commonwealth. Out-of-state tuition rates shall appropriately balance the financial needs of the university with the need to be competitive with peer institutions regionally and nationwide.

For each academic year beginning on or after July 1, 2009, all tuition and fees received by the university shall be retained by the board of trustees in a revolving trust fund or funds and all be expended as the board of trustees may direct for the operation and support of the university . Each such trust fund shall be established with and subject to the requirements of section 11. Any balance in said trust fund or funds at the end of the fiscal year shall continue to be held in said trust fund or funds, shall remain available for expenditure in subsequent fiscal years, and shall not revert to the general fund. Any such trust funds shall be subject to audit by the state auditor.

Notwithstanding any general or special law to the contrary, unless the state appropriation is less than the previous fiscal year's appropriation, the rate of increase for in-state tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for Massachusetts (CPI). The university may request a higher rate of increase within parameters and procedures set by the secretary of education, in conjunction with the board of trustees of the university and the president of the university and upon the approval of the secretary of education. In determining approval, the secretary shall take into consideration the overall well-being of the institution, the quality of the academic programs, multiple years of underfunding of the institutions, any 9C cuts, so-called, that may have been instituted, and the additional financial burden on the student population of the

institution. Should the state appropriation be less than the previous fiscal year appropriation, the university shall first utilize not less than 25% of the combined total of their unrestricted reserve funds, including the student charges stabilization fund established pursuant to this act. For the purposes of this section, unrestricted reserves shall not include funds from auxiliary enterprise activities, grants and contracts, continuing education programs, gifts or plant funds. Following this, should their funding level still fall short of the previous year's appropriation, the institutions may increase student charges to attain the level of the previous fiscal year's appropriation plus the 3 year average of the consumer price index.

Insofar as is practicable, the final rates of student charges shall be established for the subsequent academic year no later than 15 days prior to the deadline for the submission of state and federal financial aid applications by students attending institutions of higher education as set forth in section 5.

For employees of the university who, after July 1, 2009, are paid from tuition retained pursuant to this section, fringe benefits shall be funded as if those employees' salaries were supported by state appropriations. This paragraph shall apply only to fringe benefits associated with salaries paid from tuition retained by the board of trustees as a direct result of the authority granted by the preceding paragraph of this section.

Notwithstanding the provisions of this section to the contrary, the board of trustees of the university may fix and establish a tuition rate and charges reduction for residents of bordering states to not less than 1 and ½ times the institution's in-state tuition and fee rates if it determines that the institution is below enrollment capacity and the projected cost to the institution and the commonwealth of the reduction would be minimal when taking into account he projected enrollment growth associated with such adjustment. The board of trustees shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for residents of Massachusetts.

(d) Said chapter 15A is hereby amended by adding, after section 41, the following section: -

Section 42. (a) Notwithstanding any general or special law to the contrary, each community college, each state college and the university of Massachusetts shall create at the institution a reserve fund, hereinafter referred to as the "student charges stabilization fund", for their respective institution. There shall be deposited annually into the student charges stabilization fund of each institution the following: (1) any moneys which, within 60 days following the end of the fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to the institution for that fiscal year and that were not expended during, and remain unencumbered for expenditure in respect of, that fiscal year; provided, that notwithstanding any general or special law to the contrary, all such moneys shall remain available for expenditure, without further appropriation, in subsequent fiscal years and shall not revert to the General Fund; and provided further that the state comptroller shall transfer any such moneys remaining in the state treasury to the institution within 30 days of receipt of the institution's certification; (2) moneys that are appropriated to an institution which are required by the legislature to be deposited into the institutions student charges stabilization fund; and (3) other moneys that an institution may elect to deposit into its student charges stabilization fund, including student tuition and fee revenue. Student charges stabilization fund moneys shall be deposited in an interest bearing account credited to its respective institution.

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

(c) The board of trustees at each community college, state college and the university may, in a fiscal year and upon the vote of the board, expend moneys in its student charges stabilization fund whenever in any such fiscal year the moneys made available to the institution do not meet the commonwealth's annual full funding obligations with respect to the operating requirements of the institution set forth in section 1. Among the uses as the boards of trustees of each state or community college or the university, shall direct for the operation and support of the institution, the moneys shall first be used to reduce the need for increases in tuition and fees and to mitigate such increases should they become necessary.

(e) Section 19 of chapter 15A, as so appearing, is hereby amended by inserting after the second paragraph the following: -

The commonwealth shall bear the cost of providing any waivers granted under this section; provided further, that institutions shall not be required, on a year to year basis to grant waivers of a total value greater than those granted during the 2007 academic year.

(f) Notwithstanding the provisions of this section to the contrary, the Massachusetts College of Art and Design and the Massachusetts Maritime Academy shall be governed by section 25 of chapter 45 of the acts of 2005.

(g) The secretary of education shall undertake a review of the tuition retention program not later than July 1, 2014. Within said review, the secretary shall make any recommendations as to legislative changes to the program, including but not limited to, the repeal of said program.

This section shall take effect on July 1, 2009.

The amendment was adopted.

Messrs. Downing and O'Leary moved that the bill be amended by inserting after Section 3 the following section:-

"SECTION 3A. Chapter 6 of the General Laws is hereby amended by inserting after section 172I the following section:--

Section 172J. Notwithstanding section 172 or any other general or special law or rule or regulation to the contrary, any summer camp or school that plans to employ, or accept as a volunteer, a person who shall be the subject of a criminal offender record information check pursuant to section 38R of chapter 71 or sections 172G, 172H or 172I and if such camp or school is required to concurrently request a second criminal offender record information check on such employee or volunteer pursuant to a general or special law or rule or regulation by reason of such person's employment or volunteering for a climbing wall or challenge course program, such camp or school may simultaneously submit applications for both criminal offender record checks to the criminal history records board. Upon receipt of the 2 applications, the criminal history systems board shall conduct the

most comprehensive check required by either application and the results of such criminal offender record check shall satisfy each of the camp or school's obligation to request a criminal offender record check for which the applications were submitted. The criminal history systems board shall assess the camp or school a single fee of $30 for any request filed in pursuant to this section.

Information obtained pursuant to this section shall not be disseminated for any purpose other than to further the protection of children."

The amendment was adopted.

Ms. Walsh, Ms. Jehlen, Ms. Menard and Messrs. Morrissey, Galluccio, Timilty, Hart, Pacheco and Marzilli moved that the bill be amended by deleting Section 15 and inserting in place thereof the following section:-

"Section 15. (a) Section 103 of said chapter 32 is amended by inserting the following new paragraph:-

(j) Notwithstanding the provisions of paragraph (a) to the contrary, any system, by accepting the provisions of this paragraph as hereinafter provided, shall establish a base amount of $16,000 upon which the cost-of-living adjustment shall be calculated. Prior to accepting the provisions of this paragraph, the board of such system, in consultation with the commission, shall determine the costs associated with the cost of living adjustment that may be paid in accordance with this section. Acceptance of this paragraph shall be by a majority vote of the board of such system, subject to the following approval procedure: in the case of a city the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a district, the district members, and, in the case of an authority, the governing body. In the case of a county or region, acceptance of this paragraph must be approved by the governmental units, the employees of which are members of any such system, as follows: the board of selectmen of every town which is a member of the county or regional system, the county commissioners on behalf of a county, the district members in a district and the governing body in an authority, with the vote of each governmental unit weighted in the proportion that the number of employees in such unit bears to the total number of employees in all governmental units of such system as of the succeeding January first. Approval in a county or region shall be by no less than two-thirds of the weighted vote being cast in the affirmative. Acceptance of this paragraph shall be deemed to have occurred upon the filing of the certification of such vote and approval with the commission. A decision to accept the provisions of this paragraph may not be revoked.

Notwithstanding the provisions of subdivision (6A) of Section 22 or Section 22D to the contrary, for each system that has accepted the provisions of this paragraph, the board, in consultation with the commission, shall prepare a funding schedule which shall reflect the costs and the actuarial liabilities attributable to the cost of living allowance that may be paid in accordance with the provisions of this paragraph and said schedule shall be designed to reduce the applicable retirement system's pension liability to zero by such year, that may be subsequent to June 30, 2028, as approved by the commission. The board shall file revised funding schedules triennially with the joint committee on public service until such costs and liabilities are reduced to zero.

(b) Section 22D of said chapter 32, as appearing in the 2006 Official Edition, is amended by inserting in line 29 after the word "approve" the following words: - provided further, however, that in the event that a system has accepted the provisions of paragraph (j) of Section 103, the funding schedule, and any updates thereto, shall be designed to reduce the unfunded actuarial liability of said system to zero as of such year, that may be subsequent to June 30, 2028, as the commission shall approve."

The amendment was adopted.

PAPERS FROM THE HOUSE

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

Engrossed Bill -- State Loan.

An engrossed Bill financing the production and preservation of housing for low and moderate income residents (see House, No. 4594) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at nine minutes before nine o'clock P.M., as follows, to wit (yeas 37 - nays 0) **{Yeas and Nays No. 237}**

Yeas: - 37

INSERT ROLL CALL {"H"}

Nays: - 0

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

Engrossed Bill.

An engrossed Bill relative to oceans (see Senate, No. 2699) (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.

After remarks, the question on passing the bill to be enacted was determined by a call of the yeas and nays, at one minute past nine o'clock P.M., on motion of Mr. O'Leary, as follows, to wit (yeas 38 - nays 0) **{Yeas and Nays No. 238}:**

Yeas: - 38

INSERT ROLL CALL {"I"}

Nays: - 0

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

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering the bill to a third reading.

Ms. Menard moved that the bill be amended, in section 2, in item 7030-1003 to "include the SouthCoast Mentoring Initiative for Learning, Education and Service; provided not less than $200,000 shall be expanded for the dropout monitoring programs".

The amendment was adopted.

Mr. Tolman moved that the bill be amended, in section 2, in item 4000-0500, by inserting after the words "consent to the reassignment" the following:- "provided further, that not less than $7,000,000 shall be expended as payments for pediatric specialty hospitals and units, including pediatric chronic rehabilitation hospitals; provided further, that $5,000,000 of said $7,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units, including pediatric chronic and rehabilitation long-term care hospitals as allowable under federal law ; provided further, that $2,000,000 of said $7,000,000 shall be expended for a grant to said pediatric chronic and rehabilitation long-term care hospital for which federal financial participation and federal approval need not be obtained,"; and by striking out the figure "$3,117,519,323" and inserting in place thereof the following figure: "$3,130,469,323".

The amendment was adopted.

Messrs. Galluccio and Tolman, Ms. Tucker, Messrs. Petruccelli and Baddour, Ms. Jehlen, and Mr. Creedon moved to amend the bill in section 2, item 4000-0500, by adding the following:- "; and provided further, that $5,950,000 shall be expended on disproportionate share payments to high public payer hospitals".

The amendment was adopted.

Messrs. Creedon, Joyce, Pacheco, Montigny, Antonioni, Hart, McGee and Ms. Chandler moved that the bill be amended, in section 2, in item 0339--1001, by striking the figures "137,034,452" and inserting in place thereof the following new figures:- "138,034,452".

The amendment was adopted.

Messrs. Creedon, Joyce Pacheco, Montigny, Antonioni, Hart, McGee and Ms. Chandler moved that the bill be amended, in section 2, in item 0339-1003 by striking the figures "$6,734,529" and inserting in place thereof the following new figures:- "$7,234,529".

The amendment was adopted.

Communication.

There being no objection, during consideration of the orders of the Day, the Clerk read the following communication:

Commonwealth of Massachusetts
MASSACHUSETTS SENATE
State House, Boston 02133-1053

Dear Mr. Clerk:

I write regarding certain roll call votes taken on Wednesday, May 21, 2008 on amendments to S. 2600, the General Appropriations Act for Fiscal Year 2009 and I request that this correspondence be printed in the journal.

At the time the votes were taken, I was attending my daughter's high school graduation and was unable to cast several votes. If I had been in the chamber, I would have voted in the following manner:

Amendment #131- “Lottery Retail Incentives”: **Affirmative**
Amendment #157- “Veterans Plates”: **Affirmative**
Amendment #163- “Governor’s DC Office”: **Negative**
Amendment #165- “An Amendment Relative to Lottery Advertising”: **Negative** Amendment #169- “Eliminating the Paid State Volunteer Program”: **Negative**
Amendment #180.1- “Iran Divestment Study”: **Affirmative**

Thank you for your attention to this matter.

Sincerely,
Steven A. Tolman

On motion of Mr. Creedon, the above communication was ordered printed in the Journal of the Senate.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701),-- was further considered, the main question being on ordering the bill to a third reading.

Ms. Spilka, Ms. Resor and Messrs. Brown, Timilty, Rosenberg and Hedlund move to amend the bill by inserting, after Section __, the following new Section:-

“SECTION 68A. Notwithstanding any general or special law to the contrary, any municipality whose first year of membership or service in any regional transit authority established under chapter 161B of the General Laws, began on or after December 1, 2006, shall not be required to pay assessments during fiscal year 2009 for regional transit authority service provided in fiscal year 2008 unless such assessment is based upon final audited financial statements which were provided to the department of revenue prior to January 1, 2008. In fiscal year 2010, said municipalities shall be assessed for regional transit authority service and receive credit for such service pursuant to chapters 161A and 161B of the general laws based upon the most recently audited regional transit authority assessments available on January 1, 2009. Any deficit incurred by a regional transit authority as a result of the implementation of this section shall not be the obligation of the commonwealth and shall not be paid for by any funds of the commonwealth.”.

The amendment was adopted.

Ms. Spilka and Mr. Brown move that the bill be amended, in section 2, in item 6000-0200 by inserting after the words ‘fiscal year 2008’ the following wording:- “provided further, that $740,000 shall be distributed among regional transit authorities with member municipalities which are located within the MBTA district that do not pay assessments during fiscal year 2009 for service provided in fiscal year 2008 under Section 68A of this act in a manner that reflects the proportional relationship that the total of such unpaid assessments due to such a regional transit authority bears to the total of all such unpaid assessments due to the regional transit authorities effected by said Section 68A;”.

The amendment was adopted.

Mr. Panagiotakos moved that the bill be amended, in section 2 in item 0321-2100 by striking the figure “$840,000” and inserting in place thereof the following:- $985,824”;
In said Section 2, in item 0337-0002 by striking the figure “$12,183,895” and inserting in place thereof the following:- “$12,191,060”;
In section 2, in item 0340-0100, by inserting the following language:- “provided further that not more than $230,000 shall be expended for the cost of rent increases and property tax pass through increases at One Bullfinch Place”;
In item 0340-0400 by inserting at the end the following: “provided further, that no more than $45,000 be expended for the Victim Survivor Care Program at Anna Maria College”; by striking “9,205,428” and inserting in place thereof the following figure: “$9,250,428”;
In said Section 2, by striking out items 1108-5200 and 1108-5201 and inserting in place thereof the following items:-

1108-5200 For the commonwealth’s share of the group insurance premium and plan costs incurred in fiscal year 2009; provided, that notwithstanding any general or special law to the contrary, funds in this item shall not be available during the accounts-payable period of fiscal year 2009, and any unexpended balance in this item shall revert to the General Fund on June 30, 2009; provided, that the secretary of administration and finance shall charge the division of unemployment assistance and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that funds may be expended from this item for the commonwealth’s share of group insurance premium and plan costs provided to employees and retirees in prior fiscal years; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for

the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than 1 year; provided further, that the amounts received in payment for the charges shall be credited to the General Fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994, shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994, shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees and their dependents shall be 85 per cent; provided further, that the commonwealth's share of the premiums for active state employees hired after June 30, 2003, and their dependents shall be 80 per cent; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, that the group insurance commission may pay premium and plan costs for municipal employees and retirees who are enrolled in the group insurance commission's health plans pursuant to the commission's regulations …….$839,000,000

1108-5201 For the costs incurred by the group insurance commission associated with providing municipal health insurance coverage pursuant to section 19 of chapter 32B of the General Laws; provided, that the commission may expend revenues in an amount not to exceed $1,000,000 from the revenue received from administrative fees associated with providing municipal health insurance coverage pursuant to said section 19 of said chapter 32B; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as reported in the state accounting system ……$1,000,000";

In said Section 2, in item 1410-0010, by striking the figure "$2,213,552" and inserting in place thereof the following figure:- "$2,223,552";

In said Section 2, in item 1410-0012, by striking out the words "provided further, that not less than $100,000 shall be expended for veteran's services to be administered by the Falmouth veterans agent through the Falmouth Free Clinic and Community Center;" and inserting in place thereof the following words:- "provided further, that not less than $100,000 shall be expended for veteran's services to be administered by the Cape Community Health Center of Cape Cod;";

In said Section 2, in item 1410-0012, by striking out the words "provided further, that not less than $100,000 shall be expended for the Nathan Hale Foundation of Plymouth to assist veterans with transportation;" and inserting in place thereof the following words:- "provided further, that not less than $150,000 shall be expended for the Nathan Hale Foundation of Plymouth to assist veterans with transportation;";

In said Section 2, in item 2000-0100, by inserting after the words "Green Building Initiative" the following words:- "provided further, that not less than $70,000 shall be expended for the Falmouth Kids Global Climate Change Institute; provided further, that $118,308 shall be expended to the Town of Rutland";

In said Section 2, in said item 2000-0100, by striking out the figure "$7,236,256" and inserting in place thereof the following:- "$7,474,564";

In said Section 2, in item 2800-0100, by inserting after the words "February 13, 2009" the following words:- "provided further, that not less than $200,000 shall be expended for the operation of the Bellegarde Boathouse in the city of Lowell;

In said Section 2, in said item 2800-0100, by striking out the figure "$6,114,096" and inserting in place thereof the following:- "$6,664,096";

In said Section 2, in item 2800-0101, by striking out the figure "$1,680,310" and inserting in place thereof the following:- "$1,715,310";

In said Section 2, in item 2800-0700 by inserting after the words "public safety" the following:- "provided further, that no less than $500,000 shall be directed toward the hiring of dam safety inspectors; provided further, that the department shall file a report with the house and senate committees on ways and means not later than December 15, 2008, that shall include, but not be limited to, the following: (a) the number of staff that are assigned from this item and their job title, (b) the number of dam inspections that are scheduled for fiscal year 2009, and (c) the number of dams that are in need of repairs or need to be replaced";

In said Section 2, in item 3000-7050, by striking out the figure "$4,000,000" and inserting in place thereof the following figure:- "$9,555,694";

In item 4000-0112 by inserting at the end the following: "provided further, that $50,000 be expended for programs at the Athol Area YMCA";

In said Section 2, in said item 4000-0112, by striking out the figure "$5,255,000" and inserting in place thereof the following:- "$5,360,000";

In said Section 2, in said item 4000-0300, by striking out the figure "$145,118,773" and inserting in place thereof the following:- "$145,368,773"'

In said Section 2, in item 4400-1001, by striking out the figure "$2,932,760" and inserting in place thereof the following figure:- "$3,032,760";

In said section 2 in item 4403-2000 by striking out the words "the department shall review and revise its disability standards to reflect current medical and vocational criteria;" and inserting in place thereof the following language: "the

department shall review its disability standards to determine the extent to which they reflect current medical and vocational criteria and report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed;";

In said Section 2, in item 4510-0110, by striking the figure "6,917,772" and inserting in place thereof the following:- "7,147,772";

In said Section 2, in item 4510-0710, by striking the figure "8,717,714" and inserting in place thereof the following:- "9,006,018";

In said Section 2, in item 4512-0200, by striking out the words "provided further, that not less than $2,000,000 shall be expended for six regional recovery support centers;" and inserting in place thereof:- "provided further, that not less than $250,000 shall be expended for Phoenix House, for the purposes of establishing an independent 18-bed woman's sober-living facility in the Dorchester neighborhood of Boston, for females with alcohol and chemical dependency; provided further, that not less than $200,000 shall be expended for the operation of 24-hour services at the Albany Street Shelter operated by Cambridge and Somerville Program for Drug and Alcohol Rehabilitation; provided further, that not less than $150,000 shall be expended for the Lowell House;";

In said Section 2, in item 4512-0500, by striking the figure "3,119,016" and inserting in place thereof the following:- "3,147,016";

In said Section 2, in item 4513-1000, by inserting after the words "city of Boston;" the following words:- "provided further, that not less than $100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center;";

In said Section 2, in item 4513-1000, by striking the figure "7,260,000" and inserting in place thereof the following:- "7,360,000";

In said Section 2, in item 4513-1130, by inserting at the end thereof the following words:- "and provided further, that not less than $75,000 shall be expended for the Alternative House" and by striking the figure:- "5,096,677" and inserting in place thereof the following figure:- "5,271,677";

In said Section 2, in item 4590-0250, by striking the figure "16,782,134" and inserting in place thereof:- "17,057,134";

In said Section 2, in item 4590-0915, by striking the figure "144,026,131" and inserting in place thereof :- "144,926,131";

In said Section 2, in item 4800-0038, by striking out the figure "$312,209,552" and inserting in place thereof the following figure:- "$312,979,052";

In said Section 2, in item 4800-1400, by inserting at the end thereof the following wording:- "; provided further, that not less than $75,000 shall be expended for a contract with House of Hope in the city of Lowell"; and by striking out the figure "$23,248,406" and inserting in place thereof the following figure:- "$23,373,406";

In said Section 2, in item 5046-0000, by inserting at the end thereof the following words:- "and provided further, that $20,000 shall be expended for The Samaritans on Cape Cod and the Islands;";

In said Section 2, in item 5046-0000, by striking out the figure "$75,000" and inserting in place thereof the following figure:- "$125,000";

In said Section 2, in item 5046-0000, by striking out the figure "321,748,305" and inserting in place thereof:- "321,868,305";

In said Section 2, in item 5920-2025, by striking out the figure "128,859,457" and inserting in place thereof the following figure:- "129,259,457";

In said Section 2, in item 5920-3010, by striking out the figure "$50,000" and inserting in place thereof the following figure:- "$75,000";

In said Section 2, in item 7000-9501, by inserting after the words "the library incentive grant program" the following words:- " and under the guidelines for the nonresident circulation offset program";

In section 2, in item 7002-0201 by striking out the figure "$152,850" each time that it appears, and inserting in place thereof the following figure:- "$252,850" and by inserting at the end thereof the following words:- "and civil fines issued under sections 197B of chapter 111, 46R of chapter 140, and 6F1/2 of chapter 149 of the General Laws";

In said Section 2, in item 7003-0605 by striking the figure "$1,100,000" and inserting in place thereof the figure "$1,375,000";

In said Section 2, in item 7003-0702 by striking the figure "$6,363,000" and inserting in place thereof the figure "$7,579,500"

In said Section 2, in item 7003-0702 by striking out the words "Year Up, Inc. of Cambridge" and inserting in place thereof the following words:- "Year Up, Inc. of Boston".

In said Section 2, in item 7003-0702 by inserting after the words "Quinsigamond Community College;" the following:- "provided further, that not less than $100,000 shall be expended for the Paul Sullivan Foundation at Middlesex Community College; provided further, that not less than $50,000 shall be expended for the purpose of providing training for members of the Massachusetts Superior Clerks Association as well as employees of the Superior Court Clerks' offices;"

In said Section 2, in item 7004-0099, by striking out the figure "9,580,805" and inserting in place thereof the following: - "10,005,805"

In said Section 2, in item 7007-0515 by striking the figure "$725,000" and inserting in place thereof the figure "$1,125,000";

In said Section 2, in item 7007-0515, by adding at the end thereof the following words:- "provided further, that not less than $250,000 shall be expended for the North Shore Alliance for Economic Development."

In said Section 2, in item 7007-0900 by striking out the words "that not less than $200,000 shall be expended for the Regional

Technology Development Corporation of Cape Cod" and inserting in place thereof the following:- "that not less than $225,000 shall be expended for the Regional Technology Development Corporation of Cape Cod";
In said Section 2, in item 7007-0900 by inserting after the words "Spirit of Springfield:" the following:- "provided further, that not less than $200,000 shall be expended by the local chambers on Cape Cod to include Cape Cod Canal Region, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Hyannis, Mashpee, Orleans and Yarmouth, for the purpose of operating visitor centers;";
In said Section 2, in item 7007-0900 by inserting after the words "Freedom's Way Heritage Commission;" the following:- "provided further, that not less than $25,000 shall be expended for the Salisbury Beach Maritime Festival;";
In said Section 2, in item 7007-0900 by inserting after the words "Russian Community Association of Massachusetts (RCAM) in Boston;" the following:- "provided further, that not less than $100,000 shall be expended for a youth recreation and enrichment program in Pembroke;"
In said Section 2, in item 7007-0900 by inserting after the words "Freedom's Way Heritage Commission" the following:- "provided further, that not less than $25,000 shall be expended for the Plymouth County Development Council for a matching grant program in support of non-profit organizations; provided further, that not less than $20,000 shall be expended for the Captain Gerald F. DeConto program in the town of Sandwich;";
In section 2, in item 7007-0900 by inserting after the words "City of Springfield;" the following:- "provided further, that not less than $150,000 shall be expended for The Greater Food Warehouse of Plymouth Emergency Food Assistance Program;";
In item 7007-0900 by inserting at the end the following, "provided further, that $200,000 be expended to Old Sturbridge Village for an international marketing campaign; provided further that $10,000 be expended to the Town of Palmer for its annual winter festival; provided further, that $35,000 be expended to Monson Bellman, Inc. to support museum activities; provided further, that $20,000 be expended to the Town of Palmer for the Palmer Youth Program";
In said Section 2, in item 7007-0900, by adding at the end thereof the following words:- "provided further, that not less than $25,000 shall be expended for the Edson and Westlawn cemeteries.";
In said Section 2, in item 7007-0900 by striking the figure "$19,202,209" and inserting in place thereof the figure "$22,693,209";
In said Section 2 in item 7007-0951 by striking the figure "$7,100,000" and inserting in place thereof the following;- "$7,150,000"
In said Section 2 by striking out item 7009-6379 and inserting in place thereof the following:-

7009-6379 For the operation of the office of the secretary of education; provided, that agencies within the executive office may, with prior approval of the secretary, streamline and improve administrative operations under interdepartmental service agreements; provided further, the Secretary shall expend not less than $15,000 for the commission relative to the scope of the degree-granting authority of the state colleges and the feasibility of establishing a system of state universities established by this act..... $500,000;

In said Section 2, in item 7010-0005 by striking the figure "$16,580,047" and inserting in place thereof the following figure:- "$16,680,047";
In said Section 2, in item 7030-1003 by striking the figure "$3,440,000" and inserting in place thereof the following figure:- "$3,640,000";
In said Section 2, in item 7035-0002 by striking out the word "contracts";
In said Section 2, in item 7061-0012 by striking out the words "provided further, that not more than $9,250,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of elementary and secondary education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $9,250,000, not less than $8,000,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department;" and inserting in place thereof the following words:- "provided further, that not more than $11,250,000 shall be used to continue and expand voluntary residential placement prevention programs between the department of elementary and secondary education and other departments within the executive office of health and human services that develop community-based support services for children and their families; provided further, that of this $11,250,000, not less than $10,000,000 shall be made available to the department of mental retardation for the voluntary residential placement prevention program administered by that department;";
In said Section 2, in item 7061-0012, by striking the figure "$226,043,700" and inserting in place thereof the following figure:- "$228,043,700";
In said Section 2, in item 7061-9404 by striking the figure "$10,953,893" and inserting in place thereof the following figure:- "$11,091,393";
In said Section 2, in item 7061-9408 by striking the figure "$9,101,718" and inserting in place thereof the following figure:- "$9,301,718";
In said Section 2, in item 7061-9412, by inserting after the words "qualifying applications which were approved by the department in fiscal year 2008" the following words:- "and which included adding a minimum of 300 hours on a mandatory basis for all children attending that school";
In said Section 2, in item 7061-9604, by inserting after the word "preparations" the following words:- " provided further that not more than $70,000 Shall be expended for the Sea Education Association Programs for Teachers"; and by striking the figure "$1,962,758" and inserting in place thereof the following figure:- "$2,032,758";
In said Section 2, in item 7061-9611by striking the figure "$5,450,000" and inserting in place thereof the following figure:- "$5,550,000";

In said Section 2, in item 7061-9612, by striking the figure “$600,000” and inserting in place thereof the following figure:- “$850,000”;
In said Section 2, in item 7118-0100, by inserting at the end thereof the following wording:- “; provided further, that not less than $454,000 shall be expended for the one-time purchase of a engineering power plant simulator to provide training for public safety officials and other maritime agencies; provided further, that $100,000 shall be expended for the Woods Hole Diversity Advisory Committee” and by striking the figure “$14,176,086” and inserting in place thereof the figure “$14,730,086”;
In item 8000-0000 by inserting at the end the following: “provided further, that $25,000 be expended to the Quabbin Regional School District for the implementation of the Quabbin Emergency Preparedness Plan; provided further, that $70,000 be expended to the Town of Hubbardston to support its emergency shelter”;
In section 2, in item 8000-0000, by striking out the figure “$2,587,276” and inserting in place thereof the figure “$2,682,276”;
In section 2, in item 8324-0000, by striking out the figure “$1,178,666” and inserting in place thereof the figure “$1,200,000” and by striking out the figure “$15,548,169” and inserting in place thereof “16,798,315”;
In section 2, in item 8900-0011, by striking out the figure “$2,600,000” and inserting in place thereof the figure “$1,600,000”;
In said Section 2, in said item 9110-9002, by striking out the figure “$8,457,068” and inserting in place thereof the following:- “$9,115,068”;
In said Section 2, in said item 9110-1500, by striking out the figure “$48,024,305” and inserting in place thereof the following:- “$48,199,305”;
In said Section 2, in said item 9110-1660, by striking out the figure “$2,223,031” and inserting in place thereof the following:- “$2,323,031”;
By striking out sections 25 and 26 and inserting in place thereof the following 2 sections:-
“SECTION 25. Said chapter 62C is hereby further amended by inserting after said section 47A the following section:-

Section 47B. (a) If the commissioner determines that any person who holds a driver’s license, learner’s permit, right to operate a motor vehicle or certificate of motor vehicle registration has neglected or refused to file any returns or to pay any tax required under this chapter and that the person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or entered a payment agreement with which the taxpayer is fully compliant, the commissioner shall so notify the person in writing and the registry of motor vehicles. Upon receipt of notice from the commissioner as specified by the registrar, the registry shall promptly suspend, revoke, or prohibit issuance or renewal of the license, learner’s permit, right to operate a motor vehicle, or certificate of motor vehicle registration of the taxpayer. Any license, learner’s permit, right to operate a motor vehicle or certificate of motor vehicle registration suspended or revoked under this section shall not be reissued or renewed until the registry receives a certificate issued by the commissioner that the taxpayer is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of the certificate, including all taxes and returns referenced in the initial notification.

(b) Where a revocation, suspension or non-renewal of a license, permit, right to operate or certificate of motor vehicle registration is based upon nonpayment of an assessed tax administered under this chapter, the sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter and not pursuant to chapter 30A. The commissioner shall give the taxpayer not less than 30 days notice of any such proposed action, during which the taxpayer may enter into a payment agreement with the commissioner under mutually agreeable terms or may file a good faith abatement application within the time periods determined under section 37. Such an abatement application shall stay the proposed revocation, suspension, or non-renewal of a license or certificate of motor vehicle registration until the amount of disputed tax due is finally determined. The taxpayer subject to a proposed revocation, suspension or non-renewal of a license, permit, right to operate or certificate of motor vehicle registration, who is beyond the time limitations in section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period may appeal the proposed revocation, suspension or non-renewal by filing a civil action as provided in section 14 of chapter 30A. The scope of this appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely filed abatement under section 37. Any stay of the proposed revocation, suspension or non-renewal pending resolution of this appeal shall be within the discretion of the court.

SECTION 26. Section 49A of said chapter 62C, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following subsection:-

(f) Where the revocation, suspension or non-renewal of a license, permit, right to operate or certificate of motor vehicle registration is based upon nonpayment of an assessed tax administered under this chapter, the sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter and not pursuant to chapter 30A. The commissioner shall give the taxpayer not less than 30 days notice of any proposed action, during which the taxpayer may enter into a payment agreement with the commissioner under mutually agreeable terms or may file a good faith abatement application within the time periods determined under section 37. Such an abatement application shall stay the proposed revocation, suspension or non-renewal of a license, permit, right to operate or certificate of motor vehicle registration until the amount of disputed tax due is finally determined. The taxpayer subject to a proposed revocation, suspension or non-renewal of a license, permit, right to operate or certificate of motor vehicle registration, who is beyond the time limitations in section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period may appeal the proposed revocation, suspension or non-renewal by filing a civil action as provided in section 14 of chapter 30A. The scope of this appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely filed abatement under section 37. Any stay of the proposed revocation, suspension, or non-renewal pending resolution of this appeal shall be within the discretion

of the court.";
By inserting after Section 59 the following section:-

"SECTION 59A. Notwithstanding any general or special law to the contrary, for fiscal year 2009, not more than $4,200,000 of the amounts designated in 4000-0700 for Medicaid rate increases for community health centers shall be contingent on community health center adherence to quality standards and achievement of performance benchmarks, and for infrastructure and system of care development including, but not limited to, infrastructure and system of care development necessary to enable community health centers to meet performance standards and achieve benchmarks, and may be paid in fiscal year 2010.";
By striking out Section 65 and inserting in place thereof the following section:-

"SECTION 65. Notwithstanding any general or special law to the contrary, the comptroller shall, on or before June 30, 2009, transfer $210,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the comptroller shall instead transfer a lesser amount if the secretary of administration and finance so requests in writing.";

In Section 67, by striking out the section in its entirety and inserting in place thereof the following:-

"SECTION 67. Notwithstanding any general or special law to the contrary, during fiscal year 2009, the comptroller shall transfer from the Health Care Security Trust established pursuant to section 1 of chapter 29D of the General Laws to the General Fund an amount equal to 100 per cent of the total of all payments received by the commonwealth in fiscal year 2009 pursuant to the master settlement agreement in the action known as Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and 100 per cent of the earnings generated in fiscal year 2009 from the Health Care Security Trust as certified by the comptroller pursuant to paragraph (f) of section 3 of chapter 29D of the General Laws for certain health care expenditures appropriated in section 2.";
By striking out sections 80 and 81 and inserting in place thereof the following 2 sections:-

"SECTION 80. (a) Notwithstanding sections 40E to 40K and 52 to 55, inclusive, of chapter 7 of the General Laws, the division of capital asset management and maintenance, in consultation with the department of conservation and recreation, may, using competitive proposal processes that the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, so as to provide for the continued use, operation, maintenance, repair and improvement of all or a portion of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands that comprise the facilities of the Ponkapoag Golf Course of the department. The division shall hold open a pre-qualification period of at least 30 days for the town of Canton.

These leases and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the facilities, and may provide for the department to make initial capital improvements or direct grant funds to the lessee to undertake initial capital improvements as the commissioner of the department determines is necessary due to the condition of the facilities. Any such leases or other arrangements requiring improvements to be made to any portion of the facilities may include a description of the initially required improvements and, at minimum, performance specifications. Such leases and other agreements may provide that any benefits to the communities and the costs of improvements and repairs made to the facilities provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. The lessees or the recipients of these facilities shall bear all costs found necessary or appropriate by the commissioner of conservation and recreation for the transactions, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

SECTION 81. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, and using those competitive proposal processes as the division of capital asset management and maintenance considers necessary or appropriate, the division, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, for Ulin memorial rink in the town of Milton and the Connell memorial rink in the town of Weymouth, so as to provide for the continued use, operation, maintenance repair and improvement of such state-owned buildings and facilities, together with the land and appurtenances associated therewith,

(b) The failure of a city or town to apply for prequalification, as set forth below, shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the towns of Milton and Weymouth and any nonprofit organizations that desire to bid on rinks that are listed in this section and are located within the towns of Milton and Weymouth, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. A city, town, nonprofit organization or partnership of municipalities that desires to lease a rink under this section may submit materials for prequalification. The prequalification determination may consider, but need not be limited to, the city's, town's, nonprofit organization's or partnership's ability to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties. The division, in consultation with the department, shall determine whether a city, town, nonprofit or partnership is prequalified within 15 days of the end of the prequalification period. If a city, town, nonprofit organization or partnership is determined to be prequalified, that city, town, non-profit organization or partnership shall be awarded the lease for that rink under the terms and conditions set forth in this section. If a city, town, nonprofit organization or

partnership is determined to be prequalified, that city, town, non-profit organization or partnership shall pay consideration for a lease subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the city, town, nonprofit organization or partnership.

(d) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the properties and to undertake initial capital improvements the commissioner determines is necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made to a property may include a description of the initially required improvements and performance specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey; for-profit youth groups, and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in two-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. The leases and other agreements authorized in this section shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. Consideration received from the leases or other agreements for Ulin Memorial Rink in Milton shall be payable to the department of conservation and recreation for deposit into the Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws. Consideration received from the leases or other agreements for Connell Memorial Rink in Weymouth shall be payable to the department of conservation and recreation for deposit into the Division of Urban Parks Trust Fund in accordance with section 34 of chapter 92 of the General Laws. The lessees or the recipients of the properties shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

(e) The names of the ice skating rinks and facilities referenced in this section shall not be altered or changed under the leases or agreements.";

In Section 83, by striking out the first sentence and inserting in place thereof the following:- "The Secretary of Administration and Finance and the State Treasurer, in consultation with the Comptroller shall submit a report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets no later than January 1, 2009 detailing the current status of state finance law pertaining to the use and sales of bonds and recommendations on legislation to update the commonwealth's General Laws to better reflect current standards and to better utilize the state's capital program.";

By inserting the following 2 sections:-

"SECTION __. The initial procedures required by Section ____ relative to the auto body commission shall be adopted not later than March 1, 2009.

SECTION __. The rates established by the auto body commission under Section ___, shall apply to all agreements for labor which are entered into on after March 1, 2009.";

By inserting, after Section ___, the following new sections: -

"SECTION___. Section 4 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 88, 208, 218, 227, 250, 261, 269, 278, 294 and 516, the words "regular interest" and inserting in place thereof the words:- "buyback interest".

SECTION___. Section 4 of Chapter 32, as so appearing, is hereby amended, in line 379, by inserting after the words "would have otherwise paid into the retirement system" the following words:- "plus buyback interest thereon".

SECTION___. Section 105 of chapter 32, as so appearing, is hereby amended in lines 5 and 6 by striking out the words "actuarial assumed interest thereon" and inserting in place thereof the following words:- "buyback interest".

SECTION ___ . The provisions of sections ___ (first two above) shall apply to any buyback payments begun on or after July 1, 2009.";

By inserting at the end thereof the following section:

"SECTION XXX. Chapter 81 of the Acts of 2005 is hereby amended, in item 1599-2005, by inserting the following:- "provided further, that not less that $150,000 shall be expended to the Town of Spencer for the reimbursements of costs associated with the drinking water emergency in April 2007"; and

By inserting the following new section:-

"Section ___. Section 44 of chapter 85 of the acts of 1994, as amended by section 50 of Chapter 15 of the Acts of 1996, and as further amended by section 19 of Chapter 23 of the Acts of 2002, is hereby further amended by inserting after the words "Mount Greylock state reservation" the following words:- , Wilbur Farmhouse and Barn at Borderland state park, Whitehead House at Willowdale state forest, Kerighan House at Bradley Palmer state park, Police Station, Dormitory, Laundry and Waiting Room structures at Nantasket Beach reservation, Caretaker's Cottage and the Barn at Brookwood Farm in the Blue Hills reservation, 1 Woodland Road in the Middlesex Fells reservation, Print Shop at the Brook Farm Historic Site in West Roxbury, Carriage House at Havey Beach in West Roxbury, CCC Camp in Upton state forest, Teahouse and Boathouse in Maudsley state park."

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and the nays at seventeen minutes past ten o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 239]:**

Insert Roll Call "J"

The yeas and nays having been completed at twenty minutes past ten o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2714, printed as amended.]

Sent to the House for concurrence in the amendments.

Order Adopted.

On motion of Ms. Menard,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Tuesday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Michael Bhati.

The Senator from Middlesex and Norfolk, Ms. Spilka, requested that when the Senate adjourns today, it adjourn in memory of Michael Bhati, formerly of Medway, Massachusetts.

Mr. Bhati was 31-years old and was a specialist in the politics and culture of Afghanistan. He was killed by a roadside bomb in a remote region of Afghanistan along with two United States soldiers on May 7th. Mr. Bhatia, a Brown University graduate and a doctoral candidate at Oxford University in England, had been in Afghanistan since November, helping the Army's 82d Airborne Division to understand the country's tribal customs. He is among a handful of academics who have partnered with the US military in so-called human terrain teams to establish peace in Afghanistan and Iraq. He is survived by his parents Manik and Linda and his sister Tricia, all of Medway.

Accordingly, as a mark of respect to the memory of Michael Bhati, at twenty-two minutes past ten o'clock P.M., on motion of Mr. Berry, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.