

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, July 30, 2008.

Met at one minute past ten 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, the several guests were recognized as follows:

The President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced employees and residents of TILL, Inc. in Dedham, Massachusetts. TILL, Inc. is a private, non-profit service agency that services individuals of all ages with mental retardation, physical handicaps and learning disabilities.

The President handed the gavel to Ms. Wilkerson and Mr. Galluccio for the purpose of an introduction. Ms. Wilkerson then introduced a group of students and chaperones from the YMCA Black Achievers on Huntington Avenue in Boston. The program, "Young Achiever Summer Institute Developing Future Trail Blazers", introduces the students to career and educational possibilities that they might not have otherwise considered. The students were on a field trip to the State House and learning about different aspects and career opportunities in government.

The President handed the gavel to Mr. Brewer for the purpose of an introduction. Mr. Brewer then introduced former Red Sox pitcher #27, Bill Monbouquette. Bill was recognized for being a member of the Red Sox Hall of Fame, for pitching a no-hitter in 1962 and for being a three time All Star player in 1960, 1962 and 1963. He is currently a spokesman for Dana Farber and is going in for a bone marrow transplant procedure in hopes to put an end to his battle with leukemia. Bill signed the guest book as the Senate applauded his accomplishments and he withdrew from the Chamber.

The President handed the gavel to Mr. O'Leary for the purpose of an introduction. Mr. O'Leary then introduced Katie Ann Mayhew of West Tisbury, Massachusetts. Katie Ann is the 16 year old winner of the Boston Pops High School Sing-Off Competition which consisted of 200 contestants from around the state. She earned a place singing with the Boston Pops Orchestra at its annual 4th of July celebration on the Esplanade. Katie Ann addressed the Senate in song and was applauded for her beautiful voice and accomplishments.

The President handed the gavel to Ms. Spilka and Ms. Candaras for the purpose of an introduction. Ms. Spilka and Ms. Candaras then introduced Reverend Joseph W. Bradley of Springfield, Massachusetts. Reverend Bradley was presented with a Senate Resolution recognizing him for his 38 years of service and on the occasion of his retirement. He is the father of Erin Bradley, the Policy Analyst for Senator Spilka.

Communication.

A communication from the Honorable Richard R. Tisei, Senate Minority Leader, announcing the appointment of Senator Michael R. Knapik to the Winter Energy Costs Task Force,— **was placed on file.**

PAPERS FROM THE HOUSE.

Bills

Designating architect emeritus status (House, No. 4803,— on House, No. 4229); and
Relative to discharging sewage from marine vessels into waters of the Commonwealth designated as no discharge areas (House, No. 4805,— on House, No. 4336);

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

Bills

Relating to spectating at or creating depictions of animal fighting or cruelty (House, No. 1527,— on House, Nos. 1527 and 1529);

Validating the actions taken at an annual town election held in the town of Dudley (printed in House, No. 3971,—being a message from His Excellency the Governor);

Validating the action taken at the annual town election held in the town of Lanesborough (printed in House, No. 4250,— being a message from His Excellency the Governor); and

Validating a certain election in the town of Medway (printed in House, No. 4545,— being a message from His Excellency the Governor);

Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

A Bill relative to an intermunicipal agreement and betterment assessments in the town of Lunenburg (House, No. 5033,— on House, No. 4543),— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Engrossed Bills — Land Takings for Conservation. Etc.

An engrossed Bill authorizing the town of West Boylston to convey certain open space land (see House, No. 4120, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at four minutes past ten o'clock A.M., as follows, to wit (*yeas 24 — nays 0*) [**Yeas and Nays No. 312**]:

YEAS.	
Augustus, Edward M., Jr.	Knapik, Michael R.
Baddour, Steven A.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Richard T.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Resor, Pamela
Hart, John A., Jr.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.

Jehlen, Patricia D.	Tisei, Richard R. — 24.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Frederick E. Berry,	Stanley C. Rosenberg (present)
Stephen M. Brewer,	Steven A. Tolman (present) — 4.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Petrucelli, Anthony
Candaras, Gale D.	Timilty, James E.
Galluccio, Anthony D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Marzilli, Jim	Wilkerson, Dianne — 11.
Morrissey, Michael W.	

The yeas and nays having been completed at seventeen minutes past ten o'clock A.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.

An engrossed Bill relative to certain property in the town of Chilmark (see House, No. 4559) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eighteen minutes past ten o'clock A.M., as follows, to wit (*yeas 26 — nays 0*) [**Yeas and Nays No. 313**]:

YEAS.	
Augustus, Edward M., Jr.	Creem, Cynthia Stone
Baddour, Steven A.	Downing, Benjamin B.
Brewer, Stephen M.	Fargo, Susan C.
Brown, Scott P.	Hedlund, Robert L.
Buoniconti, Stephen J.	Jehlen, Patricia D.
Chandler, Harriette L.	Knapik, Michael R.
McGee, Thomas M.	Panagiotakos, Steven C.
Menard, Joan M.	Resor, Pamela
Montigny, Mark C.	Rosenberg, Stanley C.

Moore, Richard T.	Spilka, Karen E.
Morrissey, Michael W.	Tarr, Bruce E.
O’Leary, Robert A.	Tisei, Richard R.
Pacheco, Marc R.	Tucker, Susan C. — 26.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Robert S. Creedon, Jr. (present),	Frederick E. Berry
John A. Hart, Jr. (present),	Brian A. Joyce
Steven A. Tolman,	James E. Timilty — 6.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Petrucelli, Anthony
Candaras, Gale D.	Walsh, Marian
Galluccio, Anthony D.	Wilkerson, Dianne — 7.
Marzilli, Jim	

The yeas and nays having been completed at twenty-three minutes past ten o’clock A.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.

An engrossed Bill relative to the leasing of certain land in the city of Waltham (see House, No. 5015) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,—was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty-four minutes past ten o’clock A.M., as follows, to wit (*yeas 26 — nays 0*) [**Yeas and Nays No. 314**]:

YEAS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.

Hart, John A., Jr.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 26.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Robert S. Creedon, Jr. (present),	Frederick E. Berry
Cynthia Stone Creem (present),	Brian A. Joyce
Michael W. Morrissey (present),	James E. Timilty
Steven A. Tolman (present),	Dianne Wilkerson — 8.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim
Candaras, Gale D.	Petrucelli, Anthony — 5.
Galluccio, Anthony D.	

The yeas and nays having been completed at twenty-nine minutes past ten o'clock A.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.

An engrossed Bill providing for the merger of the Turners Palls Fire District and the Lake Pleasant Water Supply District (see House, No. 5020) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at a half past ten o'clock A.M., as follows, to wit (*yeas 28 — nays 0*)

[Yeas and Nays No. 315]:

YEAS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Brown, Scott P.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.

Creem, Cynthia Stone	Panagiotakos, Steven C.
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Galluccio, Anthony D.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Tisei, Richard R.
Knapik, Michael R.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 28.
NAYS — 0.	
PAIRED.	
YEAS. NAYS.	
Robert S. Creedon, Jr. (present),	Frederick E. Berry
John A. Hart, Jr. (present),	Brian A. Joyce
Steven A. Tolman (present),	James E. Timilty — 6.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Petrucelli, Anthony
Candaras, Gale D.	Wilkerson, Dianne — 5.
Marzilli, Jim	

The yeas and nays having been completed at twenty-six minutes before eleven o'clock A.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 authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property to the city known as the town of Natick (see House, No. 4806) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 5022),—ought to pass, with an amendment striking out section 11 and inserting in place thereof the following section:—

“SECTION 13A. Section 6 of Chapter 70B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following subsection:—

(e) A city, town or regional school district may borrow for a term of not more than 5 years for the cost of such feasibility studies as may be required to apply for a school facilities grant under this chapter; by striking out sections 65A, 65B and 65C”; and by inserting at the end of the bill the following new section:—

“SECTION 46A. Item 7007-0900 of said section 2 of said chapter 12 of the Acts of 2008 is hereby further amended by striking out the figure ‘37,087,309’ and inserting in place thereof the following figure:— ‘\$38,087,309.’”

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

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

Pending the question on passing the bill to be engrossed, Ms. Wilkerson moved that the bill be amended by inserting after Section 65 the following new Section:—

“SECTION 65A. The state secretary shall print 10,000 fully transliterated English-Mandarin and English-Cantonese ballots to be made available for the Chinatown neighborhood of Boston 30 days prior to the state primary election and the state general election in 2008. Transliterated shall mean the printing of relevant Chinese characters to represent the phonetic equivalent of the syllables of an English name or a name in any other language that is not traditionally written using Chinese characters. The state secretary shall provide for the transliteration of all candidates’ names to be prepared by a qualified Chinese translator and subject to approval by the state secretary. Upon approval by the state secretary, all candidates shall be provided with a written copy of the proposed transliteration of his or her name and any candidate may provide written notice to the state secretary of a modification of the proposed transliteration of his own name within 35 days of the primary and general election \$20,000”.

The amendment was adopted.

Mr. Tisei moved that the bill be amended by striking out sections 18 and 19.

After debate, the amendment was *rejected*.

Mr. Tarr moves to amend the bill in section 2, by inserting before item 7061-9010 the following item:—

“7010-0005 For funding the work of the education resource study committee established in section 61A and the cost study required by said section 61A \$600,000”; by inserting after section 61 the following section:—

“SECTION 61A. In order to determine, as a basis for legislative action, the resources needed to achieve the commonwealth’s educational goals, a committee, 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 his designee, and the governor’s education advisor, may conduct a study to determine the resources necessary to achieve the commonwealth’s educational goals. 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 and in this section. For purposes of its work, the committee and consultant thereto shall have access to all necessary papers, vouchers, books and records pertaining to the department of education and to any school district in the commonwealth. The department of education, school districts and the personnel thereof shall cooperate with the committee and consultant for any purpose connected to its work pursuant to this section including, but not limited to, participating in interviews and producing books, records and documents. The committee and consultant thereto may request reasonable assistance from the commissioner of education and from the superintendent of any school district, and said commissioner and such superintendents shall furnish the committee and consultant thereto with any relevant information in their possession which is requested by the committee and consultant. The committee shall: (1) Prepare a request for proposals for the conduct of a resource study, advertise nationally for such proposals, evaluate the proposals and contract with an appropriate independent entity or independent consultants to conduct a professional evaluation of a) the extent of educational and other resources required by school districts to enable them to implement fully each of the 7 curriculum frameworks and fulfill the goals of the Education Reform Act and this section, and b) the resources required by the department of education to enable it to fulfill its responsibilities under the Education Reform Act. Such responsibilities shall include providing technical assistance to school districts to improve the capacity of school districts to implement the curriculum frameworks effectively and devising instructional strategies which improve learning for diverse student populations; and

(2) Include in its proposals the requirements that in conducting its study, the consultant to the committee shall: (a) consider and evaluate all the resources which relate to student learning and educational opportunity including, but not limited to: class size; special education programs, including programs for English language learners; pre-school programs for all 3- and 4-year-olds and full-day kindergarten; additional resources needed to assure educational opportunity for low-income students; salaries needed to attract and retain high quality professionals; technology; extra-curricular programs; remedial programs for students at risk of failing to satisfy graduation requirements; and quality books and equipment for science labs;

(b) provide the committee with a proposed work plan before beginning the study;

(c) interview and consult with representatives of educational professions and other groups involved in issues of educational policy and finance including, but not limited to, the Massachusetts Association of School Superintendents, the Massachusetts Association of School Committees, the Massachusetts Teachers Association, the American Federation of Teachers/Massachusetts, the Massachusetts Municipal Association, the Rennie Center for Education Research and Policy, the Council for Fair School Finance, the Massachusetts Budget and Policy Center, the Massachusetts Taxpayers Foundation, Massachusetts Business Alliance for Education, the commissioner of the department of education, the Massachusetts Parent

Teacher Organization, Stand for Children, academics and researchers involved in educational strategies, and the general public through public hearings;

(d) review successful educational programs in schools and school districts with diverse socio-economic characteristics and racial make-up and assess the possibility of replicating such programs in other schools and school districts;

(e) file monthly progress reports with the committee outlining the work of the previous month and the work planned for the upcoming month;

(f) after the completion of one-third of the work and again after completion of two-thirds of the work, participate in a forum with the committee to provide an opportunity for public comment;

(g) issue a preliminary report on its work and the cost study and solicit comments, criticisms and suggestions from professional educators, education administrators and experts in education policy and finance concerning the report; and

(h) deliver a final report to the president of the senate, the speaker of the house of representatives, and the joint committee on education not later than September 1, 2009.”

After remarks, the amendment was adopted.

Mr. Tisei moves to amend the bill by inserting after section 32 the following section:—

“SECTION 32A. Item 0521-0000 of section 2 of chapter 182 of the acts of 2008 is hereby amended by inserting after the word ‘Worcester’ the following words:—; provided further, the secretary shall make available not less than \$1,500,000 to cities and towns to fulfill the commonwealth’s obligations for any state mandate relative to election day registration for elections occurring during fiscal year 2009.”

After debate, the question on adoption of the amendment, was determined by a call of the yeas and nays, at twenty-two minutes past eleven o’clock A.M., on motion of Mr. Tisei, as follows, to wit (*yeas 6 — nays 29*) [**Yeas and Nays No. 316**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — 6.
NAYS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Candaras, Gale D.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Petrucelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Galluccio, Anthony D.	Spilka, Karen E.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian

Joyce, Brian A.	Wilkerson, Dianne — 29.
McGee, Thomas M.	
PAIRED.	
YEAS.NAYS.	
Frederick E. Berry,	Steven A. Tolman (present) — 2.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 2.

The yeas and nays having been completed at twenty-six minutes past eleven o'clock A.M., the amendment was rejected.

Mr. Tisei moved reconsideration of the previous vote, and after debate, the question on reconsideration was determined by a call of the yeas and the nays, at twenty-four minutes before twelve o'clock noon, on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 30) [Yeas and Nays No. 317]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
NAYS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Moore, Richard T.
Buoniconti, Stephen J.	Morrissey, Michael W.
Candaras, Gale D.	O'Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Petrucelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Galluccio, Anthony D.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.

Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
PAIRED.	
YEAS. NAYS.	
Frederick E. Berry,	Steven A. Tolman (present) — 2.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 2.

The yeas and nays having been completed at twenty minutes before twelve o'clock noon, the motion to reconsider was rejected.

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

“SECTION XX. Chapter 182 of the Acts of 2008 is hereby 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*.

Mr. Tarr moved that the bill be amended by in section 28, by striking the figure “\$64,000,000” and inserting in its place the following:— “\$32,000,000”; and in section 28, by adding at the end thereof the following:— “provided further, that \$32,000,000 shall be placed into the Essential Community Provider Trust Fund”.

After remarks, the amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended by striking section 17 and replacing it with the following:

“SECTION 17. Notwithstanding section 38 of chapter 118G of the General Laws, for the fund fiscal year beginning on October 1, 2009, the health safety net office shall calculate the percentage of the surcharge created by that section by dividing \$193,000,000 by the projected annual aggregate payments subject to the surcharge. The office shall determine the surcharge percentage before the start of the fund fiscal year and may redetermine the surcharge percentage before April 1, 2009, if the office projects that the initial surcharge established the previous October will produce less than \$183,000,000 or more than \$203,000,000.”

The amendment was *rejected*.

Mr. Tarr moves to amend the bill by adding at the end the following additional sections:—

“SECTION ____ . Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1198, the figure ‘100’ and inserting in place thereof the figure:—‘300’.

SECTION ____ . Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1200, the figure ‘\$20,000’ and inserting in place thereof the figure:— ‘\$40,000’.

SECTION ____ . Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1201, the figure ‘\$30,000’ and inserting in place thereof the figure:— ‘\$60,000’.

SECTION ____ . Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1203, the figure ‘\$40,000’ and inserting in place thereof the figure:— ‘\$60,000’.

SECTION ____ . Clause Forty-first C of section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1204, the figure ‘\$55,000’ and inserting in place thereof the figure:— ‘\$75,000’.”

After debate, the amendment was rejected by a vote of 5 to 9.

The question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at seven minutes before twelve o'clock noon, on motion of Mr. Tisei, as follows, to wit (*yeas 30 — nays 5*) [**Yeas and Nays No. 318**]:

YEAS.

Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O’Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
PAIRED.	
YEA. NAY.	
Frederick E. Berry,	Richard T. Moore (present) — 2.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 2.

The yeas and nays having been completed at three minutes before twelve o’clock noon, the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2857, printed as amended].

Sent to the House for concurrence in the amendment.

Matter Taken Out of the Orders of the Day.

There being no objection, the following matter was taken out of the Orders of the Day and considered as follows:
The Senate Bill authorizing the town of Weymouth to transfer certain water supply land (Senate, No. 2734) (its title having been changed by the committee on Bills in the Third Reading),— **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

PAPER FROM THE HOUSE.

The Senate Bill to promote cost containment, transparency and efficiency in the delivery of quality health care (Senate, No. 2660, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4974, printed as amended. On motion of Mr. Tisei, the Senate insisted in its amendment, and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Moore, Panagiotakos and Tisei were appointed to the committee on the part of the Senate. The bill was returned to the House endorsed accordingly.**

Recess.

There being no objection, at one minute before twelve o'clock noon, the President declared a recess, subject to the call of the Chair; and, at fourteen minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—
Resolutions (filed by Ms. Wilkerson, Messrs. Augustus, Baddour, and Brewer, Ms. Candaras, Ms. Chandler, Mr. Downing, Ms. Fargo, Messrs. Galluccio and Hart, Ms. Jehlen, Messrs. Joyce and McGee, Ms. Menard, Messrs. Montigny, Moore, O'Leary and Pacheco, Ms. Resor, Mr. Rosenberg, Ms. Spilka, Mr. Tolman, Ms. Tucker and Ms. Walsh) "investing in clean technologies."

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

July 30, 2008.

William F. Welch, Clerk
Massachusetts State Senate
The State House
Boston, MA 02133

Dear Mr. Clerk:

Due to traffic on the morning of July 30, I was absent from the chamber. Had I been present, I would have voted in the affirmative for the following bills:

H. 4120
H. 4559
H. 5015
H. 5020

I respectfully request that a copy of this correspondence be printed in the Senate Journal for July 30, 2008. Thank you in advance for your assistance in this matter.

Very truly yours,
GALE D. CANDARAS,
State Senator.

On motion of Mr. Tolman, the above communication was ordered printed in the Journal of the Senate.

PAPER FROM THE HOUSE.

Engrossed Bill.

An engrossed Bill relative to the post retirement liability fund in the town of Needham (see House, No. 4826) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Governor for his approbation.

Reports of Committees.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to lease certain property in the town of Great Barrington (House, No. 5010),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Downing, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Downing moved that the bill be amended in section 1, line 17, by inserting after the words “asset management” the following words:— “, in consultation with the commissioner of conservation and recreation,”; in section 4, line 7, by inserting after the word “maintenance” the following words:— “, in consultation with the commissioner of conservation and recreation”; and by inserting at then end of the bill the following new section:—

“SECTION 5. The lessee shall pay the commonwealth the full and fair market value of the property as described in section 1 or its value in use as proposed, whichever is greater, as determined by an independent appraisal.”

The amendment was adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (House, No. 4781),— **ought to pass.**

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

Mr. Downing for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill to provide for the public inspection of law enforcement records made or received by special state police officers at colleges and universities (Senate, No. 2657) (the committee on Ethics and Rules having recommended that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2858).

There being no objection, the rules were suspended, on motion of Ms. Jehlen, and the bill was read a second time and was amended, as recommended by the committee on Ethics and Rules.

After remarks, the bill (Senate, No. 2657, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Engrossed Bills.

The following engrossed bills (the first two of which originated in the Senate), 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:

Relative to District Court clerks (see Senate, No. 1004);

Relative to the Joint Labor-Management Committee (see Senate, No. 1095); and

Relative to the licensing of sheet metal workers and sheet metal contractors (see House, No. 4804).

Emergency Preambles Adopted.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances in the city of Somerville (see Senate, No. 2705), 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 14 to 0.**

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

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant a sewer easement in certain land in the town of Belchertown (see Senate, No. 2355, amended), 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 16 to 0.**

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

Reports of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill relative to school district accountability (House, No. 4967, amended),— ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2851.

There being no objection, the rules were suspended, on motion of Mr. Tolman, and the bill was read a second time.

Pending question on adoption of the recommended Ways and Means amendment, Mr. Antonioni moved that the Ways and Means amendment be amended in the second paragraph of section 3 after the words: “This individual shall” by striking the following: “develop policies to”.

The amendment was adopted.

The Ways and Means amendment was adopted, as amended. After remarks, the bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at eleven minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 319**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at eight minutes before two o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill extending simulcasting of horse and greyhound racing, (Senate, No. 2721),— **ought to pass.**

There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Pacheco and Creedon moved that the bill be amended by adding at the end thereof the following new section:—

“SECTION __. Chapter 128C, section 2, subsection 2 (b) of the Massachusetts General Laws, as appearing in the 2006 official edition, is hereby amended by striking out, in lines 45 through 46, inclusive, the words, ‘4 interstate running horse simulcasts prior to 4:00 p.m.’, and inserting in place thereof the following words:—unlimited interstate running horse simulcasts.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 320**]:

YEAS.	
Creedon, Robert S., Jr.	Menard, Joan M.
Hart, John A., Jr.	Montigny, Mark C.
Joyce, Brian A.	Pacheco, Marc R. — 6.
NAYS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Panagiotakos, Steven C.
Brown, Scott P.	Petrucelli, Anthony
Buoniconti, Stephen J.	Resor, Pamela
Candaras, Gale D.	Rosenberg, Stanley C.
Chandler, Harriette L.	Spilka, Karen E.
Creem, Cynthia Stone	Tarr, Bruce E.
Downing, Benjamin B.	Tisei, Richard R.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hedlund, Robert L.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 31.
Knapik, Michael R.	
ANSWERED “PRESENT”.	
Timilty, James E. — 1.	
ABSENT OR NOT VOTING.	

Marzilli, Jim — 1.	
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The yeas and nays having been completed at nineteen minutes before three o'clock P.M., the amendment was rejected. The bill (Senate, No, 2721) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at a quarter before three o'clock P.M., on motion of Mr. Pacheco, as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 321**]:

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O'Leary, Robert A.
Buoniconiti, Stephen J.	Panagiotakos, Steven C.
Candaras, Gale D.	Petrucelli, Anthony
Chandler, Harriette L.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 35.
Knapik, Michael R.	
NAYS.	
Creedon, Robert S., Jr.	Pacheco, Marc R. — 2.
ANSWERED "PRESENT".	
Timilty, James E. — 1.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at ten minutes before three o'clock P.M., the bill was passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act extending simulcasting of horse and greyhound racing".
Sent to the House for concurrence.

PAPERS FROM THE HOUSE.
Emergency Preambles Adopted.

An engrossed Bill concerning marriage laws (see Senate, No. 800), 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 President and sent to the House for enactment.

An engrossed Bill providing for the disposition of certain property at Medfield State Hospital (see House, No. 4214), 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 7 to 1.**

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

An engrossed Bill establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (see House, No. 4771, amended), 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 4 to 0.**

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

An engrossed Bill authorizing the Commissioner of Capital Asset Management and Maintenance to grant easements in the city of Somerville (see House, No. 4781), 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 8 to 0.**

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill further regulating notaries public Senate, No. 2652, amended),— ought to pass, with an amendment in section 4, in proposed section 18, in subsection (a), by striking out the fourth sentence; and in said section 4, in said proposed section 18, in said subsection (a), by adding the following sentence:— “If the attorney general or the state secretary has cause to believe that, as a result of official misconduct, a person holding the office of notary public is unsuitable to hold that office, the attorney general or the state secretary shall provide notice to the governor of such official misconduct.”; and in section 6, by striking out the words “July 1, 2008” and inserting in place thereof the following words:— “July 1, 2009”.

There being no objection, the rules were suspended, on motion of Ms. Tucker, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means,

The bill (Senate, No. 2652, amended) was then ordered to a third reading, read a third time and passed to be engrossed, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act further regulating notaries public”.

Sent to the House for concurrence.

Matter Taken Out of the Orders of the Day — Objection.

The President requested that the following matter be taken out of the Orders of the Day:

The House Bill protecting the public health (House, No. 4346),— but objection was made thereto by Mr. Tisei.

Recess.

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

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 5016),— **ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2852.**

There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time.

Mr. Downing moved that the bill be amended in section 4, in line item 1100-3001 by inserting the following: “provided further, that not less than \$275,000 be expended for renovations and improvements to the Dalton Town Hall”.

The amendment was *rejected*.

Mr. Downing moved that the bill be amended in section 4, in line item 1102-5600 by inserting the following: “provided further, that not less than \$100,000 be expended for upgrades at the Pittsfield District Court”.

The amendment was adopted.

Mr. Downing moved that the bill be amended in section 4, in line item 1100-3001 by inserting the following: “provided further, that not less than \$250,000 shall be expended for ADA compliance at the town hall in Egremont”.

The amendment was *rejected*.

Mr. Downing moved that the bill be amended in section 2, in line item 8000-2020 by striking out the figure “\$15,000,000” and inserting in place thereof the following figure:— “\$22,400,000”.

The amendment was *rejected*.

Messrs. Downing and Rosenberg moved that the bill be amended in section 4, in line item 1100-3001 by inserting the following: “provided further, that not less than \$500,000 be expended for restoration of the W.E.B. Du Bois Homesite in the town of Great Barrington”.

The amendment was adopted.

Mr. Downing moved that the bill be amended in section 4, in line item 1100-3001 by inserting the following: “provided further, that not less than \$2,000,000 shall be expended for improvements to Wahconah Park in Pittsfield.

The amendment was *rejected*.

Messrs. Knapik and Buoniconti moved that the bill be amended in item 1100-3001 by inserting the following: Provided further, that \$1,000,000 shall be expended for expansion, renovation, capital improvements, or relocation for the Chicopee Council on Aging.”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in item 1100-3001 by inserting the following: “Provided further, that \$1,000,000 shall be expended for the Geriatric Authority of Holyoke,”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in item 1100-3001 by inserting the following: “Provided further, that \$100,000 shall be expended for the reconstruction and installation of public access improvements to the Larabee School building in the town of Southampton,”.

The amendment was *rejected*.

Mr. Knapik moved that the bill be amended in item 1100-3001 by inserting the new section: “Provided further, that \$250,000 shall be expended for the enhancement and reconstruction of police department facilities in the town of Southampton,”.

The amendment was *rejected*.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 4, line 1102-2008, by adding the following:— “provided further, that not less than \$24,000,000 shall be expended for the construction of the Massachusetts Psychiatric Hospital in the City of Worcester”.

The amendment was adopted.

Mr. Knapik moved that the bill be amended in item 1.100-3001 by inserting the following: “Provided further, that \$100,000 shall be expended for renovations to the former Southwick Public Library building,”.

The amendment was *rejected*.

Messrs. Knapik and Buoniconti and Ms. Candaras moved that the bill be amended in item 1102-5600 by inserting the following: “Provided further, that \$35,000,000 shall be expended for renovations and construction at the Hampden County Hall of Justice in the city of Springfield,”.

The amendment was adopted.

Mr. Augustus moved that the bill be amended in section 4, in item 8000-3500, by inserting, after the words, “fire department facility in North Brookfield;” the following:— “provided further that no less than \$50,000 shall be expended for a feasibility study to determine the cost of constructing a new handicapped accessible fire station in the town of Leicester,”.

The amendment was adopted.

Mr. Augustus moved that the bill be amended in section 4, in item 8000-3500, by inserting, after the words, “fire department facility in North Brookfield;” the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of a new fire station in the town of Leicester,”.

The amendment was *rejected*.

Ms. Tucker moved that the bill be amended in section 4, in item 1100-3001, by striking out the figure “\$300,000” from “not less than \$300,000 shall be expended for ADA improvements at the town hall in Dracut” and inserting in place thereof the figure:— “\$1,500,000”.

The amendment was adopted.

Mr. Hart moved that the bill be amended in line item 1100-3001 by inserting after the words “Leo J. Martin golf course” the following words:— “; provided further, that not less than \$100,000 shall be expended for rehabilitation of the little league field at M Street Park in the South Boston section in the city of Boston”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in line item 1102-2008, by inserting after the word “Danvers” the following words:— “; provided further that \$1,000,000 shall be expended for infrastructure improvements and maintenance equipment at the Murphy Skating Rink in the South Boston section in the city of Boston”.

The amendment was adopted.

Mr. Hart moved that the bill be amended in line item 1100-3001 by inserting after the words “Action Plan (2007)” the following words:— “; provided further, that not less than \$250,000 shall be expended for dog recreation space at Ronan Park in the Dorchester section in the city of Boston”.

The amendment was adopted.

Mr. Hart moved that the bill be amended in line item 1100-3001 by inserting after the words “Leo J. Martin golf course” the following words:— “; provided further, that not less than \$250,000 shall be expended for sidewalk construction and for improvements at Sharon Yokaitis Park along Mt. Vernon Street in the Dorchester section in the city of Boston”.

The amendment was adopted.

Mr. Hart moved that the bill be amended in line item 1102-2008, by inserting after the word “Danvers” the following words:— “; provided further, that not less than \$1,500,000 shall be made available for the planning, design and construction of a bath house at Tenean beach in the Dorchester section of the city of Boston”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 4, in item 1100-3001, by inserting the following wording:— “provided further, that not less than \$150,000 shall be expended for safety improvements at railroad crossings in the town of Lincoln”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended in section 4, in item 1100-3001, by inserting the following wording:— “provided further, that not less than \$5,000,000 shall be expended to design, expand, renovate, improve and furnish the Fire Headquarters Station of the public safety complex in the town of Concord”.

The amendment was *rejected*.

Ms. Fargo moved that the bill be amended in section 4, in item 1100-3001, by inserting the following wording:— “provided further, that \$100,000 shall be expended to renovate, abate lead paint and repaint the exterior of the Old Town Hall building in the town of Chelmsford”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended in section 4, in item 1100-3001, by inserting the following wording:— “provided further, that \$1,000,000 shall be expended to purchase fire apparatus for public safety in the town of Concord”.

The amendment was adopted.

Ms. Fargo moved that the bill be amended in section 4, in item 8000-3500, by inserting the following wording:— “provided further, that \$100,000 shall be expended to purchase police radio communication equipment for public safety in the town of Carlisle”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 0640-0333 by striking the item in its entirety and inserting in place thereof the following item:—

“0640-0333 For the Massachusetts Cultural Facilities Fund established pursuant to section 42 of chapter 23G of the General Laws for the acquisition, design, construction, repair, renovation, rehabilitation, or other cultural improvement or deferred maintenance to a cultural facility 50,000,000”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-3001, by striking the following:— “provided further, that not less than \$4,000,000 shall be expended for Phase 1 of the improvement and redevelopment plan of the Three County Fairgrounds in the city of Northampton;”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1102-5600, by striking the following:— “and provided further, that the costs of design and construction of the Franklin county courthouse shall be funded from this item”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-6300, by adding at the end thereof the following:— “provided further, that not less than \$75,000 shall be expended to the city of Greenfield for a Phase 11 feasibility and planning study for the downtown upper story development project;”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-6300, by adding at the end thereof the following:— “provided further, that not less than \$800,000 shall be expended to the city of Greenfield for the redevelopment and marketing of the First National Bank Building;”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-6300, by adding at the end thereof the following:— “provided further, that not less than \$2,000,000 shall be expended to aid in construction of the Greenfield Transportation Center;”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-3001, by adding at the end thereof the following:— “provided further, that not less than \$173,000 shall be expended for a historical renovation of the New Salem Academy Building”.

The amendment was adopted.

Mr. Rosenberg moved that the bill be amended in section 4, in item 1100-6300, by adding at the end thereof the following:— “provided further, that \$300,000 be expended for the repair and improvements to the green energy systems at Smith Academy in the town of Hatfield;”.

The amendment was adopted.

Mr. Brown moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$175,000 shall be expended for a salt shed for the department of public works in North Attleboro”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8000-3500, by inserting the following:— ”provided further, that not less than \$100,000 shall be expended for breathing, protective gear, exhaust systems and defibrillators units for the fire department of North Attleborough”.

The amendment was adopted.

Mr. Brown moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$100,000 shall be expended for hazardous material removal in the North Attleborough school district”.

The amendment was adopted.

Mr. Baddour moved that the bill be amended in line-item 1102-5600, by inserting after the words “city of Lowell;”, the following:— “provided further, that \$5,000,000 shall be expended for repairs and renovations for the district court facility in the city of Haverhill;”.

The amendment was adopted.

Mr. Baddour moved that the bill be amended in line-item 1100-3001, by inserting after the words “improvements to town hall in Framingham;”, the following:—

“provided further, that \$500,000 shall be expended for the Restoration and Renovation of the Methuen Historic Museum in the City of Methuen;”.

The amendment was *rejected*.

Mr. Baddour moved that the bill be amended in line-item 1100-3001, by inserting after the words “improvements to town hall in Framingham;”, the following:— “provided further, that not less than \$1,000,000 be expended for the historic renovation and other improvements to World War Memorial Stadium in the City of Newburyport;”.

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 4. in line item 1102-2008, by adding the following:”; provided further, that not more than \$4,000,000 be expended for the design and construction of senior housing in the town of Blackstone;”.
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-3001 by adding at the end the following words:— “provided further, that not less than \$300,000 shall be expended for Bailey Lane Bridge replacement and Road Improvements in the Town of Georgetown”.
The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-3001 by adding at the end the following words:— “provided further, that not less than \$350,000 shall be expended for Georgetown Square Traffic Signal Updates and Loop Detection Installation in the Town of Georgetown”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended in item 1100-3001 by adding at the end the following words:— “provided further, that not less than \$800,000 shall be expended for the acquisition of a ladder truck in the City of Gloucester”.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by adding at the end the following new section:—
“SECTION XX. Section 2 of chapter 90 of the General Laws, is hereby amended, by adding at the end thereof the following:

Section 1. The registrar is hereby authorized and directed pursuant to the authority granted by Section 2 Chapter 90 of the general laws to develop, design and implement a redesigned plate system for motor vehicles registered in the Commonwealth, provided further that such system shall be fully implemented not later than five years following the passage of this act. Said plate shall incorporate technology and design components and advances to increase the illumination and visual recognition of said plates. Said plates shall incorporate, but shall not be limited to, the following:

The utilization of commonly recognizable symbols, which are easily identifiable, with each symbol having a corresponding three character alpha-numeric reference, with no more than two characters identifying the symbol, and one character representing the location of the symbol on the plate, such that both the symbol and the references may be placed in a variety of locations on the plate, so as to the maximize the number of individual combinations which may be produced in conjunction with standard letters and numbers.

The utilization of existing and innovative technologies and componentry to aid in the identification of characters in conditions that result in poor-visibility, including during nighttime and inclement weather.

The reduction of the number of standard alpha-numeric characters currently utilized for such plates to no more than a total of four.

The utilization of specialized symbols either supplied by the registrar or developed by private charitable interests and approved by the registrar pursuant to the requirements of this act, provided that the use such symbol shall be conditioned on the payment of a fee in addition to that required for a vehicle registration pursuant to section 2 of chapter 90.

The accommodation of all currently issued distinctive and low-number plates, so-called, including plates authorized under sections 2 and 2E of Chapter 90, as well as any additional distinctive license plates issued by the registrar pursuant to the requirements of section 2F of Chapter 90.

There shall be hereby created and established a registration plate design and implementation board, hereinafter the board. The board shall consist of eight members, the Registrar of motor vehicles or his designee, who also shall be the chair, the Secretary of the Executive Office of Public Safety or his designee, the Colonel of the Department of State Police or his designee, the Executive Director of the Criminal System Histories Board or his designee, the Executive Director of the Municipal Police Training Committee or his designee, a representative of the Governor’s Highway Safety Bureau, a representative of the Massachusetts Chief’s of Police Association, and a representative of the Massachusetts Safety Officers Association. The board shall approve a design and establish protocols for the implementation of a redesigned plate system that provides for additional public safety through the simplification of plate design for the purposes of enhancing the recognition, recall and identification of plates. In addition, the board shall develop training protocols for utilization of the redesigned plate for public safety officers. The board shall report to the Joint Committee on Public Safety and Homeland Security regarding any issues relating the design or implementation of said plate system not later than six months of the passage of this act.

The registrar may, in carrying out the provisions of this Act, enter into one or more contracts for the design, development, implementation, maintenance or production of said plate system.

Section 2. There shall be hereby established and set up on the books of the Commonwealth a special fund to be known as the License Plate Symbol Revenue Fund, hereinafter called the fund, into which shall be deposited any funds granted by the issuance of specialized symbols created to the provisions of item 4, in section 1 of this act. The primary purpose of the fund shall be to make expenditures in order to facilitate the implementation of the license plate program developed pursuant to this act, and the secondary purpose of the fund shall be to distribute funds to specific charitable programs or purposes as specified for specialized symbols as authorized pursuant to the provisions of item 4 of section 1 of this act.

Section 3. In carrying out the provisions of this Act, the registrar shall consult with the American Association of Motor Vehicle Administrators and any other necessary agencies of the federal government, national or regional organizations, and any necessary state agencies to determine the feasibility, including costs and advantages and disadvantages, of developing and implementing the plate system prescribed by Section 1 of this Act. The registrar shall report the findings of said feasibility analysis to the Clerks of the House and Senate, the Joint Committee on Transportation and the Joint Committee on Homeland Security and Public Safety not later than six months following the passage of this Act.

Section 4. Sections 1 and 2 of this Act shall take effect ninety days following the filing of the feasibility analysis by the registrar as provided in section 3.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-3001 by adding at the end the following words:— “provided further, that not less than \$600,000 shall be expended for the renovation of historic Lincoln Hall as a community space in the Town of Boxford”.

The amendment was *rejected*.

Mr. Tarr moved that the bill be amended in item 1100-3001 by adding at the end the following words:— “provided further, that not less than \$250,000 shall be made available on a matching basis with the town for the extension and repair of sidewalks on Route 113 in the town of West Newbury”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$600,000 shall be expended for police and fire communication equipment in the town of Weymouth;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$2,500,000 shall be expended for the design and construction of a center for senior citizens in the town of Scituate;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$100,000 shall be expended for the design, construction, and improvements to Riley Field in the Town of Weymouth;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$10,000,000 shall be expended for the design and construction, reconstruction, addition and or renovations to the town hall in the town of Norwell;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 8000-3500, by inserting the following words:— “provided further, that not less than \$5,000,000 shall be expended for the design and construction, reconstruction, addition and or renovations to the police station in the town of Norwell;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$500,000 shall be expended for the repair and repaving of municipal parking lots in the town of Norwell, including the installation of drainage;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 8000-3500, by inserting the following words:— “provided further, that not less than \$500,000 shall be expended for repairs and renovations to the Central Fire Station in the town of Norwell;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended by inserting the following new section:— “Section XX Section 2F (b) of chapter 90 of the general laws is hereby amended by striking the word “issued” and inserting in place thereof the following:— “sold, excluding renewals;”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$600,000 shall be expended for the re-development, construction and maintenance of the legion Field in the Town of Weymouth;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words: “provided further, that not less than \$150,000 shall be expended for repairs to the exterior of the Historic Cushing Center in Norwell Center;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1.100-3001, by inserting the following words:— “provided further, that not less than \$5,000,000 shall be expended for the design and restoration of a historic portion of the town hall in the town of Cohasset;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$300,000 shall be expended for the reconstruction and widening of Cohasset Harbor boat ramp in the town of Cohasset;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$500,000 shall be expended for the replacement of the Town of Norwell telephone system and computer network with a VoIP system, including the installation of a WAN/LAN to connect the public buildings;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$225,000 shall be expended for the purchase of an aerial bucket truck for the Fire and Tree Departments in the town of Norwell;”.

The amendment was adopted.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$500,000 shall be expended for the renovations and repairs to the so-called Stetson Ford House in the town of Norwell;”.

The amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in section 4, in item 1100-3001, by inserting the following words:— “provided further, that not less than \$1,000,000 shall be expended for the purchase and installation of interactive “white boards,” so-called, in the Norwell Public Schools;”.

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in line item 1100-3001 by inserting after the words “Watertown Landing” the following words:— “7, provided further, that not less than \$350,000 shall be expended to the city of Boston to conduct an independent feasibility study examining the costs and benefits of relocating Boston City Hall to the current site of the New England Aquarium on the Central Wharf, relocating the New England Aquarium to the South Boston waterfront section in the city of Boston; provided further that the study shall identify and analyze barriers to the practicability of any such relocation plan including, but not limited to, transportation and public access issues; provided further, that the study may include recommendations to make alternative proposals to move Boston City Hall”.

The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 4, in line item 1100-3001, by inserting at the end thereof the following language:— “Provided further that not less than \$4,000,000 shall be expended on the design and construction of a parking garage or parking improvements in the city of Fall River;”.

The amendment was adopted.

Ms. Menard moved that the bill be amended in section 4, in line item 1100-3001, by adding the following:— “provided further, that \$2,000,000 shall be expended for the replacement of the Elm Street Bridge in the town of Freetown”.

The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 4, in line item 1100-3001, by adding the following:— “provided further that not less than \$8,000,000 shall be expended on the application of paint finish for the Braga Bridge in the city of Fall River”. The amendment was *rejected*.

Ms. Menard moved that the bill be amended in section 4, in line item 1102-5600, by adding the following:— “provided further that \$100,000 be allocated for immediate capitol improvements to the exterior of the Somerville District Court building including, but not limited to painting, resurfacing and refurbishing. Said funds shall be designated to the Somerville District Court and are not subject to section nine, clause (xxiii) (a) and (b) of Chapter 211B of the M.G.L.”.

The amendment was adopted.

Mr. Brown moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$100,000 for the design of a new Senior Center in the Town of Sherborn”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 8000-3500, by inserting the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of a new public safety building in the town of Millis”.

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended in line item 1100-3001, by inserting after the words “Historical Records Management Program;”, in line 318, the following:— “provided further, that not less than \$250,000 shall be expended for the enhancement and improvements of the Sylvanus Thayer Birthplace and historical campus in Braintree;”.

The amendment was *rejected*.

Mr. Brown and Ms. Spilka moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of a new Senior Center and Community Center in the Town of Natick”.

The amendment was *rejected*.

Messrs. Morrissey and Joyce moved that the bill be amended in line item 1100-3001, by inserting after the words “town of Ashland;”, in line 443, the following:— “provided further, that not less than \$500,000 shall be expended for improvements to the Water and Sewer building in Braintree;”.

The amendment was *rejected*.

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

“SECTION XX. Paragraph (a) of Section 12 of Chapter 372 of the acts of 1984, is hereby amended by striking out the fifth sentence, as most recently amended by Section 62 of Chapter 139 of the acts of 2006, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under authority of this act shall not exceed \$6,450,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.

SECTION XX. Section 16 of said Chapter 372 of the acts of 1984 is hereby amended by striking out the fourth sentence, as most recently amended by Section 63 of Chapter 139 of the acts of 2006, and inserting in place thereof the following sentence:— The aggregate principal amount of all bonds issued under the authority of this act shall not exceed \$6,450,000,000 outstanding at any one time; provided, however, that bonds for the payment of redemption of which, either at or prior to maturity, refunding bonds shall have been issued shall be excluded in the computation of outstanding bonds.”

The amendment was adopted.

Ms. Fargo moved that the bill be amended in section 4, in item 1100-3001, by inserting the following wording:— ”provided further, that \$500,000 be expended for improvements for municipal recreation fields in the town of Bedford”.

The amendment was adopted.

Mr. Morrissey moved that the bill be amended in line item 1100-3001, by inserting after the words “Presentation School in Brighton;”, in line 253, the following:— “provided further, that not less than \$500,000 shall be expended for technology upgrades for the Quincy public school system;”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in line item 1100-3001, by inserting after the words “public works operations center in East Bridgewater;”, in Line 271, the following:— “provided further, that not less than \$500,000 shall be expended for equipment upgrades for the Quincy department of public works;”.

The amendment was *rejected*.

Mr. Morrissey moved that the bill be amended in line item 1100-3001, by inserting after the words “Falmouth Town Library;”, in line 311, the following:—

“provided further, that not less than \$300,000 shall be expended for the historic restoration of the Rockland Memorial Library;”.

The amendment was adopted.

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

“SECTION XX. (A) Definitions —

For the purposes of this section, the terms below shall be defined as follows:—

‘Entity’ whether for-profit or not for profit;

a corporation;

an association;

a partnership;

a limited liability corporation a limited liability partnership a sole proprietorship;

any other legal business entity;

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.

‘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.

‘Searchable website’ — a website which allows the public to:

Search and aggregate state expenditures by any item identified in the definition of website contained herein;

Ascertain through a single search the total amount of state funding awarded to an entity by fiscal year; and Download information, including the results of searches.

‘Website’ — a searchable website which includes for each state expenditure: The name of the receiving entity;

The amount of the expenditure;

Information describing the expenditure such as transaction type, funding agency or program, and title descriptive of the purpose of the expenditure;

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;

A unique identifier of the entity receiving the award and of any parent entity of the recipient;

Any other relevant information specified by the Operational Services Division.

(B) 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 ‘EAST’ 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 30, 2008.”

The amendment was *rejected*.

Mr. Galluccio moved that the bill be amended be amended in section 4, in item 1100-3001, by adding the following:— “provided further, that not less than \$150,000 shall be expended for modernization and technology upgrades for fire department vehicles in the city of Everett”.

The amendment was adopted.

Mr. Galluccio moved that the bill be amended be amended in section 4, in item 1100-3001, by adding the following:— “provided

further, that not less than \$70,000 shall be expended for technology upgrades at the Recreation Center in the city of Everett”.

The amendment was adopted.

Mr. Galluccio moved that the bill be amended be amended in section 4, in item 100-3001, by adding the following:— “provided further, that not less than \$30,000 shall be expended for technology upgrades at the YMCA in the city of Chelsea”.

The amendment was adopted.

Messrs. Galluccio and Petrucci move that the bill be amended in section 5, in item 8900-8500, by adding the following:— “provided further that not less than \$100,000,000 shall be expended for costs associated with planning and studies, preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition and other capital improvements at Middlesex Sheriffs Office facilities to address severe and persistent overcrowding, staff training needs, and for costs associated with planning and studies, preparation of plans and specifications, acquisition of land and buildings therein by purchase for construction of a jail facility with adequate capacity in the southern portion of Middlesex County to replace the Middlesex Jail at Cambridge”.

The amendment was adopted.

Mr. Hart moved that the bill be amended in line item 1100-3001 by inserting after the words “Action Plan (2007)” the following words:— “; provided further, that not less than \$100,000 shall be expended for new facilities and improvements at Almont Park in the Mattapan section in the city of Boston; provided further that not less than \$100,000 shall be expended for new facilities and improvements at Norfolk Park Walker Playground in the Mattapan section in the city of Boston”.

The amendment was adopted.

Mr. Tolman moved that the bill be amended in section 4, in item 1100-3001, by inserting the following at the end thereof:— “; provided further, that not less than \$100,000 shall be expended for capital improvements to the New Repertory Theatre in Watertown;”.

The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 4, in item 1100-3001, by striking the following language:— “provided further, that not less than \$200,000 shall be expended for Watertown Landing;”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in line item 1100 – 3001 by inserting at the end thereof the following:— “provided further, that not less than \$1,500,000 shall be expended for the rehabilitation and upgrading of parcel A of the Dunbar Community Center in Springfield”.

The amendment was *rejected*.

Messrs. Joyce and Morrissey moved that the bill be amended in section 4, line-item 1100-3001, by inserting at the end thereof the following:— “; provided further, that not less than \$500,000 shall be expended for improvements to 90 Pond Street in the town of Braintree”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in line item 1100-3001 by inserting at the end thereof the following:— “provided further that not less than \$100,000 be expended for improvements to the Department of Public Works Maintenance Facilities in the city of West Springfield”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in line item 1100-3001 by inserting at the end thereof the following:— “provided further that no less than \$100,000 be expended for maintenance improvements for the Police Headquarters in the City of West Springfield”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1102-5600, by inserting at the end thereof the following:— “; provided further, that not less than \$500,000 shall be expended for costs of renovation and expansion of the Probate and Family Court facilities in the town of Barnstable”.

The amendment was adopted.

Mr. Brown moved that the bill be amended in section 2, in item 8000-3500, by inserting the following:— “provided further, that not less than \$320,000 shall be expended for the purchase of a pumper truck for the Wrentham fire department”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:— “provided further that not less than \$50,000 be expended for the Cahoon Museum in Barnstable for outreach and education

promoting green building technologies for students K-7;”.

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended in section 4, in item 1100-3001, by adding the following words:— “; provided further, that not less than \$100,000 be expended for maintenance improvements for the fire department facilities in the city of West Springfield”.

The amendment was adopted.

Mr. Brown moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$200,000 shall be expended for the installation of a playing field that helps prevent injury at the King Phillip High School”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1100-3001, by inserting at the end thereof the following language:— “; provided further, that not less than \$1,200,000 shall be expended for the planning, design and construction of a bike bridge over Willow Street in the town of Yarmouth”.

The amendment was *rejected*.

Mr. Buoniconti moved that the bill be amended in line item 1100-3001 by inserting at the end thereof the following:— “provided further that no less than \$100,000 be expended for maintenance improvements for the Municipal Office Building in the City of West Springfield”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following words:— “; provided further, that not less than \$900,000 shall be expended for updates to the Cape Cod Regional Radio System in the town of Barnstable”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended by adding at the end of section 1100-3001 the following:— “provided further, that not less than \$1,000,000 shall be expended for the construction of a senior center in the Town of Westminster”.

The amendment was *rejected*.

Mr. Brown moved that the bill be amended in section 2, in item 1100-3001, by inserting the following:— “provided further, that not less than \$ 100,000 shall be expended for emergency restoration of town land in Plainville”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 4, line-item 1100-3001, by inserting at the end thereof the following:— “; provided further, that not less than \$500,000 shall be expended for technological upgrades for the Milton School Department”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following words:— “provided further that not less than \$30,000 be expended for directional signs to the Cotuit Historic and Arts District;”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 4, line-item 1100-3001, by inserting at the end thereof the following:— “; provided further, that not less than \$1,000,000 in matching funds shall be expended for the construction of a new senior citizen center in the town of Canton”.

The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 4, in item 8000-3500 by adding the following:— “provided further, that not less than \$1,500,000 shall be expended for the design and construction of a new police station in Leominster”.

The amendment was *rejected*.

Mr. O’Leary moved that the bill be amended in section 4, in Line Item 1102-5600 by inserting at the end thereof the following:— “; provided further, that not less than \$150,000 shall be expended on the replacement of the roof of the District Court building in the Town of Edgartown”.

The amendment was adopted.

Mr. Antonioni moved that the bill be amended in section 2A, in item 1100-3001, by adding the following:— “provided further, that not less than \$300,000 shall be expended for renovations and improvements to the Greenwood Memorial Bathhouse in Gardner”.

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 4, line-item 1100-3001, by inserting at the end thereof the following:— “; provided further, that not less than \$500,000 shall be expended for education and technology computer upgrades in Randolph”. The amendment was *rejected*.

Ms. Wilkerson, Messrs. Hart and McGee moved that the bill be amended be amended in section 4 in item 1100-8020 by striking the figure “\$75,000,000” and inserting in place thereof the figure “\$100,000,000”.

The amendment was adopted.

Mr. O’Leary moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:— “; provided further, that not less than \$200,000 shall be expended for Outer Cape Health Services on Cape Cod”. The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended by adding the following new section:
“SECTION X. As of September 12, 2008, the Fitchburg district courthouse shall be designated and known as the Gelinas Courthouse, in honor of The Honorable Andre A. Gelinas and the late A. Andre Gelinas, Esq. for their many contributions to the judiciary, the bar, and the City of Fitchburg. The division of capital asset management and maintenance shall erect suitable markers bearing the designation in compliance with the standards of the division.

The amendment was adopted.

Mr. Joyce moved that the bill be amended in section 4, line-item 8000-3500, by inserting at the end thereof the following:— “; provided further, that not less than \$1,000,000 shall be expended to convert the former National Guard Armory Building in the town of Stoughton into a public safety facility”. The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2A, in item 1100-3001, by adding the following:— “provided further, that not less than \$250,000 shall be expended for rehabilitation and renovations to the Gardner Senior Center”. The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 4, line-item 1100-3001, by inserting at the end thereof the following:— “; provided further, that not less than \$1,000,000 shall be expended for capital improvements to the Trailside Museum”. The amendment was *rejected*.

Mr. Tolman moved that the bill be amended in section 4, in item 4000-2020, by inserting at the end thereof the following language:— “; provided further, that not less than \$2,000,000 shall be expended for the renovation or purchase of facilities for the operation of a jail diversion program for OxyContin and Heroin addiction pursuant to Section 2, item 4512-0202, in Chapter 182 of the Acts of 2008;”. The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended by adding the following new section:
“SECTION X. 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.”

The amendment was adopted.

Messrs. Timilty and Brown moved that the bill be amended in section 4, in line item 8000-3500 by inserting at the end thereof the following:— “provided further, that \$1,000,000 shall be expended for the construction of a new public safety building in the City of Attleboro;”. The amendment was *rejected*.

Mr. Antonioni moved that the bill be amended in section 2A, in item 1100-3001, by adding the following:— “provided further, that not less than \$250,000 shall be expended for rehabilitation and renovations to Ashby Town Hall”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:-
“provided further, that \$2,000,000 shall be expended for the construction of municipal maintenance and public works facility in the Town of Mansfield;”.

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 4, in line item 8000-3500 by inserting at the end thereof the following:—
“provided further, that \$750,000 shall be expended for the construction of a new public safety building in the Town of Rehoboth;”.

The amendment was adopted.

Messrs. Timilty and Joyce moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:— “provided further, that \$500,000 shall be expended for technology upgrades for fire department vehicles in the Town of Sharon;”.

The amendment was adopted.

Mr. Timilty moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:-
“provided further, that \$1,000,000 shall be expended for the construction of a new council on aging building in the Town of Walpole;”.

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 4, in line item 8000-3500 by inserting at the end thereof the following:-
“provided further, that \$2,000,000 shall be expended for the construction of a new public safety building in the Town of Walpole;”.

The amendment was *rejected*.

Messrs. Galluccio and Petrucci and Ms. Creem moved that the bill be amended by inserting at the end thereof the following new section:—

“SECTION XX. There shall be established a special commission to investigate and study the relocation and rehabilitation of Middlesex County court facilities in the city of Cambridge, including but not limited to, the Superior Court, district courts, the Probate and Family Court, the Registry of Deeds, and the Middlesex Jail. The investigation and study shall include, but not be limited to, the cost and feasibility of rehabilitating, renovating, and improving the existing court and ancillary facilities in the city of Cambridge and the possibility of entering into a land swap with other parcels in the city of Cambridge to relocate the facilities in Cambridge.

The commission shall consist of the Commissioner of the Division of Capital Asset Management or his designee; three members of the senate, appointed by the senate president; three members of the house of representatives, appointed by the speaker of the house of representatives; the Middlesex County District Attorney or his designee; the Middlesex Sheriff or his designee; the First Justice of the Middlesex Probate and Family Court or his designee; the Middlesex County Register of the Probate and Family Court or his designee; the Northern District Register of Deeds or his designee; the Southern District Register of Deeds or his designee; and the Chief Justice for Administration and Management of the Trial Court.

The commission shall report to the general court the results of its investigation and study, together with its recommendations and drafts of any legislation necessary to carry such recommendations into effect, by filing the same with the clerks of the House of Representatives and the Senate on or before December 31, 2009.”; and in section 4, in item 1102-5600, by adding the following:— “provided further that not less than \$50,000 shall be expended for a feasibility study to investigate the relocation of Middlesex County court and ancillary facilities in the city of Cambridge, the cost of rehabilitating, renovating, and improving the existing court and ancillary facilities in the city of Cambridge, and the possibility of entering into a land swap with other parcels in the city of Cambridge to relocate the facilities.”

The amendment was adopted.

Ms. Chandler and Mr. Augustus moved that the bill be amended in section 4, line 1100-3001, by adding the following:—
“provided further, that not less than \$350,000 shall be expended for capital improvements at the Supportive Housing for Homeless Veterans at the National Guard Armory in the City of Worcester.”.

The amendment was adopted.

Senator Pacheco moved that the bill be amended by inserting at the end thereof the following new section:—

“SECTION __. Section 1. Notwithstanding 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 (M4.14') 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, LNC. to the Division of Capital Asset Management to be used for the express purpose of constructing the new Taunton Trial Court. This land transfer is deemed 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 Commonwealth's Court Street parking lot in the City of Taunton, currently under license with the city of Taunton; at a fee equal to the fee charged to court employees for reserved parking spots in the same lot."

The amendment was adopted.

Mr. Tolman moved that the bill be amended in section 4, in item 4000-2020, by inserting at the end thereof the following language:— " ; provided further, that not less than \$5,000,000 shall be expended for the improvement of prescription drug monitoring technology systems at the department of public health;".

The amendment was *rejected*.

Mr. Timilty moved that the bill be amended in section 4, in line item 1100-3001 by inserting at the end thereof the following:— "provided further, that \$1,000,000 shall be expended for the construction of a regional arts center in downtown Mansfield;".

The amendment was *rejected*.

Mr. Moore moved that the bill be amended in section 4, in line item 1100-3001, by striking, in lines 321-324, the following:— "provided further, that not less than \$737,000 shall be expended to reimburse the town of Southbridge for its purchase of the former National Guard armory from the Commonwealth;".

The amendment was adopted.

Mr. Morrissey moved that the bill be amended in line item 1100-3001, by inserting after the words "Council on Aging in Middleborough;"; in line 232, 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 adopted.

Ms. Candaras moved that the bill be amended in line item 8000-3500 by inserting at the end thereof the following:— " ; and provided further, that not less than \$1,000,000 shall be expended for a joint fire and police public safety complex in the town of Granby".

The amendment was adopted.

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

"SECTION __. Section 38C of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following sentence:— Scheduled, periodic payments to be made by the commonwealth pursuant to any such contract in existence on August 1, 2008 or any such contract related to bonds or notes of the commonwealth which shall be entered into by the state treasurer after August 1, 2008 shall constitute general obligations of the commonwealth to which the

full faith and credit of the commonwealth are pledged.
Strengthened Finance Advisory Board.

SECTION XX. Chapter 6 of the General Laws is hereby amended by striking out section 98 and inserting in place thereof the following section:—

Section 98. (a) As used in this section, ‘state entities’ means the commonwealth, state authorities as defined by section one of chapter twenty-nine and other state entities with responsibility for managing and overseeing public funds.

(b) It shall be the duty of the board to promote transparency, public accountability and adherence to best practices by all state entities with respect to investments, borrowing or other financial transactions entered into involving public funds. The board shall make an annual written report to the secretary of administration and finance, the state treasurer, the state auditor, the house and senate committees on ways and means and the chairpersons of the joint committee on bonding, capital expenditures and state assets with respect to its findings regarding investments, borrowing and other financial transactions carried out by carried out by state entities and its activities to promote transparency, public accountability and best practices with respect thereto.

(c) In order to carry out its duty, the board may:

(1) adopt regulations or guidelines requiring state entities to report, adopt appropriate policies, and adhere to best practices with respect to investments, borrowing and other financial transactions;

(2) make recommendations to state entities or state officers, and recommend legislative changes to improve the management of public funds;

(3) employ staff and engage professionals to review and advise it on financial transactions entered into by state entities; and

(4) conduct oversight hearing with respect to investment, borrowing and other financial transactions made or entered into by state entities.

Valuation Report 1.

SECTION XX. Clause (1) of section 4 of chapter 81A of the General Laws, as so appearing, is hereby amended by adding the following words; provided, however, the authority shall issue semi-annual reports to the secretary for administration and finance, the 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; and provided further, that the semi-annual report shall include the current market values of the real properties related to the transactions.

COMMONWEALTH SUPPORT OF TURNPIKE BONDS AND SWAPS 1.

SECTION___. (a) Notwithstanding any general or special law to the contrary, the Massachusetts turnpike authority, hereinafter the authority, may issue bonds for the purpose of refunding up to \$334,900,000 aggregate principal amount of outstanding metropolitan highway system bonds of the authority that are related to certain interest rate swaps and swaptions previously entered into by the authority. Any bonds so issued shall be subject to the provisions of chapter 81A of the General Laws and the terms of any applicable trust agreement entered into by the authority and in effect as of the effective date of this section.

(b) If the authority certifies in writing that it has received notice of exercise from the option buyer in any interest rate swap or swaptions not exercised by the counterparty before the effective date of this act, then on or after October 1, 2008, the authority may issue bonds for the purpose of refunding up to \$465,100,000 aggregate principal amount of outstanding metropolitan highway system bonds of the authority that are related to certain interest rate swaps and swaptions previously entered into by the authority. Any bonds so issued shall be subject to the provisions of chapter 81A of the General Laws and the terms of any applicable trust agreement entered into by the authority and in effect as of the effective date of this section.

(c) The commonwealth, acting by and through the secretary of administration and finance with the approval of the governor, upon the request of the authority, may agree with the authority to provide credit support as described in this paragraph. The commonwealth may agree to provide funds to the authority in order to enable the authority to pay the principal of or interest on bonds of the authority issued in accordance with this section or to pay any reimbursement obligation owing to the provider of insurance or other credit or liquidity support for such bonds. Any agreement entered into by the commonwealth and the authority under this paragraph shall require the authority to submit annual reports, within 60 days after the end of each fiscal year of the authority, to the secretary of administration and finance, the state treasurer, the state auditor, the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets detailing the fiscal condition of the authority and its progress in eliminating the need for commonwealth credit support. Any such agreement shall contain such other terms, conditions and covenants of the commonwealth as the secretary of administration and finance, with the approval of the governor, may determine to be necessary or appropriate, provided that all obligations of the commonwealth under this paragraph shall be subject to appropriation and any such agreement shall recite that the full faith and credit of the commonwealth are not pledged in support of the obligations of the commonwealth hereunder and provided, further, that any such agreement shall provide that the authority shall be obligated to reimburse the commonwealth for any payments made under such agreement on such terms and conditions as the parties to the agreement shall approve.

COMMONWEALTH SUPPORT OF TURNPIKE BONDS AND SWAPS 2.

SECTION __. (a) The commonwealth, acting by and through the secretary of the executive office for administration and finance with the approval of the governor, upon the request of the authority, may guarantee all or any portion of all payment obligations of the authority payable in connection with hedging transactions previously entered into by the authority with respect to said metropolitan highway system bonds, but only if and to the extent that the authority certifies in writing that it has received notice from the counterparty under such hedging transactions that it intends to exercise its rights of termination under the counterparty's agreement with the authority. Any such guarantee under this subsection may also extend to the authority's obligation to reimburse the provider of any insurance or other credit or liquidity support for such bonds; provided, however, that, if agreed to by the authority and the secretary of the executive office for administration and finance, the guarantee obligation of the commonwealth may extend only to the obligation to reimburse the provider of insurance or other credit or liquidity support and may be represented by a direct agreement or arrangement between the commonwealth and such provider, and in such event the commonwealth shall not be deemed to have guaranteed such bonds. The secretary of the executive office for administration and finance, with the approval of the governor and without further authorization, may approve the form, terms and conditions of the guaranty authorized by this subsection, including without limitation, the duration of the guaranty and the specific obligations and aggregate amount to be guaranteed by the commonwealth, and may execute and deliver on behalf of the commonwealth, such guaranty and any related agreements with or for the benefit of the holders of such bonds and other obligations or the provider of such insurance or other credit or liquidity support containing such terms, conditions and covenants of the commonwealth as the secretary of the executive office for administration and finance shall approve, including, without limitation, a provision permitting the termination of the guaranty at the option of the authority upon a mandatory tender of the bonds issued pursuant to this section or the redemption or defeasance thereof. The authority and the commonwealth, acting by and through the secretary of the executive office for administration and finance, are hereby authorized to enter into a reimbursement agreement providing for repayment to the commonwealth of any amounts paid under the guaranty and containing such terms and conditions as the parties thereto shall approve. Any guarantee or agreement entered into by the commonwealth and the authority under this paragraph shall require the authority to submit annual reports, within 60 days after the end of each fiscal year of the authority, to the secretary of administration and finance, the state treasurer, the state auditor, the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets detailing the fiscal condition of the authority and its progress in eliminating the need for the commonwealth's guarantee or other credit support. Unless otherwise provided by the secretary of the executive office of administration and finance in the terms of the guaranty, the full faith and credit of the commonwealth shall be pledged for the guaranty provided for in this subsection. If the authority fails or is otherwise unable to pay when due any amount guaranteed that is secured by a pledge of the full faith and credit of the commonwealth pursuant to this section, the commonwealth shall pay such amount upon notice to the state treasurer at any time on or after the due date thereof.

(b) Within 15 days of the date of the written certification referred to in subsection (a), the authority and the secretary of administration and finance shall jointly certify in writing to the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation, and the chairpersons of the joint committee on bonding, capital expenditures and state assets, under pains and penalties of perjury, that no feasible alternatives to a commonwealth pledge of its full faith and credit as provided in subsection (a) exist, and shall jointly report to the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation, and the chairpersons of the joint committee on bonding, capital expenditures and state assets on all efforts undertaken to avoid the need for a full faith and credit guarantee of the commonwealth under subsection (a).

Valuation Report 2.

SECTION XX. For the first semi-annual report submitted pursuant to clause (1) of section 4 of chapter 81A of the General Laws for fiscal year 2009, the Massachusetts Turnpike 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 said chapter 81A 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. Statewide Derivatives Reporting.

SECTION XX. The state treasurer and all quasi-public entities of the commonwealth and independent authorities of the commonwealth shall submit biannual reports on their borrowing practices to the secretary of administration and finance, the state auditor, the chair of the Finance Advisory Board established in section 98 of chapter 6 of the General Laws, the chairs of the senate and house committees on ways and means and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets. The report shall be due on April 30 and October 31 in each calendar year and shall include all transactions entered into, other than fixed-rate borrowing, during the 6-month immediately preceding the filing of the report. The report shall include a list of all transactions related to derivative financial products. For purposes of this section, derivative financial products shall mean financial instruments the value of which 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. A 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 as to how the determination to enter into any such

transaction was made. The report shall be signed under oath by the state treasurer or by the chief financial officer of the quasi-public entity or independent authority filing the report.

Task force on the Future of the Turnpike.

SECTION XX. (a) Notwithstanding any special or general law to the contrary, there shall be a special task force to examine the structure and continued viability of the Massachusetts turnpike authority.

(b) The task force shall be comprised of 9 members: the treasurer, the auditor, the secretary of administration and finance, the secretary of transportation and public works, the executive director of the Massachusetts turnpike authority, and four members appointed by the governor: a forensic accountant, a practicing or former bond attorney who would have no conflicts in participating on the task force, a financial expert with 10 or more years of financial experience at a company of more than 100 employees that is located in Massachusetts, and a person with expertise in transportation construction or financing, with experience in complex transportation issues and toll roads. The secretary of transportation and public works shall chair the task force.

(c) Within 60 days after the task force is established, the task force shall make a preliminary report to the secretary of administration and finance, the state treasurer, the state auditor, the attorney general, inspector general and to the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets. The report shall present a preliminary analysis of the Turnpike Authority's fiscal situation. This review shall include, but not be limited to, a full accounting of all administrative costs borne by the authority, including but not limited to: debt service, banking fees, salaries and benefits paid to both employees and outside contractors, an inventory of all vehicles and rolling stock owned by the authority, a review of the authority's real property holdings and its value, and any other financial information related to the operation of the authority.

(d) The task force shall also study and make recommendations on both stabilizing the current fiscal situation of the authority and future actions to ensure the long term sustainability of the authority.

(e) The office of the treasurer and the executive office of administration and finance, in conjunction with the office of the executive director of the Massachusetts turnpike authority, shall provide such staff and resources as may be necessary for the task force to perform its functions. The task force shall convene its first meeting on or before October 1, 2008 and shall file a final report on its findings, including any legislative or regulatory recommendations on how to stabilize the current and future fiscal condition of the authority. Said report shall be filed with the clerks of the senate and the house of representatives and the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets on or before June 30, 2009.

SECTION __. Section XXX [full faith and credit section] shall be effective on September 1, 2008.

SECTION __. Section XXX [full faith and credit section] is hereby repealed. SECTION __. Section XXX [the preceding section] shall be effective on January 15, 2009."

After debate and pending the question on adoption of the amendment, Messrs. Tisei, Tarr, Knapik, Hedlund and Brown moved that the amendment (Baddour) be amended by inserting at the end thereof the following 10 sections:—

"SECTION 12. Chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 2XXX the following new section:—

Section 2YYY. There shall be set up on the books of the commonwealth a separate fund to be known as the Turnpike Efficiency Fund, which shall not contribute to the calculation of the consolidated net surplus pursuant to section 5C of chapter 29. There shall be credited to this fund all amounts paid to the commonwealth by the Massachusetts turnpike authority pursuant to sections 27 and 28 of chapter 81A, and any income derived from the investing of all amounts credited to the fund. Amounts credited to the fund shall be available for expenditure, subject to appropriation, by any executive office, department, agency, board, commission or other authority that enters into an agreement with the Massachusetts turnpike authority pursuant to section 27 of chapter 81A for the purpose of fulfilling its obligations under such agreement. Any remaining amounts credited to the fund shall be applied by the secretary of administration and finance, subject to appropriation, to make or reimburse: (i) payments made by the commonwealth during any fiscal year pursuant to any contract for financial assistance between the commonwealth and the Massachusetts turnpike authority, which have not yet been fully reimbursed by said authority pursuant to section 28 of chapter 81A; (ii) payments made by the commonwealth during any fiscal year with respect to debt service on bonds or notes of the commonwealth issued to finance any costs of any portion of the metropolitan highway system, as defined in said chapter 81A; (iii) any other payments made by the commonwealth during any fiscal year with respect to any other costs of any portion of the metropolitan highway system, including without limitation, payments made under the contract between the authority and the commonwealth authorized under subsection (c) of section 12 of said chapter 81A; (iv) deposits into, the CA/T Open Spaces Maintenance Trust established pursuant to the authority provided by section 4F of chapter 7; (v) payments to cities and towns under the local tourism grant program established pursuant to section 18 of chapter 81A; and, (vi) any other payment made by the commonwealth during any fiscal year for a purpose permitted under Article LXXVIII of the Amendments to the Constitution.

SECTION 13. Section 2 of chapter 81A, as so appearing, is hereby repealed.

SECTION 14. Section 3 of chapter 81A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the definition of “Authority” and inserting in place thereof the following:—
‘Authority’, the secretary of transportation and public works.

SECTION 15. Subsection (b) of section 5 of said chapter 81A, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:— (ii) to refund or otherwise pay any or all other debt or obligations of the authority relating to the turnpike, provided that any refunding notes or bonds shall not have a final maturity date later than the final maturity date of the debt or obligations being refunded;

SECTION 16. Said chapter 81A, as so appearing, is hereby amended by striking sections 27 to 31, inclusive, and inserting in place thereof the following sections:—

Section 27. Notwithstanding the provisions of any other general or special law to the contrary, the highway department is hereby authorized and shall enter into an agreement with the authority (i) in order for the highway department to exercise or fulfill, on behalf of the authority, any of the powers, obligations or responsibilities of the authority under this chapter, and (ii) in connection with entering into the contract described in section 28 and in exchange for the payments to be made by the commonwealth thereunder, to permit the highway department to use any property of the authority in order to fulfill such powers, obligations and responsibilities and, to the extent not inconsistent with the provisions of any agreements pertaining to notes or bonds of the authority, for any other purposes of the highway department, provided that with respect to any period during which any agreement authorized by this section between the authority and the highway department is in effect, the liability of the authority for any claim pertaining to any property of the authority that is subject to such agreement, or otherwise arising out of the subject matter of such agreement shall be no greater than that of the commonwealth under the provisions of section 18 of chapter 81 and chapter 258.

Notwithstanding the provisions of any other general or special law to the contrary, other executive offices, departments, agencies, boards, commissions and authorities are each hereby authorized to enter into any agreement with the authority deemed necessary or desirable by the authority and such executive office, department, agency, board, commission or other authority in order for such executive office, department, agency, board, commission or other authority to exercise or fulfill, on behalf of the authority, any of the powers, obligations or responsibilities of the authority under this chapter. All payments made by the authority under the agreements authorized by this section shall be credited upon receipt to the fund established pursuant to section 2YYY of chapter 29 and applied in accordance with said section. With respect to any period during which any such agreement authorized by this section between the authority and such executive office, department, agency, board, commission or other authority is in effect, the liability of the authority for any claim pertaining to any property of the authority that is subject to such agreement, or otherwise arising out of the subject matter of any such agreement, shall be no greater than that of the commonwealth under the provisions of section 18 of chapter 81 and chapter 258.

Section 28. The secretary of administration and finance, on behalf of the commonwealth, shall enter into a contract with the authority prior to July 1, 2008, providing for payments from the commonwealth to the authority during each fiscal year equal to the aggregate amount of the debt service accruing or payable by the authority during such fiscal year on all notes and bonds of the authority, whenever issued, and amounts, if any, accruing or payable during each fiscal year under all interest rate hedge or option or similar agreements in effect as of December 31, 2007, and related to or entered into by the authority with respect to notes and bonds of the authority outstanding as of such date, minus any amounts paid by the commonwealth to the authority during such fiscal year pursuant to the contract entered into by the authority and the commonwealth pursuant to subsection (c) of section 12 and minus other amounts available to pay such debt service in accordance with the terms of such bonds and notes and interest rate hedge or option or similar agreements, all as certified by the authority. The term of such contract shall extend until the end of the fiscal year in which all such notes and bonds and interest rate hedge or option or similar agreements are fully paid or payment provided for in accordance with their terms. The contract shall specify when payments shall be made by the commonwealth and shall further provide that, as of the last day of each month in which the commonwealth makes a payment to the authority pursuant to said contract, the authority shall reimburse the commonwealth for the amount of such payment from any available metropolitan highway system revenues, turnpike revenues or any other funds of the authority. The contract shall further provide that the authority shall pay to the commonwealth all remaining available metropolitan highway system revenues, turnpike revenues and other available funds of the authority at the times and in the amounts agreed to from time to time by the authority and the secretary for administration and finance or otherwise as specified in the contract. All amounts paid by the authority to the commonwealth pursuant to said contract shall be credited upon receipt to the fund established pursuant to section 2YYY of chapter 29 and applied in accordance with said section. The contract shall contain such other provisions as the secretary for administration and finance and the authority shall agree, including, without limitation, provisions limiting any action by the authority that would materially adversely affect the financial interest of the commonwealth or actions that would constitute a default under the terms of any notes and bonds of the authority or interest rate hedge or option or similar agreement in effect as of December 31, 2007. Amounts paid by the commonwealth may be treated as revenues by the authority within the meaning of section 6 and the authority may pledge such contract and the rights of the authority to receive amounts thereunder as security for

the payment of notes and bonds issued under the provisions of this chapter and any related interest rate hedge or option or similar agreements. Such contract shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the authority and of the holders of any notes or bonds of the authority and parties to any interest rate hedge or option or similar agreements which may be secured by a pledge of such contract or of amounts to be received by the authority under such contract.

Section 29. This chapter, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 17. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting after the words 'public employee', in line 49, the following:— and including the Massachusetts Turnpike Authority.

SECTION 18. Said section 1 of said chapter 258, as so appearing, is hereby further amended by striking out in lines 51 to 53, inclusive, the words:— "the Massachusetts Turnpike Authority, or any other independent body politic and corporate," and inserting in place thereof the following:— or any other independent body politic and corporate except as set forth herein".

SECTION 19. Notwithstanding the provisions of any general or special law to the contrary, the secretary of the executive office for administration and finance, on behalf of the commonwealth, shall establish the CA/T Open Spaces Maintenance Trust pursuant to the authority granted by section 4F of chapter 7 of the General Laws for the purposes of maintaining the open spaces, so-called, created by the Central Artery/Tunnel Project.

SECTION 20. Notwithstanding the provisions of subsection (b) of section 12 of chapter 81A of the General Laws, no further transfer of any facility or portion thereof to the authority pursuant to subsection (b) of section 12 of chapter 81A shall be required on or after the effective date of this act.

SECTION 21. Sections 12 and 15 through 20 shall take effect on July 1, 2009.

SECTION 22. Sections 13 and 14 shall take effect on July 1, 2010."

Mr. Rosenberg in the Chair, after further debate, the question on adoption of the amendment (Tisei et al) was determined by a call of the yeas and nays, at twenty-two minutes before seven o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 7 — nays 31*) [**Yeas and Nays No. 322**]:

YEAS.	
Brown, Scott P.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Montigny, Mark C.	
NAYS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.

Downing, Benjamin B.	Timilty, James E.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 31.
Joyce, Brian A.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

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

Subsequently, Messrs. Hedlund, Tisei, Tarr, Knapik and Brown moved that the amendment (Baddour) be amended by inserting at the end thereof the following 3 sections:—

“SECTION 12. Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts Turnpike Authority shall, not later than one hundred and eighty days after the passage of this act, remove the tolling stations from either the east bound or west bound roadway between Newton and Boston, located in Newton.

SECTION 13. Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts Turnpike Authority shall make available, at no cost, fast lane transponders to operators of motor vehicles registered in the Commonwealth.

SECTION 14. Notwithstanding any general or special law, rule or regulation to the contrary, the Massachusetts Turnpike Authority shall, within 80 days of the passage of this act, convey, for market value, the ownership and operation control of the eleven service area plazas and the vent building located at Government Center to private entities.”

After debate, the question on adoption of the amendment (Hedlund et al) was determined by a call of the yeas and nays, at seventeen minutes past eight o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 327**]:

YEAS.	
Brown, Scott P.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6.
NAYS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony

Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 31.
McGee, Thomas M.	
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 2.

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

Mr. Tarr moved that amendment (Baddour) be amended by inserting after subsection (e) of Section 8 the following new subsection:—

“(f) The task force shall develop a plan for the orderly dissolution of the Massachusetts Turnpike Authority by a date of not later than July 1, 2009, provided further that such plan shall take into account the avoidance of any adverse impacts to the financial condition of the Commonwealth or any of its subdivisions, the transition of those employed by the authority, the interests and legal rights of bondholders, the interests of the taxpayers of the Commonwealth, and the necessity of the efficient, safe and sound operation of all roadways and other infrastructural elements of transportation under the care, custody and/or control of the authority. Said plan shall be filed with the clerks of the House and Senate not later than six months following the passage of this act”

After further debate, the question on adoption of the amendment (Tarr) was determined by a call of the yeas and nays, at twenty-seven minutes before nine o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 7 — nays 30*) [**Yeas and Nays No. 328**]:

YEAS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R. — 7.
Spilka, Karen E.	
NAYS.	
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Montigny, Mark C.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.

Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	McGee, Thomas M.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 31.
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 2.

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

After further debate, the question on adoption of the pending amendment (Baddour) was determined by a call of the yeas and nays, at nineteen minutes before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 30 — nays 8*) [**Yeas and Nays No. 329**]:

YEAS.	
Antonioni, Robert A.	Joyce, Brian A.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	O'Leary, Robert A.

Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Montigny, Mark C.	Tucker, Susan C. — 8.
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

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

Mr. Tolman moved that the bill be amended in section 2C, in line item 1100-6300, by inserting at the end thereof the following language:— “; provided further, that not less than \$250,000 shall be expended for upgrades to the elevator at the Council on Aging Center in Billerica;”.

The amendment as *rejected*.

Ms. Jehlen move that the bill be amended in item 1100-3001 by inserting after the word “Northampton”, the following:— “provided further that not less than \$200,000 be expended on the recreational facilities at Woburn High School”.

The amendment was adopted.

Mr. Tolman moved that the bill be amended in section 2C, in line item 1100-6300, by inserting at the end thereof the following language:— “; provided further, that not less than \$500,000 shall be expended for the improvement and maintenance of the Marshall Fields in Billerica;”.

The amendment was adopted.

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

“SECTION XX. (a) Notwithstanding any special or general law to the contrary, there shall be a special task force to examine the structure and continued viability of the Massachusetts turnpike authority.

(b) The task force shall be comprised of 9 members: the treasurer, the auditor, the secretary of administration and finance, the secretary of transportation and public works, the executive director of the Massachusetts turnpike authority, and four members appointed by the governor: a forensic accountant, a practicing or former bond attorney who would have no conflicts in participating on the task force, a financial expert with 10 or more years of financial experience at a company of more than 100 employees that is located in Massachusetts, and a person with expertise in transportation construction or financing, with experience in complex transportation issues and toll roads. The secretary of transportation and public works shall chair the task force.

(c) Within 60 days after the task force is established, the task force shall make a preliminary report to the secretary of administration and finance, the state treasurer, the state auditor, the attorney general, inspector general and to the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets. The report shall present a preliminary analysis of the Turnpike Authority’s fiscal situation. This review shall include, but not be limited to, a full accounting of all administrative costs borne by the authority, including but not limited to: debt service, banking fees, salaries and benefits paid to both employees and outside contractors, an inventory of all vehicles and rolling stock owned by the authority, a review of the authority’s real property holdings and its value, and any other financial information related to the operation of the authority.

(d) The task force shall also study and make recommendations on both stabilizing the current fiscal situation of the authority and future actions to ensure the long term sustainability of the authority.

(e) The office of the treasurer and the executive office of administration and finance, in conjunction with the office of the executive director of the Massachusetts turnpike authority, shall provide such staff and resources as may be necessary for the task force to perform its functions. The task force shall convene its first meeting on or before October 1, 2008 and shall file a final report on its findings, including any legislative or regulatory recommendations on how to stabilize the current and future fiscal condition of the authority. Said report shall be filed with the clerks of the senate and the house of representatives and the chairpersons of the house and senate committees on ways and means, the chairpersons of the joint committee on transportation and the chairpersons of the joint committee on bonding, capital expenditures and state assets on or before June 30, 2009.

(f) The task force shall develop a plan for the orderly dissolution of the Massachusetts Turnpike Authority by a date of not later than July 1, 2009, provided further that such plan shall take into account the avoidance of any adverse impacts to the financial condition of the Commonwealth or any of its subdivisions, the transition of those employed by the authority, and the necessity of

the efficient, safe and sound operation of all roadways and other infrastructural elements of transportation under the care, custody and/or control of the authority. Said plan shall be filed with the clerks of the House and Senate not later than six months following the passage of this act".
The amendment was *rejected*.

Mr. Panagiotakos moved that the bill be amended in section 4, line item 1102-5600, by striking out the words "provided further, that not less than \$60,000,000 shall pay for costs of the renovation of the probate and family court building located in the city of Salem,";

In said section 4, line item 1102-5600, by striking out the words "provided further, that not less than \$72,000,000 shall be expended for construction of the Michael Ruane judicial center;" and inserting in place thereof the following words:— "provided further that not less than \$72,000,000 shall be expended for the costs of the renovation of the probate and family court building located in the city of Salem";

In said section 4, item 1100-3001, by inserting at the end of the line item the following new words:— "; provided further, that not less than \$900,000 shall be expended for updates to the Cape Cod Regional Radio System in the town of Barnstable.";

In said section 4, item 1100-3001, by inserting after the words "Living History Museum", the following words:— provided further, that not less than \$200,000 shall be expended for renovations at the Town Hall in Spencer";

In said section 4, item 1100-3001, by striking out the figure "170,000,000" and inserting in place thereof the following figure:— "215,000,000";

In said section 4, item 1100-3001, by striking the words "provided further, that not less than \$1,500,000 shall be expended for repairing the irrigation system at the Leo J. Martin golf course;"

In said section 4, item 1100-8020, by adding after the word "inhabitants" the following words:— "but fewer than 175,000 inhabitants,";

In said section 4, in item 1100-3001, by striking the following language:— "provided further, that not less than \$200,000 shall be expended for Watertown Landing;"

In section 5, item 8900-8500, by striking the figure "450,000,000" and inserting in place thereof the following figure:— "550,000,000";

In section 8, in line 845, by striking out the figure "1,721,680,000" and inserting in place thereof the following figure:— "1,766,680,000";

In section 9, in line 857, by striking out the figure "460,000,000" and inserting in place thereof the following figure:— "560,000,000";

By striking sections 11-14, inclusive, and section 19 in their entirety;

By striking section 1.8 of the bill and inserting in place thereof the following Section:—

"SECTION 18. Section 11 of chapter 27 of the acts of 2007 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) The state treasurer may, upon request of the governor, issue and sell refunding bonds of the commonwealth in an amount to be specified by the governor from time to time for the purpose of paying, at maturity or upon acceleration or redemption, any bonds then outstanding and issued by an entity other than the commonwealth under section 39I of chapter 190 of the acts of 1982, chapter 425 of the acts of 1991, section 7 of chapter 16 of the acts of 1999 or section 6 of chapter 53 of the acts of 1999, or issued by the city of Chelsea under chapter 40D of the General Laws to finance costs of the information technology center in that city, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of maturity, acceleration or redemption of these bonds. The state treasurer shall not issue any refunding bonds unless he finds that the present value, discounted at the rate that he considers appropriate, of the principal and interest payments due on the refunding bonds is less than the present value, discounted at that rate, of the principal and interest payments to be paid, from the proceeds of these refunding bonds and investment earnings thereon, on the bonds to be refunded, or unless he determines, in his sole discretion, that doing so is advisable to substitute fixed-rate bonds for variable-rate bonds or 1 form of variable-rate bonds for another. These refunding bonds may be issued at such time before the maturity, acceleration or redemption of the bonds to be refunded thereby that the state treasurer, with the approval of the governor, considers advisable. The issuance of these bonds, the security therefore, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the

commonwealth with respect thereto shall be governed by chapter 29 of the General Laws which relate to the issuance of bonds by the commonwealth, insofar as these provisions may be appropriate therefore. In connection with any issuance of refunding bonds under this section, the secretary of administration and finance and other officers of the commonwealth who are parties to the contract for financial assistance, lease or other agreements related to the bonds being refunded and the state treasurer may enter into amendments to the contract, lease or other agreements and any other documents that they consider necessary or desirable to effectuate the issuance of the bonds. Without limiting the generality of this section, the provisions of section 49 of said chapter 29 applicable to sinking funds established with trustees shall apply to the deposit of refunding bond proceeds with a trustee, except that these proceeds shall be held for the benefit of the holders of the bonds to be refunded thereby.”;

In section 28, by striking the words “, the senate and house chairs of the joint committee on environment, natural resources and agriculture”; and by adding the following new sections:—

“SECTION XX. The second paragraph of section 87RR of chapter 112 of the General Laws is hereby amended by striking the third sentence and replacing it with the following:— Notwithstanding any general or special law to the contrary, a salesman or broker may be affiliated with a broker either as an employee or as an independent contractor as determined by their written agreement and customary work practices, but shall be under such supervision of said broker as to ensure compliance with this section and said broker shall be responsible with the licensee for any violation of section 87AAA committed by said licensee.

SECTION XX. Section 9 of chapter 160 of the acts of 1851 is hereby repealed.

SECTION XX. (a) Notwithstanding any general or special law to the contrary, but subject to section 40J of chapter 7 of the General Laws, the commissioner of the division of capital asset management and maintenance may, in consultation with the administrative office of the trial court, lease to the city of Northampton, for a term, including extensions, not to exceed 99 years, a parcel of land on the west side of Gothic Street in the city of Northampton containing approximately .47 acres, said parcel being shown on a plan on file with the division of capital asset management and maintenance. The exact boundaries of said parcel shall be determined by said commissioner based upon a survey prepared in accordance with subsection (e) of this section.

(b) No lease agreement entered into pursuant to this section by the Commonwealth shall be valid unless it provides that the parcel shall be used solely for municipal and public parking facilities and accessory uses directly related to the lessee’s purposes as determined by the commissioner of the division of capital asset management and maintenance in consultation with the administrative office of the trial court. No such lease agreement shall be valid unless it further provides that if, for any reason, the parcel ceases to be used for the purposes described herein, the Commonwealth may terminate the lease under such terms and conditions as said lease may prescribe.

(c) Any lease agreement entered into pursuant to this act by the Commonwealth shall provide by reservation or otherwise for 55 dedicated parking spaces for use by the administrative office of the trial court at no cost to the Commonwealth whatsoever for the full term of the lease. The consideration for the lease shall be the provision of said dedicated parking spaces and the city of Northampton’s responsibility for all costs and expenses associated with the parking facilities as provided in section (c) of this act. The lease shall also provide for a mutually acceptable method of determining substitute or in-kind consideration to be paid or provided by the city of Northampton to the Commonwealth in the event that the administrative office of the trial court or another state agency or user ceases to use all or a portion of said dedicated parking, taking into consideration the cost to the city of providing 55 replacement spaces as covered parking, parking lot maintenance, parking enforcement, and other costs associated with providing parking lot operations over the term of the lease. The commissioner of the division of capital asset management and maintenance shall determine, from time to time, in consultation with the administrative office of the trial court and the city of Northampton, the sufficient number of parking spaces based on size and configuration of parking spaces at the time, and the location and access to such parking spaces for use by the AOTC or another state agency or user and the terms and conditions governing their use and operation; provided, however, that the total area of such parking spaces on the parcel shall not materially exceed the area dedicated to the initial 55 parking spaces.

(d) Any lease agreement entered into pursuant to this act by the Commonwealth shall be on such other terms and conditions as the commissioner of the division of capital asset management and maintenance, in consultation with the administrative office of the trial court, deems appropriate. In furtherance and not in limitation of the foregoing, any such lease agreement shall contain a provision that requires the lessee to indemnify and hold the Commonwealth, the division of capital asset management and maintenance and the administrative office of the trial court harmless from any and all personal injury or property damage caused or suffered by the lessee, its representatives, clients, agents, invitees or any other member of the public. This indemnity and hold harmless provision shall cover all costs, expenses, liabilities and legal fees in connection with any injury, loss, damage, liability or claim, or any proceeding brought thereon or in defense thereof.

(e) The lessee shall be responsible for procuring all work, including without limitation, legal services, survey, title and the preparation of plans and specifications as deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance to implement the provisions of this section, and shall pay all costs and expenses therefore. The lessee shall also be responsible for all costs, liabilities and expenses of any kind for the development, construction, improvement,

repair, maintenance, management and operation of the parking facilities on the parcel.”

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.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at twelve minutes before nine o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 330]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at nine minutes before nine o'clock P.M., the bill was passed to be engrossed [For text of Senate amendments, printed as amended, see Senate, No. 2859].

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Committee of Conference.

The House Bill providing for the preservation and improvement of land, parks, and clean energy in the Commonwealth (House, No. 5005),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (striking out all after the enacting clause and inserting the text contained in Senate document numbered 2855), and had asked for a

committee of conference on the disagreeing votes of the two branches; and that Representatives Smizik of Brookline, Dempsey of Haverhill and Evangelidis of Holden had been appointed the committee on the part of the House.

On motion of Mr. Panagiotakos, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Resor, Brewer and Tarr were appointed on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Engrossed Bills — Land Takings for Conservation, Etc.

An engrossed Bill authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances in the city of Somerville (see Senate, No. 2705) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at sixteen minutes before seven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 323**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at a quarter before seven o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Rosenberg)

(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.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property to the town of Acton (see Senate, No. 2509) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at fourteen minutes before seven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 324**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

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

An engrossed Bill providing for the disposition of certain property at Medfield State Hospital (see House, No. 4214, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation

purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eleven minutes before seven o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) **[Yeas and Nays No. 325]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 37.
Tolman, Steven A.	
NAYS.	
Timilty, James E. — 1.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

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

An engrossed Bill authorizing the town of Harwich to acquire certain real property (see House, No. 4257, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be re-enacted was determined by a call of the yeas and nays, at nine minutes before seven o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 326]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

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

Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation, to wit:

Concerning marriage laws (see Senate, No. 800);

Relative to the use of a certain building in the town of Whitman (see Senate, No. 2474);

Authorizing the sale of alcoholic beverages on golf courses (see Senate, No. 2769);

Conveying land from the town of Plainfield to the Plainfield Congregational Church (see House, No. 4474, amended); and

Establishing a sick leave bank for David Catanzaro, an employee of the Trial Court (see House, No. 4771, amended).

The Senate Bill relative to the preservation of dairy farms (Senate, No. 2743, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the**

text contained in House document numbered 5030.

Senate Rule 36 was suspended, on motion of Mr. Brewer, and the House amendment was considered forthwith.

On further motion of the same Senator the Senate concurred in the House amendment with a further amendment by striking out Section 13 and inserting in place thereof the following section:—

“SECTION 13. Chapter 182 of the acts of 2008 is hereby amended by striking out section 89 and inserting in place thereof the following section:—

Section 89. (a) Notwithstanding any general or special law to the contrary, after complying with clause (a) of section 5C of chapter 29 of the General Laws the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2008 as follows: (1) if the consolidated net surplus is \$25,000,000 or less, the comptroller shall transfer said amount to the Massachusetts Life Sciences Investment Fund established by section 6 of chapter 231 of the General Laws; or (2) if the consolidated net surplus is \$39,000,000 or greater, the comptroller shall transfer said amount as follows: (a) \$25,000,000 shall be transferred to said Massachusetts Life Sciences Investment Fund; (b) \$3,000,000 shall be transferred to the Workforce Competitiveness Trust Fund, established in section 2WWW of chapter 29; (c) \$2,000,000 shall be transferred to the Massachusetts Science, Technology, Engineering, and Mathematics Grant Fund established in section 2MMM of chapter 29; (d) \$4,000,000 shall be transferred to the Endowment Incentive Holding Fund established in section 7; provided, however, that \$2,000,000 from said Endowment Incentive Holding Fund shall be allocated to University of Massachusetts campuses; provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to state college campuses; and provided further, that \$1,000,000 from said Endowment Incentive Holding Fund shall be allocated to community college campuses; (e) \$5,000,000 shall be transferred to the Farm Capital Linked Loan Fund established pursuant to section 29 of chapter 20 of the General Laws; and (f) any amount remaining after the transfers pursuant to clause (a) to (e), inclusive, shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws. If the amount remaining after the designations in said clause (a) of said section 5C of said chapter 29 of the General Laws is greater than \$25,000,000 but less than \$39,000,000, then after making the transfer required in clause (a), the comptroller shall proportionately reduce the transfers required in clauses (b), (c), (d) and (e); and provided further, that allocations from the Endowment Incentive Holding Fund pursuant to clause (d) shall also be proportionately reduced.

(b) All transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from the undesignated fund balances, but no such transfer shall cause a deficit in any of the funds.”

Sent to the House for concurrence in the further amendment.

Engrossed Bill.

The engrossed Bill authorizing the town of Middleborough to convey town-owned conservation land in exchange for other land to be used as conservation and recreation land (see Senate, No. 1188) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— **was laid before the Senate.**

On motion of the Mr. Pacheco, Senate Rule 49 was suspended.

The same Senator moved to amend the engrossed bill by striking out section 4 and inserting in place thereof following section—
“SECTION 4. If the land conveyed by the town of Middleborough to Carl Tucci ceases to be used for the purposes described in section 1, the land shall revert back to the town of Middleborough for conservation purposes.”

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Suspension of Senate Rule 38A.

Mr. Baddour 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.**

PAPER FROM THE HOUSE.

The Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant a certain easement over lands held for conservation and recreation purposes (Senate, No. 2511, amended),— **came from the House passed to be engrossed, in concurrence with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4947.**

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

Recess.

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

PAPER FROM THE HOUSE.

Engrossed Bill — Land Taking for Conservation, Etc.

An engrossed Bill releasing certain land in Dudley from the operation of an agricultural preservation restriction (see Senate, No. 46, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,— was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at eight minutes before nine o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 331**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at six 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 Acting President (Mr. Rosenberg) and laid before the Governor for his approbation.

Engrossed Bill.

An engrossed Bill relative to rates for human and social service programs (see Senate, No. 2764, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

The question on passing the bill to be re-enacted was determined by a call of the yeas and nays, at five minutes before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 332**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at three minutes before nine o'clock P.M., the bill was passed to be re-enacted and it was signed by the Acting President (Mr. Rosenberg) and again laid before the Governor for his approbation.

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the House Bill authorizing and directing the Commissioner of Capital Asset Management and Maintenance to convey certain land in the town of Westport (House, No. 4949), ought to pass, with an amendment in section 1, by striking the words "located in the town of Westport and shown as Lot B on the town of Westport assessor's 9 map 76A" and inserting in place thereof the following new words:— "located in the town of Westport and shown as Lot B on a survey plan entitled "plan of land prepared for Edward P. Haley of Westport, MA," which is a portion of lot 121 on Town of Westport Assessor's Map 176A, containing 1174.4 square feet or 0.03 acres"; in said section 1 after the words

“asset management and maintenance” by inserting the words: “, in consultation with the department of conservation and recreation,”; and in section 4 by inserting the following sentence at the end of the section:— “Edward Peter Haley shall provide and maintain permanent survey markers that identify the boundary of the conveyance. All costs and expenses relating to said survey markers shall be the sole responsibility of Edward Peter Haley.”

There being no objection, the rules were suspended, on motion of Ms. Menard, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

PAPERS FROM THE HOUSE.

Message from the Governor — Disapproval and Reductions in General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed 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. (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation; came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.

The message (House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 2330-0100 (Division of Marine Fisheries) was considered as follows:

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program, including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that \$300,000 shall be expended on a recreational fisheries program to be reimbursed by federal funds; provided further, that the sum expended for the school for marine science and technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2008 levels except in proportion to adjustments consistent with the department’s budget adjustments; provided further, that not less than \$333,000 shall be expended for the operation of the Newburyport shellfish purification plant and that plant shall generate not less \$115,000 from purification fees; provided further, that not less than \$90,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County Department of Health and the Environment; provided further, that \$50,000 shall be expended for the Family Fishing Assistance Center in the city of New Bedford; provided further, that \$50,000 shall be expended for the Family Fishing Assistance Center in the city of Gloucester; provided further, that the division shall continue to develop strategies to improve federal regulations governing the commercial fishing industry so as to promote it’s sustainability; and provided further, that not less than \$47,000 shall be expended for fishermen safety training for the city of New Bedford 5,700,068.”.

[The Governor reduced this item by \$200,000 and struck out the following wording: “; provided further, that the sum expended for the school for marine science and technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2008 levels except in proportion to adjustments consistent with the department’s budget adjustments”.]

After remarks, the question on passing item 2330-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes past nine o’clock P.M., as follows, to wit (*yeas 35 — nays 3*) **[Yeas and Nays No. 333]:**

YEAS.	
Antonioni, Robert A.	Joyce, Brian A.
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.

Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 30.
NAYS.	
Brown, Scott P.	O’Leary, Robert A.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R.
Montigny, Mark C.	Tucker, Susan C. — 8.
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at seven minutes past nine o’clock P.M., item 2330-0100, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2511-0100 (Department of Agriculture Administration) was considered as follows:

“2511-0100 For the operation of the department of agricultural resources, including the division of administration, the expenses of the board of agriculture, the division of dairy services, division of regulatory services, the division of animal health, the division of agricultural technical assistance, the division of crop management and inspectional services, including a program of laboratory services at the University of Massachusetts at Amherst, the expenses of the pesticides board, and the division of agricultural development and fairs; provided, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha’s Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator and Dukes and Nantucket counties; provided further, that not less than \$10,000 shall be made available to the Massachusetts Specialty Foods Association; provided further, that \$100,000 shall be expended for 4H activities from this item; provided further, that \$50,000 shall be expended on the YouthGROW program; provided further, that not less than \$200,000 shall be expended to enhance the buy local effort in western, central, northeastern, and southeastern Massachusetts; provided further, that not less than \$50,000 shall be expended for agricultural fair prizes and rehabilitation, including the expenses of the agricultural lands board; and provided further, that the department shall, to the extent possible, encourage corporate sponsorships for the purposes of providing agricultural fair prizes 5,506,927.”

[The Governor reduced this item by \$319,732 and struck out the following wording: “; provided further, that not less than \$10,000 shall be made available to the Massachusetts Specialty Foods Association”.]

After remarks, the question on passing item 2511-0100, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at nine minutes past nine o’clock P.M., as follows, to wit (*yeas 32 — nays 6*)

[Yeas and Nays No. 334]:

YEAS.

Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconiti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 32.
NAYS.	
Brown, Scott P.	O’Leary, Robert A.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6.
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twelve minutes past nine o’clock P.M., item 2511-0100, contained in section 2, stands, in concurrence, two-thirds of the members present and voting having approved the same.

Item 2800-0500 (DCR Beaches) was considered as follows:

“2800-0500 For the upkeep of the freshwater and saltwater beaches under the control of the department of conservation and recreation; provided, that all beaches shall remain open and staffed from Memorial Day through Labor Day; provided further, that the beaches shall be fully maintained; 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 met clean water act standards; provided further, that not less that \$50,000 shall be expended for the cleanup of Pilayella Algae on Kings Beach and Long beach in Lynn; provided further, that no less than \$35,000 shall be expended for the cleanup of Pilayella algae on Nahant Beach Reservation; provided further, that not less than \$100,000 shall be expended for the Jones River Watershed Association of Kingston; 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: (1) the amount of funding provided to each beach under the control of the department in fiscal years 2007 and 2008; (2) a breakdown of how the funds were spent for each beach and the services that were provided; (3) the items of appropriation used to provide funding; (4) the amount of funding to be provided for each beach in fiscal year 2009 from this item; and (5) a list of the services or materials for each beach that will be provided from this item; and provided further, that not less than \$1,000,000 shall be expended for personnel for the metropolitan

beaches commission, as recommended by the Beaches We Can Be Proud Of report which was prepared for the metropolitan beach's commission 4,303,025.”.

[The Governor reduced this item by \$183,025 and struck out the following wording :— “; provided further, that the beaches shall be fully maintained; and 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”.]

After remarks, the question on passing item 2800-0500, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at a quarter past nine o'clock P.M., as follows, to wit (*yeas 35 — nays 3*)
[Yeas and Nays No. 335]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 35.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tisei, Richard R. — 3.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at sixteen minutes past nine o'clock P.M., item 2800-0500, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 2820-0300 (Central Artery/Tunnel Parks and Spectacle Island,) was considered as follows:

“2820-0300 For the operation and maintenance of the central artery/tunnel parks and Spectacle island 1,603,959.”.

[The Governor reduced this item by \$165,325.]

After remarks, the question on passing item 2820-0300, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section 1, Article II, of the Constitution, at twenty-two minutes past nine o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) **[Yeas and Nays No. 336]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-four minutes past nine o’clock P.M., item 2820-0300, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-2000 (Vocational Rehabilitation) was considered as follows:

“4120-2000

For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the

federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally-reimbursed state employees; provided further, that the commissioner, in making referrals to service providers, shall take into account the client's place of residence and the geographic proximity of the nearest provider to the residence; provided further, that not less than \$100,000 shall be expended on special vocational projects in the Charlestown neighborhood of Boston for people with disabilities and provided further that not less \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston 10,982,471".

[The Governor reduced this item by \$100,000 and struck out the following wording: "and provided further that not less \$100,000 shall be expended for services provided by the Life Focus Center in the Charlestown neighborhood of Boston".]

After remarks, the question on passing item 4120-2000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article 11, of the Constitution, at twenty-seven minutes past nine o'clock P.M., as follows, to wit (*yeas 34 — nays 4*) **[Yeas and Nays No. 337]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O'Leary, Robert A.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Petrucelli, Anthony
Creem, Cynthia Stone	Resor, Pamela
Downing, Benjamin B.	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Galluccio, Anthony D.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 34.
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 4.
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-nine minutes past nine o'clock P.M., item 4120-2000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-3000 (MRC Employment Assistance and Services) was considered as follows:

“4120-3000. For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities; and provided further, that not less than \$100,000 shall be expended For the Charlestown Navy Yard project for disabled adults in the Charlestown neighborhood of Boston 8,561,446.”.

[The Governor reduced this item by \$100,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended on special projects in the Charlestown neighborhood of Boston for people with disabilities”.]

After remarks, the question on passing item 4120-3000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes before ten o’clock P.M., as follows, to wit (*yeas 33 — nays 5*) **[Yeas and Nays No. 338]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-six minutes before ten o'clock P.M., item 4120-3000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-4000 (Independent Living) was considered as follows:

“4120-4000 For independent living assistance service; provided, that \$3,840,000 shall be expended for the independent living centers contracted with the commission; provided further, that not less than \$949,295 shall be expended for assistive technology devices and training for individuals with severe disabilities; provided further, that not less than \$200,000 shall be expended for the SHARE Foundation at the University of Massachusetts at Dartmouth; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center; and 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 12,449,034”.

[The Governor reduced this item by \$100,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center”.]

The question on passing item 4120-4000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 339]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	

Marzilli, Jim — 1.	
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The yeas and nays having been completed at twenty-four minutes before ten o'clock P.M., item 4120-4000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4120-6000 (Head Injury Services) was considered as follows:

“4120-6000 For head injured services; provided, that the commission shall work with the executive office of health and human services to maximize federal reimbursement for clients receiving head injured services; provided further, that the commission shall expend funds on a 24-hour basis for persons with severe head injuries in western Massachusetts; provided further, that not less than \$100,000 shall be expended for the Cape Cod head injury program; and provided further, that not less than \$75,000 shall be expended on the Keeping Every Youth Safe program at the Massachusetts Brain Injury Association 10,933,588”.

[The Governor reduced this item by \$100,000 and struck out the following wording: “; provided further, that not less than \$100,000 shall be expended for the Cape Cod head injury program”.]

The question on passing item 4120-6000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [**Yeas and Nays No. 340**]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	

ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at eighteen minutes before ten o'clock P.M., item 4120-6000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Committee of Conference Report.

A report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to financing improvements to the Commonwealth's transportation system (House, No. 4846) (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2790), reported, a "Bill financing improvements to the Commonwealth's transportation system" (House, No. 5034),—**came from the House, and was read.**

The rules were suspended, on motion of Mr. Baddour, and, after remarks, the report was considered forthwith and accepted, in concurrence.

Message from the Governor — Disapproval and Reductions in General Appropriations Bill.

A message from His Excellency the Governor, returning, with his disapproval of certain items and sections and parts of certain items, and reductions in certain items contained in the engrossed 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. (see House, No. 4900), which on Thursday, July 3, 2008, had been laid before the Governor for his approbation,—**came from the House, in part, several items and sections having been passed by the House notwithstanding the reduction or disapproval of the Governor.**

The message House, No. 4956) was read; and the Senate proceeded to reconsider several items, which had been disapproved or reduced in accordance with the provisions of the Constitution.

Item 4403-2120 (Emergency Assistance Family Shelters and Services) was considered as follows:

"4403-2120 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes, Hampden and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income which exceeds 130 per cent of the federal poverty level; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided farther, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 16 of chapter 18 of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility

or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; provided further, that the report shall contain the same data required in this item in chapter 139 of the acts of 2006; provided further, that the Massachusetts Coalition for the 'Homeless First Stop Homelessness Prevention Initiative and the Horizons for Homeless Children Playspace Program shall receive not less than the same amount of funding as in fiscal year 2008; provided further, that not less than \$1,668,180 shall be expended for the Housing Assistance Program operated by Community Action Programs Inter-City, Inc.; provided further, that contract (RPO) SCWELL 4092500010000 with Open Pantry Community Services, Inc., be an amount not less than \$545,195; provided further, that an amount not less than \$179,381 shall be expended for the Crossroads Family Shelter in East Boston; 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; 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; provided further, that \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton; and provided further, that not less than \$25,000 shall be expended for the River House shelter in Beverly 87,224,342.”.

[The Governor reduced this item by \$645,195 and struck out the following wording: “; provided further, that contract (RPO) SCWELL 4092500010000 with Open Pantry Community Services, Inc., be an amount not less than \$545,195” and 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 question on passing item 4403-2120, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twelve minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 341]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.

Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at nine minutes before ten o'clock P.M., item 4403-2120, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4510-0710 (Health Care Quality Administration) was considered as follows:

"4510-0710 For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit in the office of the attorney general; provided further, that the division shall continue a comprehensive training, education and outreach program for nursing home administrators and managers and other supervisory personnel in long-term care to improve the quality of care in long-term care facilities; provided further, that the program shall promote the use of best practices, models of quality care giving and the culture of workforce retention within the facilities and shall focus on systemic ways to reduce deficiencies; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general; provided further, that services funded through this item shall include, but not be limited to: education, training, intervention, support, surveillance and evaluation; provided further, that the department shall report to the house and senate committees on ways and means on the results of the program not later than April 30, 2009; 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 105 CMR (130.1400), provided that all fund 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 provided further, that \$40,000 shall be expended for Bedside Advocates, Inc. for the development of a pilot project focused on transitional care for geriatric patients transitioning to their homes from acute care hospitals; 8,817,714."

[The Governor reduced this item by \$100,000 and struck out the following wording: “; 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 105 CMR (130.1400), provided that all fund 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”.]

After remarks, the question on passing item 4510-0710, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*)

[Yeas and Nays No. 342]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.

Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at four minutes before ten o’clock P.M., item 4510-0710, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1000 (Family Health Services) was considered as follows:

“4513-1000 For the provision of family health services; provided, that no funds shall be expended in the AA object class; provided further, that not less than \$6,000,000 shall be provided for comprehensive family planning services, including HIV counseling and testing, community-based health education and outreach services, provided by agencies certified as comprehensive family planning agencies; 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; provided further, that not less than \$50,000 shall be provided for the Molly Bish Institute for Child Safety at Mt. Wachusett Community College; provided further, that not less than \$100,000 shall be expended for the Massachusetts Sudden Infant Death Center at Boston Medical Center; provided further, that not less than \$350,000 be expended for the operations of the Regional Poison Control Center, located at the Children’s Hospital in Boston; provided further, that not less than \$350,000 shall be expended for ROCA, Inc. for outreach and youth development for at-risk youth and young adults in Chelsea, Revere, and East Boston; provided further, that of said \$350,000, not less than \$150,000 shall be expended for such programs in the Bowdoin/Geneva and the Uphams Corner/North Dorchester sections of Boston; provided further, that not less than \$35,000 shall be expended for the Immigrants Assistance Center, Inc., in New Bedford for its unique bilingual AIDS education; provided further, that not less than \$10,000 shall be expended for the Cancer House of Hope in the city of Westfield; provided Further, that \$450,000 shall be expended for the Massachusetts Birth Defects Monitoring Program; provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning; and provided further, that \$200,000 shall be expended for an elder health and outreach program in Saugus 7,620,000.”.

[The Governor reduced this item by \$360,000 and struck out the following wording: “; provided further, that not less than \$50,000 shall be expended for Falmouth Family Planning”.]

After remarks, the question on passing item 4513-1000, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by

Chapter I, Section I, Article II, of the Constitution, at three minutes before ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*)
[Yeas and Nays No. 343]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at two minutes before ten o'clock P.M., item 4513-1000, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4513-1111 (Health Promotion and Disease Prevention) was considered as follows:

“4513-1111 For the promotion of health and disease prevention including, but not limited to, the following programs: breast cancer prevention, diabetes screening and outreach, ovarian cancer screening, a statewide STOP stroke program and ongoing stroke prevention and education, hepatitis C prevention and management, 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, renal disease prevention and management, Lyme disease prevention and research, colorectal cancer prevention, prostate cancer screening, education and treatment with a particular focus on African American males, osteoporosis education, a program to combat mental retardation in children suffering from a genetic effect causing phenylketonuria, maintenance of the Amyotrophic Lateral Sclerosis registry created pursuant section 25A of chapter 111 of the General Laws, maintenance of the statewide lupus database, early detection and treatment of lung cancer, education,

awareness and early detection of brain aneurysms, and the operation of the Betsy Lehman Center for patient safety; provided further, that the department shall expend not less than the same amount available in each item in fiscal year 2008; provided further, that sites for Hepatitis C services shall be distributed throughout the commonwealth so as to ensure coverage in all geographic regions, including currently underserved areas proximate to Boston, Cape Ann, Fitchburg, Leominster, Lowell, Pittsfield, Springfield and Worcester; and provided further, that not less than \$75,000 shall be expended for the operation of NECPAD, a support organization which provides patient education and support for people diagnosed with PKU or related disorders and their families 14,709,996.”.

[The Governor reduced this item by \$511,634 and struck out the following wording: “; and provided further, that not less than \$75,000 shall be expended for the operation of NECPAD, a support organization which provides patient education and support for people diagnosed with PKU or related disorders and their families”.]

After remarks, the question on passing item 4513-1111, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at ten o'clock P.M., as follows, to wit (*yeas 37 — nays 1*) **[Yeas and Nays No. 344]:**

YEAS.	
Antonioni, Robert A.	Jehlen, Patricia D.
Augustus, Edward M., Jr.	Joyce, Brian A.
Baddour, Steven A.	Knapik, Michael R.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Menard, Joan M.
Brown, Scott P.	Montigny, Mark C.
Buoniconti, Stephen J.	Moore, Richard T.
Candaras, Gale D.	Morrissey, Michael W.
Chandler, Harriette L.	O’Leary, Robert A.
Creedon, Robert S., Jr.	Pacheco, Marc R.
Creem, Cynthia Stone.	Panagiotakos, Steven C.
Downing, Benjamin B.	Petrucelli, Anthony
Fargo, Susan C.	Resor, Pamela
Galluccio, Anthony D.	Rosenberg, Stanley C.
Hart, John A., Jr.	Tolman, Steven A.
Spilka, Karen E.	Tucker, Susan C.
Tarr, Bruce E.	Walsh, Marian
Timilty, James E.	Wilkerson, Dianne — 37.
Tisei, Richard R.	
NAYS.	
Hedlund, Robert L. —	1.
ABSENT OR NOT VOTING.	
Marzilli, Jim —	1.

The yeas and nays having been completed at three minutes past ten o'clock P.M., item 4513-1111, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 4590-0250 (School Health Services) was considered as follows:

“4590-0250 For school health services and school-based health centers in public and non-public schools; provided, that no funds shall be expended in the AA object class; provided further, that services shall include, but not be limited to: (a) strengthening the infrastructure of school health services in the areas of personnel and policy development, programming and interdisciplinary collaboration; (b) developing linkages between school health services programs and community health providers; (c) incorporating health education programs, including tobacco prevention and cessation activities in school curricula and in the provision of school based health services; and (d) incorporating obesity prevention programs, including nutrition and wellness programs, in school curricula to address the nutrition and lifestyle habits needed for healthy development; provided further, that the services shall meet standards and eligibility guidelines established by the department in consultation with the department of education; provided further, that not less than \$300,000 shall be expended for mental health and substance abuse services in school-based health centers; provided further, that not less than \$550,000 shall be expended for the commission on gay and lesbian youth; provided further, that \$150,000 shall be expended for the Childhood Obesity School Nutrition Project within the department to initiate or maintain school lunch programs focused on diminishing the epidemic of childhood obesity; provided further, that food service providers working with public schools wishing to institute or maintain a school nutrition program designed to reduce childhood obesity may submit an application to the department indicating the various nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year; provided further, that eligible programs shall focus on providing healthier choices for lunch programs and provide incentives and information to make healthier meal choices in the school lunch line; provided further, that 1 or more schools may be included in an application; provided further, that grant applications and other appropriate criteria shall be determined and reviewed by the department; provided further, that not less than \$200,000 shall be expended for the North Quabbin Community Coalition for support and implementation of four model community coalitions and community capacity building activities; provided further, that not less than \$15,000,000 shall be expended for school nurses and school based health centers; and provided further, that not less than \$100,000 shall be expended to the H.E.L.P. program so-called, for black males health; and provided further, that not less than \$75,000 shall be expended for 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 17,457,134.”.

[The Governor reduced this item by \$390,000.]

After remarks, the question on passing item 4590-0250, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at six minutes past ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 345]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O'Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony

Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at eight minutes past ten o'clock P.M., item 4590-0250, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 5920-2000 (Vendor Operated Residential and Day Community Services) was considered as follows:

“5920-2000 For vendor-operated, community-based, residential adult services, including intensive individual supports; provided, that \$13,145,837 shall be expended in annualized funding for turning 22 clients who began receiving the services in fiscal year 2008 pursuant to item 5920-5000 of section 2 of chapter 61 of the acts of 2007; provided further, that the commissioner of the department of mental retardation shall transfer funds from this item to item 5920-2010, as necessary, pursuant to an allocation plan, which shall detail, by object class, the distribution of said funds to be transferred and which the commissioner shall file with the house and senate committees on ways and means 15 days before any such transfer; provided further, that not more than \$5,000,000 shall be transferred from this item in fiscal year 2009; provided further, that not less than \$500,000 shall be expended for Best Buddies Massachusetts; provided further, that not less than \$100,000 shall be expended for the Massachusetts Special Olympics; provided further, that not less than \$100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc.; and provided further, that \$50,000 shall be expended for Mass Citizens Advocacy. 569,561,352.”.

[The Governor reduced this item by \$600,000.]

After remarks, the question on passing item 5920-2000, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at eleven minutes past ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) **[Yeas and Nays No. 346]:**

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.

Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at thirteen minutes past ten o'clock P.M., item 5920-2000, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 5920-3010 (Autism Division) was considered as follows:

“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 to be contingent upon the maximization of federal reimbursement for waiver services funded by the commonwealth; 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 further, that 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, not later than January 2, 2009, including but not limited to, a report on the implementation of the children’s autism Medicaid waiver program pursuant to chapter 107 of the acts of 2005, with information regarding the 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, department plans to continue to assess the demand for waiver services, any executive office of health and human services plans to expand the waiver for children on the autism spectrum of all ages in the future, and any other information determined relevant by the department; 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 upon submission of the amendment; 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; 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; 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; provided further, that not less than \$75,000 shall be expended for Youth Enhanced Services Non-profit; and provided further, that not less than \$30,000 shall be allocated to Whole Children, Inc. of Hadley 6,264,413.”

[The Governor reduced this item by \$1,000,000 and struck out the following wording: “; 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 to be contingent upon the maximization of federal reimbursement for waiver services funded by the commonwealth” and inserted the following wording: “; provided, that not less than \$3,000,000 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 to be contingent upon the maximization of federal reimbursement for waiver services funded by the commonwealth”]

After remarks, the question on passing item 5920-3010, contained in section 2, in concurrence, the reduction and objections of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at sixteen minutes past ten o'clock P.M., as follows, to wit (*yeas 38 — nays 0*) [Yeas and Nays No. 347]:

YEAS.	
Antonioni, Robert A.	Hedlund, Robert L.
Augustus, Edward M., Jr.	Jehlen, Patricia D.
Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Brown, Scott P.	Menard, Joan M.
Buoniconiti, Stephen J.	Montigny, Mark C.
Candaras, Gale D.	Moore, Richard T.
Chandler, Harriette L.	Morrissey, Michael W.
Creedon, Robert S., Jr.	O’Leary, Robert A.
Creem, Cynthia Stone.	Pacheco, Marc R.
Downing, Benjamin B.	Panagiotakos, Steven C.
Fargo, Susan C.	Petrucelli, Anthony
Galluccio, Anthony D.	Resor, Pamela
Hart, John A., Jr.	Rosenberg, Stanley C.
Spilka, Karen E.	Tolman, Steven A.
Tarr, Bruce E.	Tucker, Susan C.
Timilty, James E.	Walsh, Marian
Tisei, Richard R.	Wilkerson, Dianne — 38.
NAYS — 0.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at eighteen minutes past ten o’clock P.M., item 5920-3010, contained in section 2, stands, in concurrence, notwithstanding the reduction and objections of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0320-0010 (Suffolk County Clerk) was considered as follows:

“0320-0010. For the operation of the clerk’s office of the supreme judicial court for Suffolk county 1,283,205.”.

[The Governor reduced this item by \$53,554.]

After remarks, the question on passing item 0320-0010, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I,

Article II, of the Constitution, at twenty-two minutes past ten o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 348**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O'Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-four minutes past ten o'clock P.M., item 0320-0010, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0321-1500 (Committee for Public Counsel Services (CPCS)) was considered as follows:

"0321-1500 For the operation of the committee for public counsel services, as authorized by chapter 211D of the General Laws; provided, that the committee shall submit a report to the clerks of the house of representatives and senate and the house and senate committees on ways and means, no later than January 30, 2009, that shall include, but not be limited to, the following: (a) the number of clients assisted by the committee in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population and cost; (c) the total number of persons who received legal services by the committee, by type of case and geographic location; (d) the costs for services rendered per client, by type of case and geographic location; (e) the amount paid, if any, to the committee by clients for services rendered by type of case and geographic location; (f) the average

cost for services rendered by the committee by type of case; and (g) the average number of hours spent per attorney or staff per type of case; provided further, that the committee shall submit a report to the house and senate committees on ways and means no later than January 30, 2009, on the progress of the public defender division; and provided further, that said report shall include the following: (a) the number of offices that are in operation; (b) the number of staff hired to work in the district offices; and (c) the estimated savings the commonwealth has realized from having cases assigned to public defenders as opposed to being assigned to private bar advocates 29,294,603.”.

[The Governor reduced this item by \$458,465.]

After remarks, the question on passing item 0321-1500, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-eight minutes past ten o’clock P.M., as follows, to wit (*yeas 35 — nays 3*) **[Yeas and Nays No. 349]:**

YEAS.	
Antonioni, Robert A.	McGee, Thomas M.
Augustus, Edward M., Jr.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Brown, Scott P.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 35.
Knapik, Michael R.	
NAYS.	
Hedlund, Robert L.	Tisei, Richard R. — 3.
Timilty, James E.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-eight minutes before eleven o'clock P.M., item 0321-1500, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0330-3200 (Trial Court Court Officers) was considered as follows:

0330-3200 For the court security program, including personnel and expenses; provided, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than January 30, 2009, detailing the number of court officers, per diem court officers and security personnel located in each trial court of the commonwealth 66,111,070.”.

[The Governor reduced this item by \$859,469.]

After remarks, the question on passing item 0330-3200, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at twenty-five minutes before eleven o'clock P.M., as follows, to wit (*yeas 33 — nays 5*) [**Yeas and Nays No. 350**]:

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Baddour, Steven A.	Moore, Richard T.
Berry, Frederick E.	Morrissey, Michael W.
Brewer, Stephen M.	O’Leary, Robert A.
Buoniconti, Stephen J.	Pacheco, Marc R.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Timilty, James E.
Galluccio, Anthony D.	Tolman, Steven A.
Hart, John A., Jr.	Tucker, Susan C.
Jehlen, Patricia D.	Walsh, Marian
Joyce, Brian A.	Wilkerson, Dianne — 33.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 5.
Knapik, Michael R.	
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at twenty-two minutes before eleven o'clock P.M., item 0330-3200, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Item 0339-1001 (Office of the Commissioner of Probation) was considered as follows:

“0339-1001. For the office of the commissioner of probation; provided, that notwithstanding any general or special law, rule or regulation to the contrary, the commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that the associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004; provided further, that not less than \$2,771,000 shall be expended for costs associated with full implementation of chapters 303 and 418 of the acts of 2006 to ensure effective supervision of probationers who are monitored through global positioning system bracelets; provided further, that not less than \$100,000 shall be expended for the central Massachusetts probation training academy in the town of Clinton for the purpose of maintaining current staffing levels or providing additional staff at the discretion of the commission; provided further, that no funds shall be expended from this line item to cover the costs of building leases; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner; provided further, that the office shall enter into an interagency service agreement with the department of revenue to verify income data and to utilize the department’s wage reporting and bank match system for the purpose of weekly tape-matching, so-called, for the purposes of determining an individual’s eligibility for appointment of indigent counsel, as defined in chapter 211D of the General Laws; provided further, that the office shall submit quarterly reports to the house and senate committees on ways and means detailing the progress of eligibility verification with the department; and provided further, that the report shall include, but not be limited to, the number of individuals to be found misrepresenting assets, revenue generated through collection of indigent client fees, the average indigent client fee that each court division collects per case since the effective date of this act, recommendations on improvements in verifying eligibility for counsel and other pertinent information to ascertain the effectiveness of verification 142,372,102.”.

[The Governor reduced this item by \$7,630,158.]

After debate, the question on passing item 0339-1001, contained in section 2, in concurrence, the reduction of His Excellency the Governor to the contrary notwithstanding, was determined by a call of the yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution, at five minutes before eleven o'clock P.M., as follows, to wit (*yeas 31 — nays 5*) **[Yeas and Nays No. 351]:**

YEAS.	
Antonioni, Robert A.	Menard, Joan M.
Augustus, Edward M., Jr.	Montigny, Mark C.
Berry, Frederick E.	Moore, Richard T.
Brewer, Stephen M.	Morrissey, Michael W.
Buoniconti, Stephen J.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Petrucelli, Anthony
Downing, Benjamin B.	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Galluccio, Anthony D.	Spilka, Karen E.
Hart, John A., Jr.	Timilty, James E.
Hedlund, Robert L.	Tolman, Steven A.

Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Wilkerson, Dianne — 31.
McGee, Thomas M.	
NAYS.	
Brown, Scott P.	Tarr, Bruce E.
Candaras, Gale D.	Tisei, Richard R. — 5.
Knapik, Michael R.	
ANSWERED “PRESENT”.	
Baddour, Steven A.	Walsh, Marian — 2.
ABSENT OR NOT VOTING.	
Marzilli, Jim — 1.	

The yeas and nays having been completed at two minutes before eleven o’clock P.M., item 0339-1001, contained in section 2, stands, in concurrence, notwithstanding the reduction of His Excellency the Governor, two-thirds of the members present and voting having approved the same.

Matter Taken Out of the Orders of the Day.

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

The House Bill relative to the agreement among the states to elect the President by national popular vote (House, No. 4952),—
was considered; the question being on ordering the bill to a third reading.

The pending motion, previously moved by Mr. Tisei, that the bill be laid on the table was considered; and it was negatived.

Mr. Tarr moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the following text:—

“*Whereas*, Section 1 of Article II of the Constitution provides for the election of the President of the United States through the selection in each state of a slate of electors, who then cast their vote for a presidential candidate; and,

Whereas, on 4 occasions in the history of the United States since the adoption of the Constitution, the candidate for President of the United States receiving more votes than any other candidate has not been the candidate obtaining the most electoral votes; and,

Whereas, it is currently contended that the direct national election of a President is a better form of presidential selection than the Electoral College; and,

Whereas, 4 states, those being Illinois, Maryland, Hawaii, and New Jersey, have expressed their desire to replace the Electoral College with a national popular vote; and,

Whereas, a change in the manner of election of the President is a fundamental change to the Constitution; and,

Whereas, Article V of the Constitution provides for a process through which the Constitution may be amended when a question arises as to whether its provisions should be modified; now, therefore, be it

Resolved, that the Massachusetts House and Senate call upon their federal representatives in Congress to investigate whether the Electoral College should be abolished and replaced with a national popular vote through the passage of an amendment to the Constitution of the United States, and, if so, to file such an amendment in Congress and attempt to secure its passage; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerks of the House and Senate to each member of the Massachusetts Congressional delegation.”

After debate, the question on adoption of the amendment, was determined by a call of the yeas and the nays, at twenty-four minutes before twelve o’clock midnight, on motion of Mr. Tarr, as follows, to wit (*yeas 9 — nays 27*) [**Yeas and Nays No. 352**]:

YEAS.	
Brown, Scott P.	Pacheco, Marc R.
Hedlund, Robert L.	Tarr, Bruce E.

Knapik, Michael R.	Timilty, James E.
Moore, Richard T.	Tisei, Richard R. — 9.
Morrissey, Michael W.	
NAYS.	
Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Brewer, Stephen M.	Montigny, Mark C.
Buoniconti, Stephen J.	O’Leary, Robert A.
Candaras, Gale D.	Panagiotakos, Steven C.
Chandler, Harriette L.	Petrucelli, Anthony
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Downing, Benjamin B.	Spilka, Karen E.
Fargo, Susan C.	Tolman, Steven A.
Galluccio, Anthony D.	Tucker, Susan C.
Hart, John A., Jr.	Walsh, Marian
Jehlen, Patricia D.	Wilkerson, Dianne — 27.
Joyce, Brian A.	
ABSENT OR NOT VOTING.	
Antonioni, Robert A.	Marzilli, Jim — 3.
Berry, Frederick E.	

The yeas and nays having been completed at sixteen minutes before twelve o’clock midnight, the amendment was rejected.

The bill was then ordered to a third reading.

The rules were suspended, on motion of Mr. Augustus, and the bill was read a third time and passed to be engrossed, in concurrence.

Moment of Silence.

At the request of the President, members, guests and employees stood in a moment of silence and reflection to the memory of Staff Sergeant Alex R. Jimenez.

Adjournment in Memory of Staff Sergeant Alex R. Jimenez.

The Senator from Essex and Middlesex, Ms. Tucker, requested that when the Senate adjourns today, it adjourn in memory of Staff Sergeant Alex R. Jimenez.

Army Staff Sergeant Alex R. Jimenez of Lawrence, Massachusetts, was serving in Operation Iraqi Freedom when he was kidnapped along with two fellow members of the 2nd Brigade of the 10th Mountain Division during an insurgent ambush on May 12, 2007, twenty miles south of Baghdad. He was listed as Missing In Action for over a year.

His remains were discovered several weeks ago by military officials in Iraq. Interment will be in Long Island National Cemetery in Farmingdale, New York on Saturday morning. He leaves behind his father, Ramon “Andy” Jimenez, his mother Maria Duran,

his two younger brothers, Andy and Bryant, his widow, Yadelin Jimenez and many friends and relatives.

Accordingly, as a mark of respect to the memory of Staff Sergeant Alex R. Jimenez, at seven minutes before twelve o'clock midnight, on motion of Mr. Tisei, the Senate adjourned to meet again tomorrow at ten o'clock A.M.