

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.

Thursday, April 8, 2010.

Met at two minutes past eleven o'clock A.M.

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

Distinguished Guests.

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

The President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, students from the Norfolk Agricultural School in Walpole. They were accompanied by Principal Suzanne Green, Superintendent and Director Mike McFarland and the Chairman of the Board of Trustees, Harold Cohen. The President noted that the group was visiting on Massachusetts Agricultural Day. The Senate welcomed them with applause and they withdrew from the Chamber.

The President introduced, in the rear of the Chamber, a group of eighth grade exchange students from Moscow, Russia and their Buckingham Browne and Nichols partners. The students were on a tour of the State House and learning about the different aspects of our state government. The Senate welcomed them with applause and they withdrew from the Chamber.

Petition.

Ms. Walsh presented a petition (subject to Joint Rule 12) of Marian Walsh, for legislation to establish a sick leave bank for James E. Munchbach, an employee of the Trial Court.

Under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

By Mr. Buoniconti, for the committee on Financial Services on Senate, No. 513 and House, No. 1050, a Bill relative to MassHealth behavioral screening consent (Senate, No. 513);

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Buoniconti, for the committee on Financial Services, on petition, a Bill ensuring access to life-saving colorectal cancer screenings (Senate, No. 451);

By the same Senator, for the same committee on Senate, No. 457 and House, No. 974, a Bill relative to insurer responsibility for health care services (Senate, No. 457);

By the same Senator, for the same committee, on petition, a Bill relative to providing health insurance coverage for cochlear implants in children (Senate, No. 469);

By the same Senator, for the same committee, on petition, a Bill establishing a reinsurance program to protect consumers of small group health insurance (Senate, No. 495); and

By the same Senator, for the same committee, on petition, a Bill providing health insurance coverage for scalp hair prosthesis (Senate, No. 523);

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Kennedy, for the committee on Election Laws, on petition, a Bill relative to the street list (Senate, No. 332)

[Representative Jones of North Reading dissenting];

By the same Senator, for the same committee, on petition, a Bill expanding financial reporting requirements and information available for voters regarding ballot initiatives (Senate, No. 357);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 680), a Bill updating and streamlining the regulation of employment agencies (Senate, No. 2364);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 727), a Bill to protect social workers from work related injuries (Senate, No. 2365);

By Mr. McGee, for the committee on Labor and Workforce Development, on petition (accompanied by bill, Senate, No. 1094), a Bill relative to creditable service for school business administrators (Senate, No. 2362);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1211), a Bill to promote equity in pension benefits (Senate, No. 2363);

By Mr. Baddour, for the committee on Transportation, on petition (accompanied by bill, Senate, No. 1911), a Bill relative to child passenger safety (Senate, No. 2366); and

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1938), a Bill relative to motor vehicle registrations (Senate, No. 2367);

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

By Mr. Kennedy, for the committee on Election Laws, on petition, a Bill relative to voter registration in public high schools (Senate, No. 351); and

By the same Senator, for the same committee, on petition, a Bill relative to voting equipment (Senate, No. 2175)

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

By Mr. Kennedy, for the committee on Election Laws, on petition, a Bill authorizing the town of Hubbardston to send certain information to the voters of said town (Senate, No. 2090) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to recall in the town of Middlefield (Senate, No. 2129) [Local approval received];

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

PAPER FROM THE HOUSE.

A message from His Excellency the Governor recommending legislation relative to special license plates for certain military personnel (House, No. 4588),-- was referred, in concurrence, to the committee on Transportation.

Resolutions.

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

Resolutions (filed by Mr. Pacheco) "congratulating the Taunton Women's Club on its one hundredth anniversary"; and
Resolutions (filed by Mr. Tisei) "congratulating Saint Maria Goretti Parish of Lynnfield on the occasion of its fiftieth Jubilee Anniversary Celebration."

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill authorizing the appointment of special police officers in the city known as the town of Greenfield (see House, No. 636) (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 signed by the President and laid before the Governor for his approbation.

An engrossed Bill validating the actions taken at certain town meetings and town elections in the town of Wilbraham (see House Bill, printed in House, No. 4564) (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, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Oxford to grant an additional license for the sale of alcohol (printed as Senate, No. 2196); and

Relative to the transfer of land in the town of Sharon (House, No. 4468);
Were severally read a second time and ordered to a third reading.

The House Bill exempting the position of chief of police in the town of Natick from the civil service law (House, No. 4419),--
was read a second time and ordered to a third reading. There being no objection, the rules were suspended, on motion of Ms. Spilka, and the bill was read a third time and passed to be engrossed, in concurrence.

The Senate Bill promoting economic development throughout the Commonwealth (Senate, No. 2331),-- **was considered, the main question being on ordering the bill to a third reading.**

Pending the question on substitution of the proposed Ways and Means new draft (Senate, No. 2345), Mr. Knapik moved that the proposed new draft be amended by striking out section 1 of Chapter 151 of the General Laws in its entirety and replacing it with the following:

Section 1. It is hereby declared to be against public policy for any employer to employ any person in an occupation in this commonwealth at an oppressive and unreasonable wage as defined in section two, and any contract, agreement or understanding for or in relation to such employment shall be null and void. A wage of less than \$8.00 per hour, in any occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and unreasonable, wherever the term "minimum wage" is used in this chapter, unless the commissioner has expressly approved or shall expressly approve the establishment and payment of a lesser wage under the provisions of sections seven and nine; provided, further, that an employer may pay an employee who is under the age of 19 and is employed between June 1 and August 31 a wage of no less than \$6.00 an hour for the first 90 consecutive days of the employees employment within those dates; provided, further, that the hiring of any employees under the age of 19 does not displace other workers.

The amendment was *rejected*.

Mr. Hart moved that the proposed new draft be amended in section 28, in proposed subsection (a) of section 13D, by adding the following sentence:- "This section shall not apply to authorities who are serving as partners of the partnership."; by striking out, in lines 827 and 828, the words ", its partners and agencies,"; by striking in lines 829 the words "partnership's partners and agencies" and inserting in place thereof the following word:- "partnership; and by striking out, in lines 831 and 832, the words "and its partners and agencies".

The amendment was adopted.

Mr. Joyce moved that the proposed new draft be amended by inserting in section 38, following the words " (ii) has demonstrated history of lending in participation with community banks;" in line 1071, the following new subsection:- "and (iii) is a licensed small business lender under the United States Small Business Administration 7(A) loan program."; and by inserting in section 39, following the words " (ii) has demonstrated history of lending in participation with community banks;" in line 1122, the following new subsection:- "and (iii) is a licensed small business lender under the United States Small Business Administration 7(A) loan program".

The amendment was *rejected*.

Mr. Joyce moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

"SECTION 1. . Subsection (a) of section 103 of chapter 182 of the acts of 2008 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall give priority to a proposal submitted by the town of Canton or by a nonprofit organization within the town of Canton which complies with the requirements of this section. The division of capital asset management and maintenance shall provide the town of Canton with not less than 120 days to determine whether the town shall submit a proposal before soliciting proposals under subsection (b); and provided further, that if the town of Canton executes a lease of the golf course under this section it shall not assign or otherwise transfer the lease to a third party.

SECTION 2. The third paragraph of said subsection (a) of said section 103 of said chapter 182 is hereby amended by striking out the words 'General Fund' and inserting in place thereof the following words:- Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws.

SECTION 3. Subsection (b) of said section 103 of said chapter 182 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

If no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2011, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract including, but not limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a senior citizens' and children's discount program; (4) reservation policies; (5) proposed reasonable rates that to ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-hole public golf course; (15) a provision that the lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that the lessee may construct facilities with the written approval of the commissioner of conservation and recreation and the majority vote of the board of selectmen in the town of Canton; and (16) a host community agreement between the designated operator and the town of Canton. Any increase in fees, including fees for season passes or club memberships, and any increase in charges for greens' fees or golf cart or club rentals shall be approved in writing by the commissioner of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider, without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase." The amendment was *rejected*.

Ms. Chandler, Mr. Michael O. Moore, Ms. Tucker, Messrs. Brewer and Downing, Ms. Flanagan, Ms. Jehlen and Ms. Chang-Diaz moved that the proposed new draft be amended in section 78, section 8(b), by inserting after "the Massachusetts Small Business Development Center Network" the following: "Community development corporations". The amendment was *rejected*.

Mr. Joyce moves to amend the proposed new draft by inserting at the end thereof the following new section:-

"SECTION 1. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division deems necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Leo J. Martin Memorial golf course in the town of Weston so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Leo J. Martin Memorial golf course, hereinafter referred to as the golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall prefer any proposal submitted by the town of Weston, or by a non-profit organization within the town of Weston, which complies with the requirements of this section; and provided further, that the division of capital asset management and maintenance shall provide the town of Weston no less than 180 days to determine whether said town shall submit a proposal prior to soliciting proposals pursuant to subsection (b); and provided further, that if said town of Weston executes a lease of the golf course pursuant to this section it shall not assign or otherwise transfer the lease to any third party.

There shall be an option for renewal or extension for operations and maintenance services not exceeding an additional 5 years. Such renewal or extension shall be at the discretion of the division of capital asset management and maintenance in accordance with the original contract terms and conditions or contract terms and conditions more favorable to the commonwealth. All leases shall contain a provision that requires the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured, protecting the commonwealth against all personal injury or property damage within the golf course or on the land of the golf course during the term of the lease.

Such lease and other agreements shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation, and, notwithstanding any general or special law to the contrary, shall provide for the lessee to manage, operate, improve, repair and maintain the property. Any such lease or other arrangement shall stipulate that any required capital improvements to the golf courses, practice greens, driving range, restaurant or any other structure or associated lands which constitute the facilities of the golf course shall be made by the lessee and shall include a description of the required capital improvements and without limitation performance specifications. Said lease and other agreement shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties by the lessee shall be taken into account as part of the consideration for such leases or other agreements. All consideration received from the leases or other agreements executed pursuant to this section shall be payable to the department of conservation and recreation for deposit into the General Fund.

(b) If no lease agreement is reached with the town of Weston pursuant to subsection (a) and not before April 1, 2009, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and

recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to: (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a residential, senior citizen and children discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36 hole public golf course; (15) a provision that lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that said lessee may construct facilities incidental to the operation of a golf course with the written approval of the commissioner of the department of conservation and recreation; (16) a provision that the town of Weston shall receive compensation from the lessee in an amount equal to or greater than the amount said town would receive in property taxes if the golf course were taxed as a commercial property as may be determined by the board of assessors of the town of Weston. Any increase in fees including fees for season passes, and any increase in charges for greens fees, golf cart or club rentals shall be approved in writing by the commissioner of the department of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase.

It shall be a mandatory term of any request for proposals issued by the division of capital asset management and maintenance and of any contract entered into by the commonwealth with any party that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the golf course and to preserve the safety and environmental conditions of said golf course, that all employees currently working on the operation and maintenance of the golf course be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lessee, to comparable positions within the department subject to applicable collective bargaining agreements.

(c) The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any party leasing the golf course pursuant to this section.

(d) Notwithstanding any general or special law to the contrary, the inspector general shall review and approve any lease executed pursuant to this section and the review shall include an examination of the methodology utilized for establishing a lease price. Within 30 days of receiving the lease, the inspector general shall prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance. Within 15 days of receiving the inspector general's report, the commissioner shall submit such report to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets but no later than 15 days before the execution of any agreement or other document relating to the lease.

(e) Notwithstanding any general or special law to the contrary, the lessee shall be responsible for all costs and expenses, including but not limited to, costs associated with any engineering, surveys, appraisals, and document preparation related to the contracts and leases authorized pursuant to this section as such costs may be determined by the commissioner of the division of capital asset management and maintenance. Upon conveyance of the parcel, the lessee shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the golf course.

(f) The division of capital asset management and maintenance and the department of conservation and recreation shall report on the results of any requests for proposals and any subsequent leases executed as a result of this section. The report shall include, but not be limited to: the time required to conduct the request for proposals process; the quality and characteristics of the bids received in response to the request; the criteria used to identify successful bidders; the dates of any executed leases; any service changes resulting from executed leases; any increase or decrease in the length of the season of operations for the golf course; the capital improvements that have been completed, are under construction or are planned by the lessee; and the revenue generated by any executed leases. The report shall be submitted to the clerks of the house and senate and to the house and senate committees on ways and means no later than December 15, 2010."

The amendment was *rejected*.

Ms. Chandler, Mr. Michael O. Moore, Ms. Tucker, Messrs. Brewer and Downing, Ms. Flanagan, Ms. Jehlen and Ms. Chang-Diaz moved that the proposed new draft be amended in section 78, section 2(b), by striking the number "1" after "Massachusetts Bankers Association;" and replacing with the following: "2".

The amendment was *rejected*.

Mr. Joyce moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

SECTION1. There shall be a special commission for the purpose of making an investigation and study relative to the feasibility

of bidding for a future summer Olympics. The commission shall consist of 3 members of the senate, 1 to be appointed by the minority leader, 3 members of the house of representatives, 1 to be appointed by the minority leader and 3 members to be appointed by the governor. Said investigation and study shall include but not be limited to the prospects of working with other New England states and should seek input from local governments especially in our larger cities and other organizations and agencies.

Said commission shall report to the General Court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives and clerk of the senate on or before the first Wednesday of December, 2010.
The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following section:-
“SECTION XX. Chapter 80 of the Acts of 2008 is hereby repealed.”
The amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting, after section 76, the following section:-
“SECTION 76A. The first paragraph of section 3 of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the word “more”, in line 25, the following words:- “or to parcels 1 acre or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars.”
The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following two sections:-

“Section XX. Definitions – For the purposes of this section and the following section, the terms below shall be defined as follows:

(a) Entity – whether for-profit or not for profit,

1. a corporation
 2. an association
 3. a partnership
 4. a limited liability corporation
 5. a limited liability partnership
 6. a sole proprietorship
 7. any other legal business entity
 8. 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.

(b) 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.

1. Searchable website – a website which allows the public to:

- a. Search and aggregate state expenditures by any item identified in the definition of website contained herein
- b. Ascertain through a single search the total amount of state funding awarded to an entity by fiscal year, and
- c. Download information, including the results of searches.

(c) Website – a searchable website which includes for each state expenditure:

1. The name of the receiving entity
2. The amount of the expenditure
3. Information describing the expenditure such as transaction type, funding agency or program, and title descriptive of the purpose of the expenditure
4. The location of the entity receiving the expenditure and the primary location of performance pursuant to the expenditure, including the city, state, country and legislative district
5. A unique identifier of the entity receiving the award and of any parent entity of the recipient
6. Any other relevant information specified by the Operational Services Division.

Section XX. The Secretary of Administration and Finance, the Comptroller, the Treasurer and the Operational Services Division are hereby authorized and directed to develop a single searchable website, accessible by the public without cost, to enable the public to research and examine state expenditures as defined herein. Said website shall be designed so as to maximize utility, minimize cost and promote accessibility of information, and shall build upon resources currently existing, including, but not limited to, the 'EASI' website, so-called, administered by the Executive Office of Administration and Finance, and the Comm-Pass system, so-called, administered by the Operational Services Division of the Executive Office of Administration and Finance. In developing said website, the Secretary shall seek to obtain the use of coding and other information management infrastructure developed by the federal government pursuant to the 'Federal Funding Accountability and Transparency Act of 2006'.

Said website shall seek to provide information for Fiscal Year 2011 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 June 30, 2011.”
The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik and Hedlund moved that the proposed new draft be amended by adding at the end thereof the following: -

“SECTION X. Chapter 10 is hereby amended by inserting the following new section:-

Section 10A. The state treasurer shall establish a preference in the deposit of the commonwealth’s cash reserves to those lending and banking institutions that exceed the statewide average for lending to small businesses, as defined in section 57 of chapter 23A; provided, however, nothing contained herein shall prohibit the treasurer from depositing and investing said reserves in such a manner as to secure the highest rate of return available consistent with the safety of said reserves.”

After remarks, the amendment was adopted.

Mr. Michael O. Moore moved that the proposed new draft be amended in line 2173 of section 66, by adding after the word “entity,” the following: “or agriculture operation,”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik and Hedlund moved that the proposed new draft be amended by inserting, after section 6, the following section: -

“SECTION 6A. Section 10 of chapter 10 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- The state treasurer shall semi-annually report to the house and senate committees on ways and means and the joint committee on revenue the lending and banking institutions into which the cash deposits of the commonwealth are being deposited.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik and Hedlund moved that the proposed new draft be amended by inserting at the end thereof the following new sections:-

“SECTION X. Section 6 of Chapter 27 of the acts of 2009 is hereby repealed.

SECTION X. Notwithstanding any general or special law to the contrary, the comptroller shall transfer any remaining appropriated funds for fiscal year 2010 in item 1775-0115 to the General Fund as of the effective date of this act.”
The amendment was *rejected*.

Mr. Hedlund moved that the proposed new draft be amended by adding the following section:

“SECTION X: No salary for any manager or director employed by a state agency, authority or advisory committee shall exceed 150% of the salary received by the Governor of the Commonwealth.

No manager or director employed by a state agency, authority, or advisory committee may receive, as part of a termination or severance agreement, a sum of money greater than the remaining value of his or her contract.

This section shall only affect contracts signed after the date this law takes effect.”
The amendment was *rejected*.

Mr. Hedlund moved that the proposed new draft be amended by striking out section 1 in its entirety.
The amendment was *rejected*.

Messrs. Richard T. Moore and Tarr and Ms. Tucker moved that the proposed new draft be amended by inserting after section __,

the following new section: -

“SECTION X. Massachusetts Business Beacon Award

Notwithstanding the provisions of any other general or special law to the contrary, there is hereby established within the Executive Office of Housing and Economic Development, the Massachusetts Business Beacon Award Committee. Said committee shall be chaired by the Lieutenant Governor of the Commonwealth, or his designee, and shall consist of the secretary of the executive office of housing and economic development, or his designee; the senate and house chairs of the joint committee on economic development and emerging technologies; the president of the associated industries of Massachusetts, or his designee; the executive director of the Massachusetts business roundtable; the Massachusetts state director of the national federation of independent business; the president of the small business association of New England; and two representatives of chambers of commerce appointed by the Governor for terms of two years, provided, however, that for the initial appointment, one chamber representative shall be appointed for one year, and the second chamber representative for two years. Vacancies may be filled in the same manner as the original appointment.

The committee shall create and manage the Massachusetts Business Beacon Award program to honor businesses in Massachusetts providing employment and supporting the Massachusetts economy for fifty years or more. Any person may nominate a business that meets said criteria for consideration by the committee to receive the award. The committee shall establish separate levels of recognition for businesses that have existed in this state providing employment and supporting the Massachusetts economy for at least fifty years, for at least seventy-five years, and for at least one hundred years.

The committee shall periodically select businesses to receive the Massachusetts Business Beacon Award for the various levels of recognition as the committee considers appropriate considering the significance of the contribution of each business to this state. The committee shall honor the recipient of a Massachusetts Business Beacon Award with a plaque that includes the business' level of recognition and other appropriate information.

The committee shall notify the state senator and state representative in whose district the business' principal place of business in this state is located. The committee, the business, and the relevant legislators shall cooperate in determining the date and location of any presentation ceremony to present the award.”

The amendment was adopted.

Mr. Richard T. Moore moved that the proposed new draft be amended in section 1, in section 10 of proposed chapter 3A, in line 194, by striking out the word, “and”;

In said section 1, in said section 10 of said proposed chapter 3A by striking out clause (14) and inserting in place thereof the following 2 clauses: -

- (14) whether the authority is responsible for a retirement system for its employees, and the extent of the authority's obligations and available funding under such retirement system and for other post-employment benefits for retired employees; and
- (15) whether the agency, authority or advisory committee utilizes an open and competitive bid process for third party contracts related to legal representation, bonds and fiscal management.;

In said section 1, in subsection (a) of section 11 of said proposed chapter 3A, by striking out, in line 206, the word “and”;

In said section 1, in said subsection (a) of said section 11 of said proposed chapter 3A by striking out clause (3) and inserting in place thereof the following 2 clauses: -

- (3) make recommendations to improve the operations of the agency, its policy body, authority or advisory committee, including management recommendations that do not require a change in the agency's or authority's enabling statute; and
- (4) make recommendations to improve the efficiency and transparency in third party contract awards related to legal representation, bonds and fiscal management, including, but not limited to, recommending utilization of an open and competitive bid process.

In said section 1 by striking, in subsection (k) of section 3 of proposed chapter 3A in its entirety and inserting in place thereof the following: - “Subject to appropriation, each public member of the commission shall be entitled to reimbursement for actual and necessary expenses incurred in performing commission duties”; and

In said section 1 by striking section 4 of proposed chapter 3A in its entirety.

After remarks, the amendment was adopted.

Ms. Chandler and Mr. Timilty moved that the proposed new draft be amended in section 61, in the definition of “participating institution” in section 2 of proposed chapter 23K, by adding the following words:- “; provided, however, that ‘participating institution’ shall also include any institution authorized to borrow on a tax-exempt basis through the Massachusetts Development Finance Agency under chapter 23G”.

The amendment was adopted.

Mr. Rosenberg moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

“SECTION _____. There shall be a commission to develop an index of creative education in the Commonwealth public schools. The commission shall measure and encourage skill building in increasingly critical areas to employers such as creativity, creative thinking skills, innovation, and teamwork.

The commission membership shall include: 5 members to be appointed by the governor and who shall reside in different geographic regions of the commonwealth, 1 of whom shall be a representative of the Massachusetts Advocates for the Arts, Sciences and Humanities, 1 of whom shall be a representative of the Associated Industries of Massachusetts, 1 of whom shall be a representative of the Massachusetts Business Roundtable; the commissioner of elementary and secondary education, or a designee; the secretary of housing and economic development, or a designee; the secretary of labor and workforce development, or a designee; 3 members to be appointed by the president of the senate and who shall reside in different geographic regions of the commonwealth; 3 members to be appointed by the speaker of the house of representatives and who shall reside in different geographic regions of the Commonwealth; and the executive director of the Massachusetts cultural council. Each of the members of the commission shall be an expert or have experience in the fields of education, public policy, artistic development, workforce development or cultural development.

In the course of its deliberations, the commission shall develop recommendations on how to produce and implement an Index of Creative and Innovative Education in the Commonwealth's Public Schools, what funding or finance measures the commonwealth would need to implement such an index, and any recommendation for inter-agency agreements, inter-municipal agreements, or other cooperative agreements that would be required to foster creative and innovative education programs in the commonwealth's public schools. The index shall rate every public school in the commonwealth on teaching, encouraging, and fostering creativity in students. The index would be based in part on the creative opportunities in each school as measured by the availability of classes and before and after-school programs offered by and through school districts in the commonwealth that provide creative opportunities for students in the public schools of the commonwealth, including, but not limited to, arts education, debate clubs, science fairs, theatre performances, concerts, film-making, and independent research.

The commission may hold public hearings to assist in the collection and evaluation of data and testimony. The commission shall complete a written report detailing any factors to be considered in an Index of Creative and Innovative Education in the Commonwealth's Public Schools and any financial measures that would be needed for implementation. The commission shall submit its report to the governor, the clerks of the house of representatives and the senate, the joint committee on tourism, arts and cultural development, and the joint committee on education no later than December 31, 2010.

Any research, analysis or other staff support that the commission reasonably requires shall be provided by the department of elementary and secondary education, the executive office of housing and economic development, and the executive office of labor and workforce development, in cooperation with the Massachusetts Cultural Council.”

The amendment was adopted.

Mr. Rosenberg moved that the proposed new draft be amended by inserting, after section 131, the following section:-

”SECTION 131A. There shall be a commission to study on alternative, dependable sources for funding tourist visitor centers in order to improve tourism throughout the commonwealth.

The commission shall be chaired jointly by the executive director of travel and tourism or the executive director's designee and the executive director of business development or the executive director's designee. The commission shall also include the house and the senate chairs of the joint committee on tourism, arts and cultural development or their designees, 1 representative from the Massachusetts Visitor Industry Council, and 5 additional members to be appointed by the governor who shall be from geographically diverse areas and each of whom is a representatives of a regional tourism council, including the Berkshire Hills Visitors Bureau, the Bristol County Convention and Visitors Bureau, the Cape Cod Chamber of Commerce, the Franklin County Chamber of Commerce, the Greater Boston Convention and Visitors Bureau, the Worcester County Convention and Visitors Bureau, the Martha's Vineyard Chamber of Commerce, the Greater Merrimack Valley Convention and Visitors Bureau, the Mohawk Trail Association, the North of Boston Convention and Visitors Bureau, the Greater Springfield Convention and Visitors Bureau, the Plymouth County Development Council, Inc., and the Nantucket Island Chamber of Commerce. The study shall include but not be limited to effects of funding cuts on staffing and services, as well exploring alternative, dependable sources to fund tourist centers. The commission shall report the results of the study to the office of travel and tourism, the office of business development, the joint committee on tourism, arts and cultural development, and the house and senate committees on ways and means no later than December 31, 2010.”

The amendment was adopted.

Mr. Rosenberg moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

“SECTION _____. Chapter 149 of the General Laws is hereby amended by adding after section 148B the following new section:--

Section 148C. There shall be in the department of labor and workforce development an independent contractor appeals board, hereinafter called the appeals board.

The board shall consist of 3 members designated by secretary of labor and workforce development. The secretary of labor and workforce development will select one of the members to serve as chair of the appeals board.

Whoever is aggrieved by an interpretation of chapter 149; section 148b by any agency or any person charged with the administration of chapter 149; section 148b may within forty-five days after of notice thereof appeal from such interpretation to the appeals board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee as said appeals board may determine.

The chair of the appeals shall public hearings under this section to hear testimony and take evidence. The chair shall fix a convenient time and place for a public hearing before said three members.

Decisions on appeal shall require the concurrence of at least two of the three members holding the public hearing and the appeals board shall state in writing its findings of fact, its conclusions, reasons for its decision and indicate the vote of each member of the appeals board upon the decision.

Said hearing shall be held not later than thirty days after the filing of such appeal unless such time is extended by agreement with the appellant. The chairman shall give at least ten days notice of the time and place of said hearing to all interested parties. Any such party may appear in person at such hearing. The appeals board shall issue a decision or order reversing or affirming or within thirty days after such hearing, unless such time is extended by agreement with the appellant.

A copy of such order or decision of the appeals board shall be sent forthwith by certified mail to all interested parties.

The appeals board may establish a local board of appeals in a city or town or a regional board of appeal for more than two or more cities or towns consisting of three members. Such local or regional board of appeals may have the same powers and duties relative to appeals as the independent contractor appeals board. A copy of any decision by a local board of appeal shall be transmitted to the board within ten days after the rendering of such decision.”

The amendment was *rejected*.

Messrs. Rosenberg and O’Leary, Ms. Chang-Diaz and Mr. Knapik moved that the proposed new draft be amended by striking section 8 and section 9; and by striking in section 28, line 908 the words:--“and the Massachusetts cultural council established under section 52 of chapter 10”.

The amendment was *rejected*.

Ms. Chandler and Mr. Timilty moved that the proposed new draft be amended in section 61, by striking subsection 3(a) and inserting in place thereof the following:

“Section 3. (a) There is hereby created a body politic and corporate to be known as the ‘Health and Educational Facilities Authority’. The authority is constituted a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The authority shall consist of 9 members, to be appointed by the governor, who shall be residents of the commonwealth, not more than 5 of whom shall be members of the same political party. At least 2 of the members shall be trustees, directors, officers or employees of institutions for higher education, at least 2 shall be trustees, directors, officers or employees of hospitals, at least 1 shall be a person having a favorable reputation for skill, knowledge and experience in the field of state and municipal finance, either as a partner, officer or employee of an investment banking firm which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio, and at least 1 shall be a person having a favorable reputation for skill, knowledge and experience in the building construction field. Upon the expiration of the term of any member, a successor shall be appointed for a term of 7 years. The governor shall fill any vacancy for the remainder of the unexpired term. Any member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty or other cause after notice and a public hearing unless such notice and hearing shall be expressly waived in writing.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new draft be amended by inserting at the end of thereof the following new section:-

“SECTION 1. Alternative procurement authorized pursuant to Chapter 773 of the Act of 1960 is hereby stricken; provided further that alternative procurement authorized pursuant to Chapter 319 of the Acts of 1998 is hereby stricken; provided further

that alternative procurement pursuant to Chapter 703 of the Acts of 1963 and all subsequent amendments relative to alternative procurement at the Massachusetts State College Building Authority are hereby stricken; provided further that the provisions of chapter 149, chapter 30, and chapter 7 of the General Laws, without exception or exemption, shall apply to all procurement and construction at Massachusetts universities, state colleges and community colleges in the same manner as the procurement and construction laws apply to any state agency of the commonwealth; provided further that all capital projects shall be overseen by the division of capital asset management and maintenance.”

The amendment was *rejected*.

Mr. Montigny moved that the proposed new draft be amended by striking sections 57 and 58 in their entirety.

The amendment was *rejected*.

Ms. Chandler and Mr. Timilty moved that the proposed new draft be amended in section 61, by striking subsection 4(o) and inserting in place thereof the following:

“(o) charge to and equitably apportion among participating institutions its reasonable administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; provided that the authority shall contract with another public authority for the performance by that authority of core administrative functions, as determined by the secretary of housing and economic development and approved by a vote of the board of directors which may include but shall not be limited to, human resources, financial management, information technology, legal, procurement and asset management, to minimize the administrative costs and expenses apportioned to participating institutions under this clause; provided further, that such contracting for services with another public authority shall actually reduce such costs and expenses; provided further, that such contracting for services with another public authority shall not create a conflict of interest, compromise a fiduciary duty of a board member or employee, violate interests of bondholders or breach any bond covenant or procurement law; provided further, that if the authority does not contract with another public authority as required in this subsection, the authority may only charge its reasonable administrative costs and expenses to participating institutions; provided, further, that the authority shall publish and disseminate through its website each fiscal year a schedule of fees or a methodology for determining fees to be charged under this clause, which shall be charged for similarly-situated projects, regardless of the size of the participating institution;”.

The amendment was adopted.

Ms. Chandler and Mr. Timilty moved that the proposed new draft be amended in section 61, by striking subsection 3(b) and inserting in place thereof the following:

“Section (b) The authority shall annually elect one of its members as chairman and one as vice chairman. It may appoint an executive director and assistant executive director, who shall not be members of the authority, who shall serve at the pleasure of the authority. They shall receive such compensation as shall be fixed by the authority.”

The amendment was *rejected*.

Messrs. Eldridge and Kennedy and Ms Creem moved that the proposed new draft be amended in section 19 by striking the number “3” in line 479 and inserting in place thereof the number “4”; and in section 19 by adding a new section at the end thereof:-

“Section 3M. The Massachusetts office of business development shall partner with a statewide public-private alliance promoting economic development in the Commonwealth, and may contract with the alliance for statewide site-finding and related services.”

The amendment was *rejected*.

Messrs. Eldridge and Montigny, Ms. Jehlen, Ms. Chang-Diaz and Ms. Tucker moved that the bill be amended by adding the following new section at the end thereof:-

Section XX. the General Laws, as appearing in the 2008 Official Edition, are hereby amended by inserting after Chapter 30b a new chapter:-

Chapter 30C. Economic Development and Fiscal Accountability

SECTION 1. As used in Chapter 30C, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Corporate parent” means any person, association, corporation, joint venture, partnership, or other entity, that owns or controls 50 percent or more of a recipient corporation.

“Date of subsidy” means the date that a granting body provides the initial monetary value of a development subsidy to a recipient corporation provided, however, that where the subsidy is for the installation of new equipment, such date shall be the date the corporation puts the equipment into service and provided, further, that where the subsidy is for improvements to property, such

date shall be the date the improvements are finished, or the date the corporation occupies the property, whichever is earlier.

"Development subsidy" means any expenditure of public funds with a value of at least \$25,000.00 for the purpose of stimulating economic development within the Commonwealth, including but not limited to bonds, grants, loans, loan guarantees, enterprise zones, empowerment zones, tax increment financing, grants, fee waivers, land price subsidies, matching funds, tax abatements, tax exemptions, and tax credits.

"Full-time job" means a job in which an individual is employed by a recipient corporation for at least 35 hours per week.

"Granting body" means any agency, board, office, public benefit corporation or authority of the Commonwealth or a local government unit that provides a development subsidy.

"Local government unit" means an agency, board, commission, office, public benefit corporation, or public authority of a political subdivision of the Commonwealth.

"New Employee" means a full-time employee who represents a net increase in the number of individuals employed by the recipient corporation in the Commonwealth. "New employee" does not include an employee who performs a job that was previously performed by another employee of the recipient corporation if that job existed for at least 6 months before hiring the employee.

"Part-time job" means a job in which an individual is employed by a recipient corporation for less than 35 hours per week.

"Permanent Job" means a job that is not scheduled to terminate at the completion of a discrete project

"Project site" means the site of a project for which any development subsidy is provided.

"Property-taxing entity" means any entity that levies taxes upon real or personal property.

"Recipient corporation" means any person, association, corporation, joint venture, partnership or other entity that receives a development subsidy.

"Small business" means a corporation whose corporate parent, and all subsidiaries thereof, that employed fewer than twenty full-time employees or had total gross receipts of less than one million dollars during the calendar year.

"State" means an agency, board, commission, office, public benefit corporation or public benefit authority of the Commonwealth.

"Subsidy value" means the face value of any and all development subsidies provided to a recipient corporation.

"Temporary job" means a job in which an individual is hired for a season or for a limited period of time.

SECTION 2. Unified Economic Development Budget

(a) The Massachusetts Department of Revenue shall submit an annual Unified Economic Development Budget to the Legislature no later than three months after the end of the Commonwealth's fiscal year. The report shall present all types of expenditures for economic development during the prior fiscal year, including but not limited to:

- (i) The amount of uncollected state tax revenues resulting from every corporate tax credit, abatement, exemption and reduction provided by the Commonwealth's or a local governmental unit including but not limited to gross receipts, income, sales, use, raw materials, excise, property, utility, and inventory taxes.
- (ii) The name of each corporate taxpayer which claimed any tax credit, abatement, exemption or reduction under subdivision (1) of any value equal to or greater than \$5,000, together with the dollar amount received by each such corporation.
- (iii) Any tax credit, abatement, exemption or reduction received by a corporation of less than \$5,000 each shall not be itemized. The Department of Revenue shall report an aggregate dollar amount of such expenditures and the number of companies so aggregated for each tax expenditure.
- (iv) All State appropriated expenditures for economic development, including line-item budgets for every State-funded entity concerned with economic development, including but not limited to, Executive Office of Housing and Economic Development, Department of Business Development, Massachusetts Office of Travel & Tourism, Massachusetts Office of Business

Development, Massachusetts Office of International Trade and Investment, Office of Small Business & Entrepreneurship, Seaport Advisory Council, Department of Housing and Community Development, Office of Indian Affairs, Department of Consumer Affairs and Business Regulation, Division of Insurance, Division of Banks, State Racing Commission, Division of Professional Licensure, Division of Standards, Department of Revenue, Department of Telecommunications and Cable, Executive Office of Labor and Workforce Development, Department of Workforce Development, Commonwealth Corporation, Division of Apprentice Training, Division of Career Services, Division of Unemployment Assistance, Department of Labor, Division of Occupational Safety, Labor Relations Council, Division of Labor Relations, Joint Labor Management Committee, Division of Industrial Accidents, Workers Compensation Advisory Council, Massachusetts Aeronautics Commission, Affirmative Market Program, Massachusetts Dept. of Agricultural Resources, BDC Capital, Massachusetts Office of Business Development, Community Economic Development Assistance Corporation, Massachusetts Office of International Trade and Investment, Massachusetts Development Finance Agency, Massachusetts Export Center, Massachusetts Small Business Development Center Network, State Office of Minority and Women Business Assistance, Office of Technical Assistance and Technology, Massachusetts Technology Collaborative, Massachusetts Life Science Center.

SECTION 3. Unified Reporting of Property Tax Reductions and Abatements

- (a) Each property-taxing entity shall annually submit a report to the Massachusetts Department of Revenue regarding any real property in the entity's jurisdiction that has received a property tax abatement or reduction during the fiscal year. The report shall contain information including but not limited to: the name of the property owner; the address of the property; the start and end dates of the property tax reduction or abatement; the schedule of the tax reduction; each tax abatement, reduction and exemption for the property; and the amount of property tax revenue not paid to the taxing entity as a result of the reduction or abatement.
- (b) Each property-taxing entity shall also submit a report to the Department of Revenue setting forth the total property tax revenue not paid to such entity during the fiscal year as a result of all property tax reductions and abatements in the entity's jurisdiction.
- (c) The reports required under paragraphs (a) and (b) of this section shall be prepared on two forms prepared by the Department, and shall be submitted to the Department of Revenue by the property- taxing entity no later than three months after the end of the fiscal year.
- (d) The Department of Revenue shall annually compile and publish all of the data contained in the reports required under paragraphs (a) and (b) in both written and machine readable electronic form, in a searchable database on the Department's World Wide Web site.
- (e) If a property-taxing entity fails to submit its reports to the Department or Revenue within the prescribed time, the Department shall notify the Comptroller of the Commonwealth, whereupon the Comptroller shall withhold further payments of any development subsidy to the delinquent entity until the entity files its reports with the Department.

SECTION 4. Application for Economic Development Subsidies

- (a) Each granting body, together with the applicant for a development subsidy, shall complete an application for the subsidy on a form prepared by the Executive Office of Housing and Economic Development. The information required on the application shall include the following:
 - (i) An application tracking number for the granting agency and the project;
 - (ii) The name, street and mailing address, and phone number of the chief officer of the granting body;
 - (iii) The name, street and mailing address, and phone number of the chief officer of the applicant's corporate parent;
 - (iv) The name, street and mailing address, and phone number of the chief officer of the applicant;
 - (v) The street address of the project site;
 - (vi) The three-digit North American Industry Classification System number of the project site;
 - (vii) The total number of individuals employed by the applicant at the project site on the date of the application, broken down by full-time, part-time, and temporary positions;
 - (viii) The total number of individuals employed in the State by the applicant's corporate parent, and all subsidiaries thereof, as of December 31 of the prior fiscal year, broken down by full-time, part-time and temporary positions;
 - (ix) The development subsidy or subsidies being applied for with the granting body, and the value of such

subsidy or subsidies;

(x) The number of new jobs to be created by the applicant at the project site, broken down by full-time, part-time and temporary positions;

(xi) The average hourly wage to be paid to all current and new employees at the project site, broken down by full-time, part-time and temporary positions, and further broken down by wage groups as follows: \$8.00 or less an hour, \$8.01 to \$9.00 an hour, \$9.01 to \$10.00 an hour, \$10.01 to \$11.00 an hour, \$11.01 to \$12.00 an hour, \$12.01 to \$13.00 an hour, \$13.01 to \$14.00 an hour, and \$14.01 to \$15.00 an hour, \$15.01 to \$16.00 an hour, \$17.01 to \$18.00 an hour, \$18.01 to \$19.00 an hour, \$19.01 to \$20.00 an hour, \$20.01 to \$21.00 and hour, \$21.01 to \$22.00 and hour, \$22.01 to \$23.00 an hour, \$23.01 to \$24.00 an hour, \$24.01 to \$25.00 and hour, \$25.01 to \$30.00 an hour, \$30.01 to \$40.00 an hour, \$40.01 to \$50.00 an hour and \$50.01 or more per hour;

(xii) For project sites located in a Metropolitan Statistical Area, as defined by the federal Office of Management and Budget, the average hourly wage paid to non-managerial employees in the State for the industries involved at the project, as established by the United States Bureau of Labor Statistics.

(xiii) For project sites located outside of Metropolitan Statistical Areas, the average weekly wage paid to non-managerial employees in the county for industries involved at the project, as established by the United States Department of Commerce.

(xiv) The type and amount of health care coverage to be provided by the applicant within ninety days of commencement of employment at the project site, including any costs to be borne by the employees;

(xv) A list of all development subsidies, which the applicant is requesting and the name of any other granting body from which such subsidies are sought;

(xvi) A statement as to whether the development subsidy may reduce employment at any other site controlled by the applicant or its corporate parent, within or without of the State, resulting from automation, merger, acquisition, corporate restructuring or other business activity.

(xvii) A certification by the chief officer of the applicant as to the accuracy of the application.

(1) If the granting body shall approve the application, it shall send a copy to the Executive Office of Housing and Economic Development within fifteen days of such approval. If the application is not approved, the granting body shall retain the application in its records.

SECTION. 5 Reports

Annual reports

(i) Each granting body shall file a progress report with the Executive Office of Housing and Economic Development for each project for which a development subsidy has been granted, no later than February 1 each year. The report shall include the following information:-

(1) The application tracking number;

(2) The name, street and mailing addresses, phone number and chief officer of the granting body;

(3) The name, street and mailing addresses, phone number, and chief officer of the recipient corporation;

(4) A summary of the number of jobs required, created and lost, broken down by full-time, part-time and temporary positions, and by wage groups.

(5) The type and amount of health care coverage provided to the employees at the project site, including any costs borne by the employees;

(6) The comparison of the total employment in the State by the recipient's corporate parent on the date of the application and the date of the report, broken down by full-time, part-time and temporary positions;

(7) A statement as to whether the use of the development subsidy during the previous fiscal year has reduced employment at any other site controlled by the recipient corporation or its corporate parent, within or without of the State as a result of automation, merger, acquisition, corporate restructuring or other business activity.

(8) A signed certification by the chief officer of the recipient corporation as to the accuracy of the progress report.

(ii) On all subsequent annual progress reports, the granting body shall indicate whether the recipient corporation is still in compliance with its job creation, wage and benefit goals, and whether the corporate parent is still in compliance with its State employment requirement.

(iii) Granting bodies and recipient corporations shall file annual progress reports for the duration of the subsidy, or not less than five years, whichever period is greater.

(b) Two-Year Report

(i) No later than fifteen days after the second anniversary of the date of subsidy, the granting body shall file with the Executive Office of Housing and Economic Development a two-year progress report including the same

information as required under section 5(a) The recipient corporation shall certify as to the accuracy of such report.

(ii) The granting body shall state in the two-year report whether the recipient corporation has achieved its job creation, wage and benefit goals, and whether the corporate parent has maintained 90% of its employment in the State.

(c) The Executive Office of Housing and Economic Development (EOHED) shall compile and publish all data from the progress reports in both written and machine readable electronic form, including to a reporting web site with a searchable database maintained by the Executive Office of Housing and Economic Development.

(d) The granting body and the Executive Office of Housing and Economic Development shall have access at all reasonable times to the project site and the records of the recipient corporation to in order monitor the project and to prepare progress reports. The Executive Office of Housing and Economic Development shall commit the necessary resources to audit compliance and verify the accuracy of progress reports.

(e) A recipient corporation that fails to provide the granting body with the information or access required under paragraphs (1) and (2) of this section shall be subject to a fine of not less than \$500 per day to commence within ten working days after the February 1 deadline, and of not less than \$1,000 per day to commence twenty days after such deadline.

SECTION. 6 Subsidy Limit and Job Quality Standards

(a) A granting body shall not grant award a development subsidy if the cost per permanent, full-time job is greater than \$35,000.00. Such cost shall be determined by dividing the amount of the subsidy by the number of permanent, full-time jobs required under the application approved by the granting body.

(b) A granting body shall not grant a subsidy to an applicant unless the wages paid to employees at the project site are equal to or exceed 85% of the average wage as established under paragraphs (12) and (13) of section 4, provided, however, that for small businesses, the average wage must equal or exceed 75% of the wages established hereunder. The computation of wages under this section shall only apply to a recipient corporation that provides the health care coverage as approved in its application by the granting body.

SECTION 7. Recapture

(a) A recipient corporation shall fulfill its job creation, wage, health care and other benefit requirements for the project site within two years of the date of subsidy. Such recipient shall maintain its wage and benefit goals as long as the subsidy is in effect, or five years, whichever is longer.

(b) The corporate parent of a recipient corporation must maintain at least 90% of its employment in the State as long as the development subsidy is in effect, or not less than five years, whichever is longer.

(c) If the requirements under paragraphs (a) or (b) are not fulfilled, the granting body shall recapture the development subsidy from the recipient corporation as follows:

(i) Upon a failure by the recipient corporation to create the required number of jobs or to pay the required wages or benefits, the amount recaptured shall be based on the pro rata amount by which the unfulfilled jobs, wages or benefits bear to the total amount of the development subsidy.

(ii) Upon a failure of the corporate parent to maintain 90% of its employment in the State, the rate of recapture shall equal twice the percentage by which such employment is less than 90%.

(d) The granting body shall provide notice to the recipient corporation of its intent to recapture the development subsidy and state the reasons and amount to be recaptured. The recipient corporation shall remit to the governing body such amount within 60 calendar days of the date of such notice.

(e) If a recipient corporation defaults on a development subsidy in three consecutive calendar years, the granting body shall declare the subsidy null and void, and shall so notify the Executive Office of Housing and Economic Development and the recipient corporation. The recipient corporation shall pay back to the granting body all remaining value of the development subsidy it has not previously repaid within 180 calendar days of the date of the notice of such default.

SECTION 8. Private Enforcement Action

If a granting body fails to enforce any provision of this Act, any individual who paid personal income taxes to the State in the

calendar year prior to the year in dispute, or any organization representing such taxpayers, shall be entitled to bring a civil action in state court to compel enforcement under this statute. The court shall award reasonable attorney's fees and costs to such prevailing taxpayer or organization.

SECTION 9. Public Record Disclosure

All records required to be prepared or maintained under this Act, including but not limited to applications, progress reports, audits, recapture notices and any other records or proceedings relating thereto, shall be subject to disclosure under the State's Open Records Act and be made available on the Executive Office of Housing and Economic Development's reporting website in a way that is concise and easy to access by the public.

SECTION 10. Pre-emption

Nothing in this chapter shall be read to require or authorize any recipient corporation to reduce wages or benefits established under any collective bargaining agreement or state or federal prevailing wage law.

SECTION 11. Separability

If any provision of this Act is determined to be unenforceable in a court of law, such determination shall not affect the validity or enforceability of any other provision of this Act.

SECTION 12. Waivers

The Executive Office of Economic Development may waive the subsidy limit and job quality standards described in Sec 6, upon a finding that there exists significant public-policy goals apart from job creation. Thirty days prior to waiving requirements the Office shall publish its intent to do so on its reporting website with an explanation of the specific public-policy goals, why the waiver is necessary to meet the public policy goals and identify objective standards by which the public-policy goals can be measured. The one and two-year progress reports described in Sec 5 will use these standards to determine whether these public-policy goals were met.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes before eleven o'clock A.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 13 — nays 21*) [**Yeas and Nays No. 213**]:

Insert Roll Call "213"

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

Mr. Eldridge and Ms Jehlen moved that the proposed new draft be amended by striking out section 114.
The amendment was *rejected*.

Mr. Rosenberg moved that the proposed new draft be amended by inserting at the end thereof the following new sections:-

SECTION _____. As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:-

"Massachusetts Artist:" a person who makes "original and creative work" and resides in the Commonwealth. An artist shall be deemed to be residing in the Commonwealth if (a) domiciled in the state, or (b) maintaining a permanent place of abode in state and in the state for an aggregate of more than one-hundred-eighty-three days of the taxable year.

"Original and Creative Work:" a work that falls into any or all of the following categories: 1) a book or other writing; 2) a play or the performance of said play; 3) a musical composition or the performance of said composition; 4) "traditional and fine crafts"; 5) the creation of a film or the acting within said film; 6) the creation of a dance or the performance of said dance; 7) a work of

"Fine Art" as defined by Chapter 104A, Section 1 of the General Laws.

"Original and creative work" shall not include any piece or performance created or executed for industry-oriented or related production.

"Traditional and fine crafts:" a work that is a handcrafted or handmade functional or non-functional object that is unique or is of a limited production and is not mass-produced in large quantities by a factory. Traditional and fine crafts are further defined as an original work made substantially by hand, wherein the skill and technique of manipulation the material is primary to the artistic process and falls into any one or more of the following categories: jewelry, furniture, glass-based work, carving work, ceramic and clay work, wood based objects, metal based objects, Indigenous and Aboriginal art, folk art, decorative art, functional and non functional leather based work, handcrafted lamps, handmade paper based work, handmade baskets, textile-based and fiber-

based work such as but not limited to handmade or handcrafted weavings, clothing, accessories, rugs, quilts, embroidery based work, knit based objects, or any or any combination of the aforementioned materials.

“Fine art:” a painting, photograph, sculpture, functional sculpture, hologram, wearable art, drawing, fiber-based work, ceramic-based work, metal work, conceptual-based art, glass-based work, an installation, a work that is created or displayed using computer, digital devices and/or new technology such as but not limited to digital prints, ts, digital photographs, CD ROMs, DVDs, cyberart, a web/internet-based art work, a performance-based art work and the results of the performance such as but not limited to film, video, DVDs, CD ROMs, a sound work, an electronic-based work, a work of graphic art, including an etching, lithograph, off set print, silk screen/screen print, or work of graphic art of like nature, a work of calligraphy, an artist’s book, or a work in mixed media including collage, assemblage or any combination of the aforementioned art media.

“Disaster:” a naturally occurring catastrophic event such as – but not limited to – a hurricane, flood, fire, earthquake, or a man-made or caused event such as but not limited to a fire, explosion, terrorist attack or war-related catastrophe.

“Emergency:” a major accident such as but not limit to a car crash, bike, a fall, an animal attack; or any other type of major accident causing the loss of wages or a job; a health care emergency; an unexpected loss of employment, an unexpected loss of housing; an unexpected loss of studio or practice space; unexpected loss of childcare or eldercare; an act of violence perpetrated against a Massachusetts artist causing them to forgo earning their income; a temporary sickness of a physical or psychological nature; a temporary disability; the theft of a Massachusetts artist’s work, equipment, instrument(s), or materials; the inability of a Massachusetts artist to afford health insurance; or any other situation that will cause unanticipated financial hardship and threaten their livelihood and artistic practice.

SECTION ____ . (a) There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Massachusetts artists disaster and emergency aid fund, hereinafter “the fund,” for the purposes of ensuring the safety and vitality of artists residing in the Commonwealth. Any such amounts expended will be dispersed to Massachusetts artists who have endured an emergency or disaster as defined in Section 1.

(b) The fund shall be held in trust by the state treasurer exclusively for the purposes established herein. The fund shall be administered by the state treasurer, who will serve as treasurer and custodian of the fund and shall have the custody of its monies and securities.

(c) The state treasurer may invest any monies held for the credit of the fund instruments permitted under Sections 38, 38A, 38C and 49 of Chapter 29 of the General Laws.

SECTION ____ (a) As custodian of the fund, the state treasurer may accept monetary donations to the fund from individuals, museums, organizations, associations, nonprofits, businesses, estates, foundations or other entities.

(b) Section 6 (c) of Chapter 353 of the Acts of 2006 is hereby amended by inserting after the phrase “The consignee shall keep on file a record of attempts to contact the consignor,” the following sentence: “The consignee may sell or auction any forfeited artwork in a manner the consignee considers appropriate for the purpose of donating the proceeds of said transaction to the disaster and emergency aid fund for Massachusetts artists.”

(c) Notwithstanding any general or special law to the contrary, the state treasurer may auction “creative and individual works” collected and held by the abandoned property division of the Commonwealth to raise revenues for said fund. Any transfer from sale proceeds into the newly created artist trust fund is subject to subsequent AP claim. Such property will be auctioned in conjunction with tangible property not classified as “creative and individual works” possessed by the abandoned property division of the Commonwealth. At the discretion of the state treasurer, proceeds from auctioned items classified as “creative and individual works” as defined in Section 1 alternately may be deposited in the General Fund of the Commonwealth. The proceeds from auctioned items not classified as “creative and individual works” will be dedicated to the General Fund of the Commonwealth in accordance with Section 9 of Chapter 200a of the General Laws.

(d) All monies obtained by the state treasurer on behalf of the fund for the purposes established herein will be received either through donation or auction, and any amounts obtained and subject to dispersal from said fund will not be the result of legislative appropriation.

SECTION ____ . All applicants to receive monies from said fund would be required to meet the definition of “Massachusetts artist” as defined in Section 1. Any additional criteria regarding qualification for funds and amounts dispersed are to be established by the state treasurer or his designee. The state treasurer or his designee may work with nonprofit arts organizations, state offices or agencies, or with state legislative committees including – but not limited to – the joint committee on tourism, arts, and cultural development to establish a process and criteria for distributing funds to Massachusetts artists. The state treasurer may at his discretion form a three-member commission to provide approval for fund dispersal and to oversee the administrative functions of

said fund.

The amendment was *rejected*.

Ms. Creem moved that the proposed new draft be amended in section 114, by striking out, in line 2954, the words “line 35” and inserting in place thereof the following words:- “lines 6 and 35”; by striking out section 115 and inserting in place thereof the following section:-

“SECTION 115. Section 22 of said chapter 218, as so appearing, is hereby amended by adding the following paragraph:-

The entry fee shall be \$75 for a party that has filed 5 statements of claim in a small-claims session of the court during the calendar year, \$150 for a party that has previously filed 10 statements of claim in a small-claims session of the court during the calendar year and \$240 for a party that has previously filed 100 statements of claim in a small-claims session of the court during the calendar year.”; and by adding the following section:-

“SECTION 137. Sections 102, 103, 114 and 115 of this act shall take effect not later than December 31, 2010; provided, however, that said sections shall take effect earlier upon certification and 30 day notice from the chief justice for administration and management that the trial courts have the capacity to track the number of statements of claim filed by any party during a calendar year in a small-claims session of the court, in either the district court or the Boston municipal court; and provided further that if the capacity does not exist as of October 31, 2010, the chief justice for administration and management shall file a report with the president of the senate and the speaker of the house of representative detailing the status of such efforts and estimating when such capacity will exist.”.

The amendment was adopted.

Mr. Montigny moves to amend the proposed new draft by inserting at the end of thereof the following new section:-

“SECTION _____. (1) Notwithstanding any general or special law to the contrary, all state authorities as defined by section 1 of chapter 29 shall terminate operation on June, 30, 2014.

(2) A special commission on the termination of state authorities is hereby established to oversee the purposes of the previous subsection. The commission shall consist of 9 members, consisting of the following members:

- (a) 2 members of the senate appointed by the president of the senate;
- (b) 1 member of the senate appointed by the minority leader of the senate;
- (c) 2 members of the house of representatives appointed by the speaker of the house of representatives;
- (d) 1 member of the house of representatives appointed by the minority leader house of representatives;
- (e) one member from Massachusetts Taxpayers Foundation;
- (f) one member from the Pioneer Institute;
- (g) one member from Mass Inc.;

(3) On June 30, 2012, all authorities subject to termination shall report the commission:

- (a) the number of employees of the authority and compensation and benefits of each employee;
- (b) a list of all assets of authority, including but not limited to real property owned by the authority and all equipment or motor vehicles;
- (c) a list of all obligations of the authority, including but not limited to all outstanding contracts, contracts for services and short and long term leases on real or other property;
- (d) all indebtedness of the authority, including but not limited to, all bonds issued by the authority and other similar long term indebtedness and the amount of any bond indebtedness;
- (e) if applicable, the authorities obligations for the retirement system for its employees,

(4) The commission shall review the information provide by each authority on the termination of the authority. On June 30, 2013 the commission shall make recommendation to the General Court that would include, but not be limited to:

- (a) merger of the authority with state agencies;
- (b) establishment of a new authority through merger of existing authorities;
- (c) continuation of the authority;
- (d) any legislation necessary to complete the termination of the authority, including but not limited to the transfer of employees, assets, obligations and debts to other entities of the commonwealth.
- (6) During the pendency of the termination of an authority, no increase in compensation of a chief officer or deputy chief officer shall occur. For the purpose of this act, the definition of “chief officer” shall include a primary director of the administration of an authority.
- (7) At the termination of all authorities, the Commission shall terminate its function.”

After remarks, the amendment was *rejected*.

Messrs. Tarr and Baddour moved that the proposed new draft be amended by inserting at the end thereof the following section:-

“SECTION XX. Chapter 29 of the General Laws is hereby amended by adding the following new section after Section 5F: -

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

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

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

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

(c) The Ways and Means Committees of the Senate and House of Representatives shall, jointly or individually, conduct at least one public hearing on the zero-based budget and shall also receive written and electronic testimony for a period of not less than 30 days on said budget.

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

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

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

The amendment was *rejected*.

Mr. Rosenberg, Ms. Chang-Diaz and Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following new sections: -

“SECTION _____. Chapter 10 of the General Laws is hereby amended by inserting after section 53 the following section:

Section 53A. The council shall establish criteria and guidelines for state designated cultural and creative districts. A cultural and creative district shall be a well recognized, labeled, mixed-use, compact area of a city or town in which a high concentration of cultural and creative facilities serves as an anchor. The goals of a cultural and creative district shall include attracting artists and creative enterprises to a community, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural and economic development.

A city or town may create and designate a cultural and creative district subject to certification by the council. The council shall develop a certification program to prepare a city or town to become home to a state designated cultural and creative district by creating an application process and developing qualifying criteria and guidelines. A cultural and creative district certification shall remain in effect for 10 years following the date of certification. Two or more cities or counties may apply jointly for certification of a district that extends across a common boundary. Agencies of the executive branch, constitutional offices and quasi governmental agencies shall identify programs and services that support and enhance the development of cultural and creative districts and assures that they are accessible to such districts.

The council shall in cooperation with the executive branch, constitutional offices, quasi governmental agencies and the joint committee on tourism, arts and cultural development identify additional and existing state incentives and resources that will enhance state designated cultural and creative districts and shall report their findings together with drafts of legislation as may be necessary to carry its recommendations into effect by filing same with the clerk of the house of representatives , the clerk of the senate, and the co-chairs of the joint committee on tourism, arts and cultural development no later than December 1, 2010.”

The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended in section 114 by striking the figure “\$7,000” and inserting in its place the figure “\$10,000”.

The amendment was *rejected*.

Mr. O’Leary moved that the proposed new draft be amended by striking section 124 and inserting in place thereof a new section:

“SECTION 124. Notwithstanding any general or special law to the contrary, the executive office of housing and economic development in conjunction with the department of energy resources and the department of public utilities shall conduct a study to examine the cost of reliability and economic impact of electricity.

The study shall include, but not be limited to:

- (i) an analysis of the economic and reliability implications of implementing administrative, regulatory and legislative mandates as they pertain to electricity;
- (ii) the extent to which efforts to achieve recently established goals relating to zero net energy growth, greenhouse gas reductions or scheduled increases in renewable power, demand resources and energy efficiency contribute to the rates paid by residential, commercial and industrial customers in the commonwealth; and
- (iii) completion of a cost benefit analysis report evaluating all technically feasible supply and demand proposals capable of ensuring electricity reliability on Cape Cod; provided that the Department of Public Utilities shall identify and determine those costs associated with completing such a cost analysis and shall be allowed to recover those costs which will be assessed and collected in accordance with the provisions of Chapter 164 of the General Laws.

The study shall be completed and submitted to the joint committee on telecommunications, utilities and energy no later than December 31, 2010.”

The amendment was *rejected*.

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

“SECTION XX. The Executive Office of Labor and Workforce Development shall study the effects of altering the commonwealth’s unemployment insurance statutes to maximize the share of federal dollars used to pay for unemployment benefits without impacting the benefits received by citizens of Massachusetts, and shall report its findings to the joint committee on labor and workforce development no later than 12 months following the passage of this act.”

The amendment was adopted.

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following section:-

“SECTION XX. There is hereby established a Special Commission on Impediments to Economic Growth whose purpose shall be to identify and evaluate barriers to job creation and economic growth in the commonwealth created directly or indirectly by the actions or inaction of state government and to make recommendations relative to the reduction or eradication of such barriers utilizing the most cost-effective and expeditious methodologies.

Said Commission shall consist of the Secretary of Housing and Economic Development or his designee, who shall serve as chair of the Commission, and one representative from each of the following: the National Federation of Independent Businesses, the Associated Industries of Massachusetts, the Massachusetts Taxpayers Foundation, the Massachusetts Municipal Association, and the Massachusetts High Technology Council.

The Commission shall conduct not less than two public hearings in the conduct of its operations, and shall report its findings, together with any legislative recommendations, not later than September 1, 2010.”

The amendment was *rejected*.

Ms. Candaras moved that the proposed new draft be amended by inserting at the end thereof the following:--

“Section 33(g) of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words ‘improper payment’ the following:-- ‘, unless the payment had been remitted by personal check, certified check or money order in which instance no penalty shall be assessed’.”

After remarks, the amendment was *rejected*.

Ms. Candaras moved that the proposed new draft be amended by adding at the end thereof the following section:--

“SECTION XX. (a) Notwithstanding any general or special law to the contrary, the executive office of housing and economic development shall conduct a study to examine the cost, reliability and economic impact of electricity in the commonwealth. The study shall include, but not be limited to:

- (i) An identification and analysis of the economic and reliability implications of administrative, regulatory and legislative mandates and other actions pertaining to, or affecting, the supply and cost of energy from electricity, electricity distribution and transmission, and sector by sector rate design; and
- (ii) The extent to which efforts to achieve recently established goals relating to zero net energy growth, greenhouse gas reductions, scheduled increases in renewable power, demand resources, and energy efficiency contribute to the rates paid by residential, commercial, institutional, and industrial customers in the commonwealth.

The study shall be completed and submitted to the joint committee on telecommunications, utilities and energy, the joint committee on economic development and emerging technologies, the joint committee on labor and workforce development, the senate ways and means committee, and the house ways and means committee no later than December 31, 2010.

(b) In conjunction with the study, the secretary of the executive office of housing and economic development shall assemble a committee consisting exclusively of the following: a representative of Associated Industrial of Massachusetts or his designee, a representative of the Greater Boston Real Estate Board or his designee, a representative of the Retailers Association of Massachusetts or his designee, a representative of the Massachusetts Hospital Association or his designee, a representative of The Energy Consortium or his designee, a representative of the National Federation of Independent Businesses or his designee, a representative of PowerOptions, Inc. or his designee, a representative of the Massachusetts Municipal Association or his designee, a representative of the Retail Electricity Supply Association or his designee, a representative of NSTAR or his designee, a representative of the Pioneer Institute or his designee, and a representative of the Berkshire Chamber of Commerce or his designee.

(c) The committee shall meet with the Secretary or his designee responsible for the study no less than monthly during the study period. The Secretary shall solicit and receive the advice of the committee regarding the scope, components, analysis methodologies, and approach of the study. Seven days prior to each meeting, the Secretary or his designee shall circulate an agenda for the meeting, supporting documents for agenda items, and a report on the progress in completing the study. The Committee shall provide the Secretary or his designee with its views concerning the study's scope, components, analysis methodologies, and overall approach. The Committee's views shall be incorporated into the study and the Committee may produce its own report which shall be incorporated into the study as an addendum."

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Engrossed Bill

An engrossed Bill relative to assault and battery by means of a bodily substance upon correctional facility employees and expanding the prohibition on the dissemination of obscenity (see Senate, No. 997, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and signed by the President and again laid before the Governor for his approbation.

Orders of the Day.

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

The Senate Bill promoting economic development throughout the Commonwealth (Senate, No. 2331),-- **was considered, the main question being on ordering the bill to a third reading.**

Pending the question on adoption of the proposed Ways and Means new draft (Senate, No. 2345), Mr. Berry moved that the proposed new draft be amended by adding the following new section:-

"SECTION X. Section 168 of Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting in Line 37 after the words 'chapter 175D' the following:-

Any insurance policy procured pursuant to this section shall contain the following disclosure notice to the policyholder: This policy is insured by a company which is not admitted to transact insurance in the commonwealth, is not supervised by the commissioner of insurance, and, in the event of an insolvency of such company, a loss shall not be paid by the Massachusetts Insurers Insolvency Fund under chapter 175D. The commissioner may by regulation amend the foregoing disclosure notice.

SECTION 2. Section 168 of Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby further amended by striking in Line 61 the word 'or'.

SECTION 3. Section 168 of Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby further amended by inserting in Line 65 after the words "section 20A" the following:- ; or (c) such company is an eligible alien

unauthorized insurer, as defined in section 168A of this chapter.

SECTION 4. Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 168 the following new section:-

Section 168A. (a) As used in this section 'eligible alien unauthorized insurer' means a company formed under the laws of any government or state other than the United States or one of its states or its territories that has filed an application with the commissioner pursuant to subsection (c)(4) of this section, which application has been approved by the commissioner.

(b) Notwithstanding any general or specific law to the contrary, a special broker licensed by the commissioner pursuant to section 168 of this chapter may procure insurance from any company formed under the laws of any government or state other than the United States or one of its states or its territories that is not authorized to transact business in this commonwealth if:

- (1) such company has been determined by the commissioner to be an eligible alien unauthorized insurer pursuant to subsection (c)(4) of this section;
- (2) the special broker has executed and filed an affidavit with the commissioner within twenty days after procuring such insurance stating that the full amount or type of insurance cannot be obtained from among companies admitted to transact insurance in the commonwealth after a diligent effort has been made to do so and that the amount of insurance procured in such company is only the excess over the amount so procurable from admitted companies;
- (3) the procured policy contains the disclosure notice required by section 168 of this chapter; and
- (4) all other requirements of this section and of section 168 of this chapter that are not inconsistent with this section have been met.

Insurance procured under this section shall be valid and enforceable as to all parties.

Nothing in this section shall be deemed to amend or modify any of the provisions of, or any of the exemptions specified in, section 168 of this chapter that are not inconsistent with this section.

(c) No company shall be determined to be an eligible alien unauthorized insurer unless it:

- (1) has provided satisfactory evidence to the commissioner of its good repute and financial integrity;
- (2) has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction in an amount of at least \$20,000,000;
- (3) has in force a United States trust fund of not less than the greater of:

- (i) \$5,400,000; or
- (ii) A percentage of its United States surplus lines gross liabilities arising from business written on or after January 1, 1998, excluding aviation, wet marine, transportation insurance and direct procurement placements, said percentage to equal the percentage, and be subject to any cap, employed by the International Insurance Department of the National Association of Insurance Commissioners, as of December 31 next preceding the date of determination, where:

- (I) The liabilities are maintained in an irrevocable trust account in the United States in a qualified financial institution, on behalf of United States policyholders consisting of cash, securities, letters of credit or other investments of substantially the same character and quality as those which are eligible investments pursuant to this chapter for the capital and statutory reserves of admitted insurers to write like kinds of insurance in the commonwealth. The trust fund, which shall be included in any calculation of capital and surplus or its equivalent, shall satisfy the requirements of the Standard Form Trust Agreement required for listing with the International Insurers Department of the National Association of Insurance Commissioners;
- (II) The company may request approval from the commissioner to use the trust fund to pay valid surplus lines claims; provided, however, that the balance of the trust fund is never less than the minimum amount required by this subsection;
- (III) In calculating the trust fund amount required by this subsection, credit shall be given for surplus lines deposits separately required and maintained for a particular state or territory of the United States, not to exceed the amount of the company's loss and loss adjustment reserves in that particular state or territory; and

- (4) has submitted to the commissioner an application evidencing the company's compliance with the requirements of this section that has been approved by the commissioner.

(d) The application required by subsection (c)(4) of this section shall be on forms issued or approved by the commissioner, and must include the following information regarding the alien unauthorized insurer applicant:

- (1) Evidence that the unauthorized alien insurer has been listed by the International Insurers Department of the National Association of Insurance Commissioners;
- (2) A certified audited financial statement of the alien unauthorized insurer reflecting information as of a date no more than twelve (12) months prior to the submission of the application evidencing compliance with the capital and surplus requirements of subsection (c)(2) of this section and an actuarial opinion as to the adequacy of, and methodology used to determine, the insurer's loss reserves;
- (3) A copy, certified by the trustee, of the United States trust agreement required by subsection (c)(3) of this section prepared in accordance with the National Association of Insurance Commissioners' Standard Form Trust Agreement for Alien Excess or Surplus Lines Insurers;
- (4) A copy, certified by the trustee, of the most recent quarterly statement of account or list of assets in the trust account required by subsection (c)(3) of this section evidencing that the alien unauthorized insurer has in force, as of the end of the most recent quarter, assets in the amounts required by subsection (c)(3) of this section;
- (5) A certified copy of the alien unauthorized insurer's current license or certificate of authority issued by its domiciliary jurisdiction indicating such company is authorized to insure the types of risks in its domiciliary jurisdiction that it proposes to insure in the commonwealth;
- (6) A Certificate of Good Standing, or substantially similar documentation, issued by the alien unauthorized insurer's jurisdiction of domicile;
- (7) Biographical affidavits, on forms promulgated by the National Association of Insurance Commissioners or approved by the commissioner, for all executive officers, directors, and senior management personnel of the alien unauthorized insurer, prepared no more than twelve (12) months prior to the submission date of the application required by subsection (c)(4) of this section; and
- (8) Such additional information as the commissioner may require in order to determine whether the alien unauthorized insurer complies with the requirements of this section.

(e) The commissioner may refuse to approve an application pursuant to this section if he or she is of the opinion that such refusal will be in the public interest. In reviewing an application the Commissioner may consider such factors as:

- (1) The length of time the insurer has been authorized in its domiciliary jurisdiction and elsewhere;
- (2) The unavailability of the particular coverages from authorized insurers or unauthorized insurers meeting the requirements of this section and section 168 of this chapter;
- (3) The size of the company as measured by its assets, capital and surplus, reserves, premium writings, insurance in force or other appropriate criteria;
- (4) The kinds of business the company writes, its net exposure and the extent to which the company's business is diversified among several lines of insurance and geographic locations; and
- (5) The past and projected trend in the size of the company's capital and surplus considering such factors as premium growth, operating history, loss and expense ratios, or other appropriate criteria

(f) The commissioner may revoke a company's status as an eligible alien unauthorized insurer in accordance with the terms and conditions of section 5 of this chapter if at any time the commissioner has determined that the insurer:

- (1) Is in unsound financial condition or has acted in an untrustworthy manner;
- (2) No longer meets the standards set forth in subsection (c) of this section;
- (3) Has willfully violated the laws of the commonwealth; or
- (4) Does not conduct a proper claims practice."

The amendment was adopted.

Messrs. Knapik, Brewer, Tarr and Richard T. Moore moved that the proposed new draft be amended by inserting at the end thereof the following new section:-

"Section X: Section 1F of chapter 69 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:-

The board shall expend a sum, not exceeding \$2,500,000 in any academic year, for the purpose of aiding vocational or technical public high schools in the replacement of instructional equipment. These funds, which are subject to appropriation, shall be made available, subject to board approval, as matching grants to public vocational or technical high schools for the purpose of replacing capital instructional equipment. Each vocational or technical public high school shall be eligible for up to \$125,000 of these funds per academic year."

The amendment was *rejected*.

Mr. Knapik, Ms. Flanagan and Mr. Richard T. Moore moved that the proposed new draft be amended by inserting the following

new line-item:-

“XXXX-XXXX: For a reserve grant program which is subject to appropriation and to be administered by the executive office of housing and economic development. Said executive office shall provide grants to cities and towns which have experienced severe public health and safety problems as a result of having a large number of abandoned buildings which must be demolished. In determining which municipalities shall receive a grant said executive office shall establish rules and regulations which take into account the municipality’s inventory of abandoned buildings, the municipality’ density of population per square mile, and the financial capacity of the municipality to demolish abandoned buildings using available revenues.”
The amendment was *rejected*.

Messrs. Tisei, Tarr, Knapik and Hedlund moved that the proposed new draft be amended by adding at the end thereof the following: -

“SECTION X. No at-will employees of any state authority, as defined in section 1 of chapter 29, may be provided compensation in salary or wages in excess of the salary provided to the Governor of the Commonwealth, as set forth in section 1 of chapter 6, as so appearing, unless there is a documented justification for such higher compensation, said documentation must be signed by the Secretary of Administration and Finance in order to be effective.

SECTION 2. No state authority, as defined in section 1 of chapter 29, may enter into a contract, executed after the passage of this act, with any employee that provides compensation in salary or wages in excess of the salary provided to the Governor of the Commonwealth, as set forth in section 1 of chapter 6, as so appearing, unless there is a documented justification for such higher compensation, said documentation must be signed by the Secretary of Administration and Finance in order to be effective.”
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before twelve o’clock noon, on motion of Mr. Tisei, as follows, to wit (*yeas 35 — nays 2*) [**Yeas and Nays No. 214**]:

Insert Roll Call “214”

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

Mr. Tarr moved that the proposed new draft be amended by inserting at the end thereof the following section:-

“SECTION XX. (a) Section 27 of chapter 149 of the general laws is hereby amended by adding at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits’.

(b) Section 27F of said chapter 149 is hereby amended by adding at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits’.

(c) Section 27G of said chapter 149 is hereby amended by adding at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits’.

(d) Section 27H of said chapter 149 is hereby amended by adding at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits’.

(e) Section 150 of said chapter 149 is hereby amended by adding at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits’.

(f) Section 1b of chapter 151 of the general laws is hereby amended by inserting after the fourth sentence of the first paragraph the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission

giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee's lost overtime compensation'.

(g) Section 20 of said chapter 151 is hereby amended by inserting after the third sentence of the first paragraph the following sentence:- 'If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the loss of minimum wage'."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (*yeas 6 — nays 31*) [**Yeas and Nays No. 215**]:

Insert Roll Call "215"

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

Mr. Pacheco moved that the proposed new draft be amended in section 19, section 3K (3) (b), in line 556 by inserting after the word "councils" the following words:-"regional planning agencies,".

After debate, the amendment was adopted.

Messrs. Tolman and Timilty moved that the bill be amended by striking out section 62 in its entirety.

The amendment was adopted.

Messrs. Montigny and Richard T. Moore moved that the proposed new draft be amended in section 1 by striking out lines 16 to 23 and inserting in place thereof the following language:-

There shall be a Sunset Advisory Commission consisting of 3 members of the senate, 2 of whom shall be appointed by the president of the senate and 1 of whom shall be appointed by the minority leader of the senate, and 3 members of house, 2 of whom shall be appointed by the speaker of the house of representatives and 1 of whom shall be appointed by the minority leader of the house of representatives, one member from the Pioneer Institute, one member from Common Cause, one member from the McCormack Institute for Public Affairs and one member from the Associated Industries of Massachusetts. The president of the senate and the speaker of the house may serve as legislative appointees."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes before one o'clock P.M., on motion of Mr. Montigny, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 216**]:

Insert Roll Call "216"

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

Recess.

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

Orders of the Day.

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

The Senate Bill promoting economic development throughout the Commonwealth (Senate, No. 2331),-- was considered, the main question being on ordering the bill to a third reading.

Pending the adoption of the Ways and Means new text (Senate, No. 2345), Mr. Panagiotakos moved that the proposed new draft be amended by inserting before the word "trade", in lines 435, 660, the second time it appears, 747, 910, 913, 914, 917, 918, 931, 941, the second time it appears, 944, 946, the first time it appears, 952, 966, 969, 973, 977, 980, 981, 983, 990, and 3126, the following word:- "international";

By striking out, in lines 836 and 837, 1441 and 1442, 1465 and 2703 and 2704, the words "of core administrative functions by that authority" and inserting in place thereof the following words:- "by that authority of core administrative functions";

By striking out section 43 and inserting in place thereof the following section:-

"SECTION 43. Section 20 of said chapter 23D, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words 'trustees of the economic stabilization trust' and inserting in place thereof the following words:- "directors of the Massachusetts Growth Capital Corporation.";

In section 131, by striking out, in line 3178, the words “executive director of the Massachusetts Grown Capital Corporation or the executive director’s” and inserting in place thereof the words:- “president of the Massachusetts Growth Capital Corporation or the president’s”;

In section 49, by striking out, in line 1224, the word “authority” and inserting in place thereof the following word:- “agency”;

In section 51, by striking out, in line 1330, the words “and regulations”;

In section 52, inserting, after the words “the director of the Massachusetts office of business development” in line 1385 the following words:- “, the director of the John Adams Innovation Institute and the president of the Massachusetts Technology Development Corporation”;

In said section 52, by striking out, in line 1386, the words “in the director’s place” and inserting in place thereof the following words:- “in such member’s place”; and

in said section 52, by striking out, in line 1419, the words “the last sentence of subsection (a)” and inserting in place thereof the following words:- “subsection (g)”;

In said section 52, by striking out, in line 1421, by striking out the words “board’s” and inserting in place thereof the following word:- “committee’s”;

In section 62, by striking out, in line 2151, the words “obligations for”, and inserting in place thereof the following words:- “law, rule, regulation, ordinance, standard, order or other obligation governing”;

In section 78, by striking out, in lines 2522 and 2523, the words, “of its core administrative functions by that authority” and inserting in place thereof the following words:- “by that authority of core administrative functions”;

By inserting after section 136 the following 2 sections:-

“SECTION 136A. Sections 96 to 101 shall apply only to districts created on or after the effective date of this act.

SECTION 136B. Section 104 shall apply only to taxes assessed on or after January 1, 2011.”; and by adding the following section:-

“SECTION 138. Sections 2, 4, 8, 9, 15 to 35, inclusive, 40 to 43, inclusive, 53, 54, 57, 59, 60, 61, 74 to 76, inclusive, 78, 81 to 89, 95, 105, 109 to 112, inclusive, 116, 119 to, 121, inclusive, 128, 129 and 134 shall take effect on July 1, 2010.”

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

Mr. Brewer in the Chair, after debate, the bill (Senate, No. 2345, 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 a quarter before three o’clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 217**]:

Insert Roll Call “217”

**The yeas and nays having been completed at eleven minutes before three o’clock P.M., the bill was passed to be engrossed [for text of bill, printed as amended, see Senate, No. 2380].
Sent to the House for concurrence.**

The Senate Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects and improve the fiscal stability of the Commonwealth (Senate, No. 2360),-- **was read a third time.**

After remarks, and pending the question on passing the bill to be engrossed, Ms. Jehlen and Mr. Joyce moved that the bill be amended by inserting after section 43, the following section:-

“SECTION 43A Item 4000-0600 of said section 2 of said chapter 27 is hereby amended by inserting after the word ‘consortia’ the following words :- ‘; provided further, that the secretary of health and human services shall issue a report to the house and senate committees on ways and means not later than May 1, 2010, detailing the proposed disbursement of the \$2,500,000 appropriated herein to the pre-admission counseling and assessment program and the rationale for any delay in commencing and

administering this program, or the failure to commence such program, and disburse any or all of the \$2,500,000 appropriated therefore’.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past three o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 37 — nays 0*) [**Yeas and Nays No. 218**]:

Insert Roll Call “218”

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

Messrs. Rosenberg and Brewer moved that the bill be amended by inserting at the end thereof the following:-

“SECTION X. Notwithstanding any general or special law to the contrary, the department of transitional assistance may amend its supplemental nutrition assistance program outreach plan, in this section referred to as SNAP, to include SNAP application assistance and retention activities conducted by community-based organizations or other state agencies; provided, further, that the department is authorized to maximize federal reimbursement from the United States Department of Agriculture for funds identified by community-based organizations for SNAP application assistance and retention activities, including assistance and retention activities funded through private, state or community development block grants; and, provided, further, that the department may provide the federal reimbursements identified for SNAP outreach efforts to commonwealth agencies and departments and community-based organizations engaged in outreach efforts, and for the administrative costs incurred by an agency, department or organization in claiming the federal reimbursements or processing additional SNAP applications.”

The amendment was adopted.

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

“SECTION XX. The Registrar of Motor Vehicles shall not cause the translation or production of registry materials, including driver’s license manuals, in languages other than English, unless and until the registrar files with the clerks of the House and Senate a report, setting out the reasons therefore and the costs thereof, not less than 60 days prior to any authorization of the expenditure of funds for these purposes.”

The amendment was *rejected*.

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

“SECTION XX. Section 2H of Chapter 29 of the General Laws is hereby amended by adding at the end thereof the following paragraph:- ‘Notwithstanding any general or special law to the contrary, the Comptroller of the Commonwealth shall file with the Clerks of the House and Senate not later than the fifteenth day of each month a report including, but not limited to, the balance contained in the Commonwealth Stabilization Fund on the first day of the month, any material changes in the condition of the fund, and any other information which he deems appropriate for the consideration of the legislature; provided further, that such report be displayed prominently on the website of the comptroller’.”

After remarks, the amendment was adopted.

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

“SECTION XX. Section 89 of Chapter 71 of the general laws is hereby amended in section (ee) by inserting the following additional paragraph:-

‘The board may also, on its own motion or by request, reconsider its grant of a charter and revoke or suspend said charter within six months of approval of that charter; provided, that the revocation must be accompanied by written findings explaining the action of the board; provided, that the charter applicant shall be given sufficient notice and an opportunity to be heard before the board on the matter’.”

The amendment was *rejected*.

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

“SECTION XX. Section 89 of chapter 71 of the general laws is hereby amended in section (ee) by striking the first sentence and replacing it with the following:- ‘The board may revoke a school’s charter if the school has not fulfilled any conditions imposed by the board in connection with the grant of the charter, the school has violated any provision of its charter, or the board has substantially violated any provision of this section or its implementing regulations in granting the charter’.”

The amendment was *rejected*.

Mr. Tarr moved to amend the bill by inserting at the end thereof the following additional section:-

“SECTION XX. Section 89 of Chapter 71 of the general laws is hereby amended in section (h) by inserting at the end thereof the following paragraph:-

‘Within 30 days of the approval of a new commonwealth charter school in any community, the board shall issue a written

confirmation that the school meets all requirements set out in subsections (b), (c), and (f) of this section and in the implementing regulations, and a summary of the reasons therefore’.”

The amendment was *rejected*.

Mr. Donnelly and Ms. Menard moved that the bill be amended by inserting at the end thereof the following section:-

“SECTION X. Provided further that Section 1 of chapter 692 of the acts of 1973 is hereby amended by striking out after the phrase ‘nineteen hundred and fifty-eight and prior to’ the words ‘April first, nineteen hundred and seventy-three and inserting in place thereof the phrase “May seventh, nineteen hundred and seventy-five’.”

The amendment was adopted.

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

“SECTION XX Notwithstanding any general or special law to the contrary the Undersecretary of the Department of Housing and Community Development shall make a report detailing recommended regulations to prohibit the practice of housing homeless residents in hotels or motels throughout the commonwealth. These recommended guidelines shall include temporary housing alternatives which provide cost savings to the commonwealth as well as a timeline to eliminate such practice within 1 year. All residents currently being sheltered in hotel or motel accommodations shall be required to have access to food refrigeration as well as kitchen facilities including an oven on the premises; and provided further that no municipality shall house a percentage of homeless individuals in hotels or motels which exceeds twice that communities’ percentage of total state population. The report shall be submitted to the clerk of the Senate and clerk of the House of Representatives, along with the House and Senate Committees on Ways and Means no later than 30 days following the passage of this act.

Section 2: Notwithstanding any general or special law to the contrary the Department of Housing and Community Development shall be directed to promulgate regulations which require any individual or family seeking an emergency assistance shelter placement to produce documentation which verifies the commonwealth of Massachusetts as their place of legal residence.

Section 3: Notwithstanding any general or special law to the contrary a pregnant woman shall not be deemed automatically eligible for placement in a hotel or motel until such time as that woman gives birth. Nothing in this section shall be interpreted to limit the eligibility of a pregnant woman to be placed in a homeless shelter during pregnancy.

Section 4: Notwithstanding any general or special law to the contrary the Department of Housing and Community Development shall be directed to make an investigation and study of all available and unused shelter space throughout the commonwealth. If shelter space is discovered that meets safety and suitability criteria to be determined by the Department of Housing and Community Development and is currently unused, the Department of Housing and Community Development shall be required to issue a request for proposal until such time as sufficient shelter capacity exists so as to eliminate the need for emergency family placements in hotels and motels; Provided further that any individual or family seeking emergency shelter and deemed eligible shall be presented by the Department of Housing and Community Development with not more than 1 shelter option. If said individual or family declines the option presented to them they shall be deemed ineligible to receive emergency shelter for a period of 1 year; Provided further that the Department of Housing and Community Development shall be required to notify the local department of health, police department, and school department of any municipality in which an emergency family placement is made. Any family placed in a motel shall receive assessment and housing search services within 5 business days; Provided further that the Department of Housing and Community Development shall have the authority, if no shelter space is available and as an alternative to a hotel or motel placement, to place a family seeking emergency assistance in a shelter which exists in the commonwealth that is beyond 20 miles from said family’s last known place of legal residence; Provided further that the Department of Housing and Community Development shall be prohibited from placing a family with children under 3 years of age in any hotel or motel which does not make available a crib for such a child which meets applicable safety regulations to be determined by the Department of Children and Families; Provided further that prior to placing any child under the age of 3 years in a hotel or motel, the Department of Housing and Community Development must notify the Department of Children and Families. Within 24 hours of any such hotel or motel placement the Department of Children and Families shall make an inspection of the room and crib provided to ensure the safety of the child. If the hotel or motel in which any such child under the age of 3 years is placed fails to provide such child with a safe and adequate crib as determined by the Department of Children and Families, said hotel may be subject to a fine not to exceed \$10,000 per violation.

Section 5: Notwithstanding any general or special law to the contrary, the Department of Housing and Community Development shall be required to reimburse on a quarterly basis any community in which an emergency hotel or motel placement is made for all costs associated with busing any school age children from said hotel or motel placement out of district to attend school.

Section 6: Notwithstanding any general or special law to the contrary, the Department of Housing and Community Development shall be granted all statutory authority necessary to promulgate regulations consistent with this act.”

The amendment was *rejected*.

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

“SECTION X. Notwithstanding any special or general law to the contrary no state agency, as defined by section 1 of chapter 6A of the general laws, as so appearing, may fill any existing or newly created vacancy, unless filling said vacancy is deemed critical to state operations by the secretary of administration and finance, and a letter to such effect is signed by said secretary. This section shall remain in effect from the date of the passage of this act through June 30, 2010.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes before four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 14 — nays 23*) [**Yeas and Nays No. 219**]:

Insert Roll Call “219”

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

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

“SECTION XX. Notwithstanding any general or special law to the contrary, including Subsection 6 of Section 5D of Chapter 161D of the General Laws, the Massachusetts Department of Transportation is hereby directed and authorized to extend the term of the Intercity Bus Capital Assistance Program Vehicle Lease and Maintenance Agreement of November 1997 for a term not to exceed 3 years.”

The amendment was adopted.

Mr. Baddour moved that the bill be amended by inserting after section 23 the following section:-

“SECTION 23A. Chapter 90 of the General Laws is hereby amended by inserting after section 32I the following section:-

Section 32J. (a) As used in this section, ‘car-sharing organization’ shall mean a membership-based entity with a distributed fleet of private passenger motor vehicles that are made available to its members primarily for hourly or other short-term use through a self-service fully automated reservation system that periodically charges a membership fee separate from a use-based fee relating to a specific vehicle; provided, however, that ‘car-sharing organization’ shall not include an arrangement where a separate written agreement is entered into each time a vehicle is transferred to a customer.

(b) Vehicles in a fleet of a car-sharing organization may display private passenger motor vehicle registration number plates issued by the registrar; provided, however, that a registered vehicle of any such organization which identifies the name of the organization by business markings thereon shall not be required to display a commercial registration plate if the markings are limited to the name, address, telephone number, logo or website address of the organization.”

The amendment was adopted.

Ms. Spilka moved that the bill be amended by inserting after section 55 the following section:-

“SECTION 55A. Notwithstanding any general or special law to the contrary, Framingham State College, with the approval of the board of higher education, may borrow an amount not to exceed \$10,000,000 through the Massachusetts Health and Educational Facilities Authority or the Massachusetts Development Finance Agency or any other authorized funding source.”

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended in line 25 by inserting the following:--

“Registry of Motor Vehicles.

8400-0001... For the re-establishment and operation of a registry of motor vehicles branch at the Eastfield Mall in Springfield...\$150,000”.

Pending the question on adoption of the amendment, Messrs. Brewer and Richard T. Moore moved that the amendment (Candaras) be amended by striking out item 8400-0001 and inserting in place thereof the following item:-

“8400-0001... For the re-establishment and operation of a registry of motor vehicles branch at the Eastfield Mall in the city of Springfield and for the re-establishment and operation of a registry of motor vehicles branch at the Big Bunny Plaza in the town of Southbridge; provided, that not more than, \$100,000 shall be used for the re-establishment and operation of the branch at the Big Bunny Plaza in said town of Southbridge.....\$250,000.”

After debate, the further amendment (Brewer-R. T. Moore) was *rejected*.

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

Messrs. Morrissey and Knapik moved that the bill be amended by inserting after section 43 the following section:-

“SECTION 43A. Item 4000-0700 of said section 2 of said chapter 27 is hereby amended by striking out the words “\$20,000,000 shall be expended from this item or item 4000-0500, if necessary to achieve maximum federal financial participation, to enhance the ability of hospitals, community health centers and primary care clinicians to serve populations in need more efficiently and effectively” , and inserting in place thereof the following words:- \$25,000,000 shall be expended from this item or item 4000-0500 if necessary to establish the essential community provider job protection program to enhance the ability of hospitals and community health centers to maintain jobs and programs critical to the health of the communities they serve; and provided further, that grants from this fund shall be made no later than May 1, 2010”.

The amendment was adopted.

Mr. McGee moved that the bill be amended in section 2, by inserting after item 4513-1020 the following item:-

“EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
Department of Workforce Development

7003-0701\$5,000,000”.

The amendment was adopted.

Mr. Baddour moved that the bill be amended by inserting after section 23 the following section:-

“SECTION 23A. Chapter 85 of the General Laws is hereby amended by striking out section 7A, as amended by section 76 of chapter 25 of the acts of 2009, and inserting in place thereof the following section:-

Section 7A. (a) For the purposes of this section, ‘person’ shall include surveyors of highways, road commissioners, superintendents of streets in towns, commissioners of public works in cities and towns, the chief engineer of the highway division of the Massachusetts Department of Transportation, the chief administrative officer of state agencies and private persons, including corporations.

(b) No person shall store sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways in such a manner or place as to subject a water supply or groundwater supply to the risk of contamination.

(c) Any sodium chloride, calcium chloride or chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways and stored within 200 hundred yards of an established river or estuary shall be stored in a solid frame storage shed to insure against ground leaching and airborne pollution of surrounding property. This subsection shall not apply to: (1) a water-dependent marine cargo facility that, on or before May 10, 1991, stored or distributed any such snow removal chemicals, is currently located at the site from which such chemicals were stored or distributed on or before May 10, 1991, such chemicals are stored or distributed with 200 yards of an established river or estuary and such river or estuary has a depth-averaged annual salinity greater than 10 parts per 1,000; or (2) a water-dependent marine cargo facility that stores or distributes any such snow removal chemicals, is located on an established river or estuary that has a depth-averaged annual salinity greater than 10 parts per 1,000 and has an agreement with the municipality in which it is located providing for the best management practices.

(d) The department of environmental protection, in consultation with the highway division, may issue regulations as to place or manner of storage of such chemicals and may regulate, by specific order, in a particular case the place where such chemicals may be used for such purpose. All water-dependent marine cargo facilities storing chemicals used for the removal of snow and ice on roads shall have the best management practices described in writing for inspection at the facility by the department.

(e) A violation of this section or a regulation or order issued hereunder shall be punished by a fine not to exceed \$50 dollars per day.

(f) A person who uses more than 1 ton of the chemicals described in this section in a calendar year shall report annually to the department on November 1 and at such other times as prescribed the amount of such chemicals used in the previous 12 months specified by road section or other location and the amount of chemicals on hand. Copies of such reports shall be made available upon the request of a concerned state or municipal agency or commission. The department may require studies by competent professional personnel of the probable impact of proposed new or improved highways and the maintenance thereof by use of such chemicals upon reservoirs, ponds, streams, lakes, wetlands and the groundwater aquifers associated with both public and private water sources. Estimates of such chemicals to be applied on proposed roadways and other paved areas shall be based upon the most recent records of chemicals actually applied as reported under this section.”

After remarks, the amendment was adopted.

Mr. Hart moved that the bill be amended by inserting after section 35 the following section:-

“SECTION 35A. Item 7007-0932 of section 2A of chapter 123 of the acts of 2006 is hereby amended by striking out the words “\$4,000,000 may be used for construction and equipment in the former cafeteria of the Wheatley building, and not more than

\$1,000,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2010” and inserting in place thereof the following words:- \$3,700,000 may be used for construction and equipment in the former cafeteria of the Wheatley building and not more than \$1,300,000 may be used for start-up and operating expenses; provided further, that the funds shall not be available for faculty salaries; provided further, that the funds shall be available through June 30, 2011.”

The amendment was adopted.

Mr. Buoniconti moved that the bill be amended by inserting after section 61 the following 2 sections:-

“SECTION 61A. Notwithstanding any general or special law to the contrary, eligible recipients of direct cash assistance shall be prohibited from the use of direct cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco products. Such funds shall not be withdrawn from such cards in the form of cash but shall only be expended through the direct use of the electronic benefit transfer card. The department of transitional assistance shall conduct a monthly review of individual cash assistance usage to ensure compliance with regulations of said department. Cash assistance funds shall be expended solely by the eligible individual receiving such funds unless such individual can demonstrate a documented medical disability or incapacity which requires that an authorized representative be permitted access to such funds on behalf of that eligible individual.

SECTION 61B. Notwithstanding any general or special law to the contrary, recipients of transitional aid to families with dependent children shall not be considered in compliance with the work requirement established under chapter 5 of the acts of 1995 by participating in unpaid internships, unpaid home-schooling of a child, or participating in vocational rehabilitation services. A pregnant woman shall be exempt from the work requirement for not more than the last 10 days of pregnancy except in the instance of a documented medical reason for exemption as determined by a licensed physician. An unemployed recipient of transitional aid to families with dependent children without a documented medical necessity exemption, shall provide documentary proof of a job search commencing within 90 days of after giving birth. No recipient of transitional aid to families with dependent children shall be considered exempt from the work requirement as a result of caring for a child not his or her own and for whom the recipient does not receive benefits. A person over 18 years of age shall not be considered a dependent child for the purposes of this program. A recipient shall be exempt from the work requirement for a period not to exceed 90 days following the birth of a non-family cap exempt child or if the recipient serves as the caretaker of a child excluded by the family cap A recipient shall not be considered exempt from the work requirement due to age prior to reaching age 65. After qualifying for and having received an initial benefits payment, a recipient shall be exempt from the work requirement for not more than 30 days while looking for and starting a qualifying work program activity. A recipient shall not be exempt from the work requirement for performing community service unless the recipient produces documented evidence of the completion of the community service to the department of transitional assistance.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at fourteen minutes past four o'clock P.M., on motion of Mr. Buoniconti, as follows, to wit (*yeas 8 — nays 29*) [**Yeas and Nays No. 220**]:

Insert Roll Call “220”

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

Mr. Panagiotakos moved that the bill be amended in section 2 by striking out item “8700-0001”;

In section 2A, by inserting after item 0521-0010, the following item:-

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Military Division

“8700-0001 For the military division for reimbursement for costs associated with flood damage control in March and April, 2010; provided, that any unexpended funds shall revert to the General Fund.....\$930,000”;

By striking out, in line 338, the word “shall” and inserting in place thereof the following word:- “may”;

By inserting after the word “necessary”, in line 339, the following words:- “as determined by agreement of the secretary of administration and finance, the actuary of the Public Employee Retirement Administration Commission, the retirement associations and their actuaries and the county treasurers”;

By inserting after the word “order”, in line 453, the following words:- “or stay-away order”;

By striking out section 53 and inserting in place thereof the following section:-

“SECTION 53. Chapter 167 of the acts of 2009 is hereby amended by striking out sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

Section 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization Fund established in section 20.

Section 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 19. Notwithstanding any general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

Section 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation within the executive office of housing and economic development. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less than \$300,000 to the department of public health for a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, of the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the undersecretary may transfer from the fund an amount not to exceed \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the undersecretary shall distribute to owners and lessees of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth; provided, however, that before any such amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among dog owners. The undersecretary shall distribute to kennel owners who housed greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside commonwealth; provided, however, that before any amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among kennel owners; and provided further, the undersecretary shall begin payments to kennel owners in January 2010. Such payments shall be paid on a biweekly basis beginning on January 4, 2010.

Section 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

Section 22. Notwithstanding any general or special law to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall report monthly to the state racing commission, or a successor agency, on their net and gross revenue, including an itemization of premiums received, fees received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-time staff employed by the licensees at the close of the previous month. The report shall also include the total amount of premiums paid to the harness horse meeting licensees located in Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file the report on the tenth day of each month shall be cause for suspension of the greyhound meeting license. The state racing commission, or a successor agency, shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development. The greyhound meeting licensee located in Bristol

county and the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds received and disbursed for calendar years 2008 and 2009. The report shall also be filed with the state racing commission, or a successor agency, not later than June 30, 2010, and the state racing commission shall forward the reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

Section 23. Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted; provided further, that state funds shall be distributed in accordance with section 20 provided further, that the secretary of labor and workforce development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development not later than July 31, 2010.”;

By striking out sections 58 and 59 and inserting in place thereof the following 2 sections:-

“SECTION 58. Notwithstanding any general or special law to the contrary, the comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter 10 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter 87 of the General Laws.

SECTION 59. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2 for the purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, that any such transfer shall take place not later than August 31, 2010; and provided further, that the secretary of health and human services, in conjunction with the secretary of administration and finance, shall notify the house and senate committees on ways and means in writing within 30 days of any such transfer.”;

By inserting after the word “Fund”, in line 622, the following words:- “pursuant to section 156 of chapter 25 of the acts of 2009”;

By inserting after the word “Fund, in line 630, the following words:- “pursuant to paragraph (a) of subdivision (1) of section 23 of chapter 32 of the General Laws”; and

By adding the following section:-

“SECTION 64. Section 27 shall take effect on July 1, 2010.”

The amendment was adopted.

The question on passing the bill (Senate, No. 2360, amended) to be engrossed was determined by a call of the yeas and nays at twenty-three minutes past four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 33 — nays 4*) [**Yeas and Nays No. 221**]:

Insert Roll Call “221”

The yeas and nays having been completed at twenty-six minutes past four o’clock P.M., the bill was passed to be engrossed [for texts of bill, printed as amended, see Senate, No. 2370].

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the notice section of the calendar and considered, as follows:

The House Bill establishing a municipal building fund and a municipal building committee in the town of West Boylston (House, No. 4390),-- was read a third time and passed to be engrossed, in concurrence.

Reports of Committees.

Mr. Berry, 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 House Bill authorizing the town of Millis to conduct its annual town election on May 11, 2010 (printed in House, No. 4578). **There being no objection, the rules were suspended, on motion of Ms. Walsh, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350),-- **ought to pass.**
There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed.
Sent to the House for concurrence.

Order Adopted.

Ms. Creem presented the following order:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the Committee on the Judiciary asks that it be granted until Friday, May 21, 2010, within which time to make its final report on current Senate documents numbered 2311 and 2312, relative to the Judiciary.

Under the rules, referred to the committees on Rules of the two branches, acting concurrently.
Subsequently, Mr. Berry, for the said committees, reported, recommending that the order ought to be adopted.
The rules were suspended, on motion of Mr. Tolman, and the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4610) of Garrett J. Bradley, Robert L. Hedlund and Robert J. Nyman for legislation to establish a regional public safety communications center for the towns of Cohasset, Hingham, Hull and Nowell;

Under suspension of Joint Rule 12, to the committee on Public Safety and Homeland Security.

Petition (accompanied by bill, House, No. 4611) of Thomas M. Petrolati that the Department of Children and Families be authorized to establish a sick leave bank for Sarah F. Bowler, an employee of said department;

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

Orders Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted in concurrence, as follows:

Ordered, that notwithstanding the provisions of Joint Rule 10, the committee on Public Health shall be granted until Wednesday, May 12, 2010, within which to report on Senate Nos. 807, 834, 866, 867, 872, 876, 878, 890 and 909 and House, Nos. 2031, 2059, 2069, 2073, 2084, 2086, 2118, 2128, 2135, 2138, 2139, 3477, 3722, 3910 and 3912.

On motion of Mr. Morrissey,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. McGee, at twenty-nine minutes before five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.