UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.

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Thursday, May 13, 2010.

Met according to adjournment one o'clock P.M. (Mr. Brewer in the Chair).

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Report.

A report of the Fall River District Registry of Deeds (under the provisions of Section 4 of Chapter 4 of the Acts of 2003 and section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight). (Received May 10, 2010),-- was placed on file.

Petition.

Mr. Kennedy presented a petition (subject to Joint Rule 12) of Thomas P. Kennedy, for legislation relative to record keeping for condominiums;

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

Reports of Committees

By Mr. O'Leary, for the committee on Education, on Senate, Nos. 41, 256, 282 and 288, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to miscellaneous education issues (Senate, No. 2425);

By the same Senator, for the same committee, on Senate, Nos. 215, 224 and 291, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to MCAS (Senate, No. 2426);

By the same Senator, for the same committee, on Senate, No. 220, an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to school curriculum (Senate, No. 2427);

By the same Senator, for the same committee, on Senate, Nos. 221, 261 and 283, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to parent and student issues (Senate, No. 2428);

By the same Senator, for the same committee, on Senate, Nos. 227 and 239, an Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to special education (Senate, No.

2429);
By the same Senator, for the same committee, on Senate, No. 275, an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to education finance (Senate, No. 2430); and
By the same Senator, for the same committee, on Senate, No. 296, an Order relative to authorizing the joint committee on Education to make an investigation and study of a certain current Senate document relative to an after school education pilot program (Senate, No. 2431);
Severally referred, under Joint Rule 29, to the committee on Rules of the two branches acting concurrently.

By Mr. Montigny, for the committee on Bonding, Capital Expenditures and State Assets, that the House Bill relative to debt restructuring (House, No. 4617), - ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2432;
Referred, under Senate Rule 27, to the committee on Ways and Means.

By Mr. Kennedy, for the committee on Election Laws, on petition, a Bill validating the election of a charter commission in the city of Holyoke (Senate, No. 2408) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.
Committees Discharged.
Mr. Berry, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration
Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to education issues (Senate, No. 2422);
Of the Senate Order relative to authorizing the joint committee on Education to make an investigation and study of certain current Senate documents relative to vocational education (Senate, No. 2423);
Of the Senate Order relative to authorizing the joint committee on Labor and Workforce Development to make an investigation and study of certain current Senate documents relative to labor and workforce issues (Senate, No. 2419);
Of the Senate Order relative to authorizing the joint committee on Mental Health and Substance Abuse to make an investigation and study of certain current Senate documents relative to mental health and substance abuse issues (Senate, No. 2420); and
Of the Senate Order relative to authorizing the joint committee on Municipalities and Regional Government to make an investigation and study of certain current Senate documents relative to municipal government (Senate, No. 2421);
And recommending that the same severally be referred to the Senate committee on Ethics and Rules.
Under Senate Rule 36, the reports were considered forthwith and accepted.
PAPERS FROM THE HOUSE.
Petitions were severally referred, in concurrence, as follows, to wit:
Petition (accompanied by bill, House, No. 4662) of James Arciero and Steven C. Panagiotakos (by vote of the town) authorizing the town of Westford, acting by and through its conservation commission, to lease a certain parcel of land for camp purposes; and
Petition (accompanied by bill, House, No. 4663) of Michael F. Rush (with the approval of the mayor and city council) for legislation to authorize the parks and recreation commission of the city of Boston to lease certain historic property;
Severally to the committee on Municipalities and Regional Government.

A Bill establishing the Massachusetts Food Policy Council (House, No. 4568,- on House, Nos. 718 and 776), -- was read and, under Senate Rule 27, referred to the committee on Ways and Means.

A communication from the Division of Banks (under Section 6A of Chapter 171 of the General Laws) submitting proposed amendments to regulations 209 CMR 50.00 et seq.,) relative to authorizing activities available to federally chartered credit unions to state chartered credit unions (accompanied by bill, House, No. 4657),-- was referred, in concurrence, to the committee on Financial Services.

A communication from the Speaker of the House of Representatives announcing that he has appointed Mr. Martin Pillsbury, Regional Planning Services Manager of the Metropolitan Area Planning Council, to the Special Water Infrastructure Finance Commission established (under Section 145 of Chapter 27 of the Acts of 2009) to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities, - was placed on file.

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

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

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

Resolutions (filed by Mr. Joyce) “honoring Richard House Silverman, Ph.D. for his dedication to the town of Randolph”;
Resolutions (filed by Mr. Joyce) “congratulating Elizabeth ‘Betty’ Simoni on being honored by New England Sinai Hospital”;
Resolutions (filed by Mr. Michael O. Moore) “celebrating the legacy of the Civilian Conservation Corps at Upton State Forest”;
Resolutions (filed by Messrs. Richard T. Moore and Brewer) “honoring Raymond and Nancy Fournier on their selection as the 2010 recipients of the Tri-Community Exchange Club ‘Book of Golden Deeds’ Award”;
Resolutions (filed by Mr. O'Leary) “congratulating the Chatham-Nauset Lions Club on the occasion of its fortieth anniversary”; and
Resolutions (filed by Mr. Pacheco) “congratulating Leo Joseph DesLauriers on being the recipient of the Post Cane Award.”
Communication.
The Clerk read the following communication:

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

May 12, 2010

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

Dear Mr. Clerk:
I was unable to attend the May 6 Senate session. Had I been present, I would have voted in the affirmative on H. 426.
I respectfully request that a copy of this correspondence be printed in Thursday’s Senate Journal. Thank you in advance for your assistance in this matter.

Respectfully,
GALE D. CANDARAS,
State Senator.

On motion of Mr. Brewer, the above communication was ordered printed in the Journal of the Senate.
Orders of the Day.
The Orders of the Day were considered, as follows:

Bills
Modifying a conservation restriction in the town of North Andover (House, No. 598);
Authorizing the appointment of retired Millis police officers as special police officers in the town of Millis (House, No. 1882);
Relative to the conduct of public hearings on capital improvements plans in the town of North Andover (House, No. 1901);
Authorizing the town of North Andover to amend a certain conservation restriction (House, No. 4194);
Authorizing the town of Westport to lease a portion of the Westport Town Farm to the Trustees of Reservations (House, No. 4368)
Relative to the position of appointed treasurer-collector in the town of Freetown (House, No. 4415);
Authorizing the town of Brewster to use a portion of town-owned land for renewable energy projects (House, No. 4450); and
Establishing the Raynham Development Revolving Fund (House, No. 4485).

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

The House Order relative to extending until Tuesday, May, 18, 2010, the time within which joint standing committees and the committees on Rules of the two branches, acting concurrently are authorized to make reports on all matters referred to them,-- was considered, the main question on being on adoption of the order.

The pending motion, previously moved by Mr. Tisei, to lay the order on the table,-- was considered; and it was negatived.
On motion of Mr. Tisei, a call of the yeas and nays was ordered on the question of adoption of the order.
After remarks and pending the question on adoption of the order, Mr. Tisei moved that the order be laid on the table; and, in accordance with the provisions of Senate Rule 24, the consideration of the motion to lay on the table was postponed, without question, until the next session.

The House Bill relative to municipal relief (House, No. 4631),-- was read a second time.
Pending the question on ordering the bill to a third reading, the amendment previously recommended by the committee on Ways

and Means, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2424,-- was considered.
After remarks, Mr. Tisei rose to a point of order which, being stated was that the bill should be divided pursuant to Senate Rule 45 for the reason that the bill contained two or more propositions.
The President ruled that since the bill under consideration was written in such a way that dividing it would cause the bill to be rewritten, the parliamentary law states that the measure cannot be ordered divided. Therefore, the point of order was NOT well taken
After further remarks and pending the question on adoption of the Ways and Means amendment, the President made a ruling on amendments 18, 24, 42, 70, 78 and 109, as follows:
The Massachusetts Constitution says: "All money bills shall originate in the House of Representatives...."
The parliamentary precedents of the Senate require the President to observe with meticulous care the constitutional prerogatives of the House of Representatives.
Without waiting for a point of order to be raised, she must see that the Senate does not originate a "money bill" in violation of the Constitution. A pending Senate amendment that would convert into a "money bill" a bill that was not a "money bill" when the House passed it is out of order.
The pending amendments before the Senate, if adopted, would thus convert the bill into a "money bill". Therefore, the amendments are not in order.
Mr. Tisei doubted the ruling of the Chair; and this motion was seconded by Mr. Knapik.
After debate, the ruling of the Chair was sustained; and the amendments were severally laid aside.

Mr. Brewer and Ms. Fargo and Mr. Joyce moved that the bill be amended by inserting the following section at the end of the bill:
"SECTION X. Section 5K of Chapter 59 of the General Laws is amended by inserting the following paragraph at the end of the section:
A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption contained in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; (2) allowing the maximum reduction of the real property tax bill to be based on one hundred and twenty-five volunteer service hours in a given tax year, rather than $1,000."
The amendment was rejected.
Ms. Flanagan moved that the bill be amended by inserting the following section:
Section XX: Section 55 of Chapter 44 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the phrase "Federal Credit Unions" in line 25.
The amendment was rejected.
Ms. Flanagan moved that the bill be amended by inserting the following section:
Section XX: Section 17 of Chapter 138 of the General Laws, as appearing in the 2008 Official Edition, is amended by striking the phrase "one thousand" in line 7 and inserting in its place, "seven hundred fifty."
The amendment was rejected.
Messrs. Morrissey and Knapik moved that the bill be amended in section 66 by inserting at the end thereof the following new subsection:-
"j) For purposes of sections (a) through (i) the powers and duties of the chief executive officer shall be vested in the manager of the municipal lighting plant for all matters affecting municipal lighting plant employees."
After remarks, the amendment was adopted.
Mr. Michael O. Moore moved that the bill be amended in section 66, line 1092 by striking out the following:- "All participants in the employee retirement system shall agree to forego the right to accrued sick and vacation time and the amount that would have been paid to a retiree for accrued sick and vacation time shall be paid into the municipal retirement system to reduce the additional pension liability resulting from this program."
The amendment was rejected.
Mr. Morrissey moved that the bill be amended by inserting after section 22, the following new section:-
"SECTION 22A. Sub-subsection c½ in subsection (8) of section 22 of chapter 32 is hereby amended in the fourth sentence of the third paragraph by striking (.) after the words "extenuating circumstances" and inserting in place thereof the following:- ; including, the increased liability of extending the funding schedule and/or the additional expense incurred by the adoption of an early retirement incentive program."
The amendment was rejected.
Mr. Michael O. Moore moves that the bill be amended by the addition of the following sections:
"SECTION X. Section 3B of chapter 21E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 30, by inserting after the word "excluding", the following words:- 'cities, towns and'.
SECTION X. Notwithstanding any general or special law to the contrary, the fees owed by counties, cities, and towns prior to this act shall be waived."
The amendment was rejected.
Mr. Morrissey moved that the bill be amended by inserting at the end thereof the following new section:-
SECTION XX. Section 3 of chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "district attorneys", in line 300, the following words:- "; provided, however, that district attorneys elected on or after July 1, 2010 shall be employed in such capacity or as an assistant district attorney for 10 years or more;".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past two o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 232]:
Insert Roll call "232"
The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., the amendment was adopted.

Mr. Michael O. Moore moved that the bill be amended by the addition of the following section:
"SECTION X. Section 28 of Chapter 268A of the Massachusetts General Laws is hereby amended by striking out the following language:
'The state ethics commission shall prepare and update from time to time the following online training programs, which the commission shall publish on its official website: (1) a program which shall provide a general introduction to the requirements of this chapter; and (2) a program which shall provide information on the requirements of this chapter applicable to former state, county, and municipal employees. Every state, county, and municipal employee shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete the online training program. Upon completion of the online training program, the employee shall provide notice of such completion to be retained for 6 years by the appropriate employer.
The commission shall establish procedures for implementing this section and ensuring compliance.' and inserting in place thereof the following language:
The state ethics commission shall prepare and update from time to time the following online training programs, which the commission shall publish on its official website: (1) a program which shall provide a general introduction to the requirements of this chapter; and (2) a program which shall provide information on the requirements of this chapter applicable to former state, county, and municipal employees. Every state and county employee shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete the online training program. Every municipal employee, with exception of part time and on call employees, shall, within 30 days after becoming such an employee, and every 2 years thereafter, complete the online training program. Upon completion of the online training program, the employee shall provide notice of such completion to be retained for 6 years by the appropriate employer.
The commission shall establish procedures for implementing this section and ensuring compliance."
The amendment was rejected.
Mr. Michael O. Moore and Ms. Chandler moved that the bill be amended by adding the following new section:
"SECTION X. Chapter 25 of the Acts of 2009 is hereby amended by inserting in section 148 the following new subsection:
Section 148 (c) All collective bargaining unit employees of the Worcester Regional Airport, who were employed by the Worcester Regional Airport on the effective date of said transfer to the Massachusetts Port Authority, are hereby transferred to the Massachusetts Port Authority, without interruption of service within the meaning of MGL c. 30, Section 9J, without impairment of seniority, civil service permanency, retirement or other rights of the employee, and without reduction in compensation or salary grade, and benefits, and without change in union representation or certified collective bargaining unit. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been transferred."
The amendment was rejected.
Messrs. Pacheco and Kennedy moved that the bill be amended by inserting after section 68 the following section:-
"SECTION 68A. (a) The treasurer of Bristol county, with the approval of the county commissioners, may borrow $1,100,000 from the water pollution abatement trust established in chapter 29C of the General Laws for the repair, renovation, construction, equipping and furnishing of sewer extension facilities for the Bristol County Agricultural High School in the town of Dighton. The county commissioners may enter into a project regulatory agreement with the department of environmental protection to expend all funds available for the project and take any other action necessary to carry out the project.
(b) For purposes described in subsection (a), the county treasurer, with the approval of the county commissioners, may issue bonds or notes of the county to the water pollution abatement trust. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners and shall be issued in such form and upon such terms and conditions as the county and the water pollution abatement trust shall agree in accordance with chapter 29C of the General Laws and consistent with this act.
(c) For the purposes of this act, Bristol county shall constitute a regional local government unit under chapter 29C of the General Laws; provided, however, that those cities and towns within the county whose residents are eligible for free attendance at the Bristol County Agricultural High School pursuant to section 5 of chapter 566 of the acts of 1912 shall be deemed to be the service recipients of the county under sections 10 and 11 of said chapter 29C and maturing principal and interest on indebtedness incurred by the county under this act shall be appropriated and assessed only upon those cities and towns."
The amendment was adopted.
Messrs. Tisei, Tarr, Knapik and Hedlund moved that the bill be amended by inserting at the end thereof the following new section:-
SECTION __. Paragraph (c) of Section 20 of Chapter 30A of the General Laws, as most recently amended by chapter 28 of the Acts of 2009, is hereby further amended by inserting, after the word "located" in the first sentence, the following: "; provided that any community that has cable or internet access reaching no less than 80 per cent of its populace and maintains a town website or local cable access program may satisfy this requirement by posting notice of any such meeting on the town website or local cable channel, respectively, in addition to positing notice of such meeting visibly in the town hall, available for public viewing during normal business hours.".
After debate, the amendment was rejected.

Mr. Hedlund moved that the bill be amended by inserting after section 74 the following new section:-
SECTION XX: SECTION 1. Section 7 of chapter 44B, as so appearing, is hereby amended by striking out the definition of "Rehabilitation" and inserting in place thereof the following new definition:
“Rehabilitation”, the remodeling, restoration, reconstruction and making of extraordinary repairs to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended use, including but not limited to improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes or for aesthetic restoration. With respect to historic resources, rehabilitation shall have the additional meaning of work to comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68.
After remarks, the amendment was adopted.
Mr. Hedlund moved that the bill be amended by inserting after section 74 the following new section:-
“SECTION XX: Section 1: The amount of a grant provided to a municipality under Section 34, of MGL Chapter 90 shall be increased by 25% if that municipality has entered into an inter-municipal agreement regarding the sharing of services for the for maintenance, repair, improvement, and construction of town and county ways and bridges.
Section 2: This section shall take effect on July 1, 2011.”
The amendment was rejected.
Mr. Tisei moved that the bill be amended by inserting at the end thereof the following: -
“SECTION X. The public employee retirement administration commission shall review all current retirement group designations and make recommendations for any changes thereto in a report filed with the joint committee on public service not later than 180 days after the passage of this act.”
The amendment was rejected.
Messrs. Eldridge and Richard T. Moore moved that the bill be amended by inserting after section 40 the following section:-
“SECTION 40A. Said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after clause (32) the following clause:-
(33) For any other public work, improvement or asset not specified in any of the above clauses, with a maximum useful life of at least 5 years, determined as provided in the first sentence of this section, 5 years.”; and by inserting after section 59 the following section:-
“SECTION 59A. Section 16 of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph of clause (d) and inserting in place thereof the following paragraph: -
To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings or for the purpose of remodeling and making extraordinary repairs to a school building or buildings and for the construction of sewerage systems and sewerage treatment and disposal facilities, or for the purchase or use of such systems with municipalities, and for the purpose of purchasing department equipment; or for the purpose of constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities; or for the purpose of constructing, reconstructing or resurfacing roadways and parking lots; or for the purpose of any other public work or improvement of a permanent nature required by the district; or for the purpose of any planning, architectural or engineering costs relating to any of the above purposes; provided, however that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen in each of the towns comprising the district not later than 7 days after the date on which the debt was authorized by the district committee; and no debt may be incurred until the expiration of 60 days after the date on which the debt was authorized; and before the expiration of this period any member town of the regional school district may hold a town meeting for the purpose of expressing disapproval of the amount of debt authorized by the district committee, and if at that meeting a majority of the voters present and voting express disapproval of the amount authorized by the district committee, the debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor. Debt incurred under this section shall be payable within 30 years, but no such debt shall be issued for a period longer than the maximum useful life of the project being financed as determined in accordance with guidelines established by the division of local services of the department of revenue.”
The amendment was adopted.
Mr. Eldridge moved that the bill be amended by inserting after section 41 the following 7 sections:-
“SECTION 41A. Said section 8 of said chapter 44, as so appearing, is hereby further amended by striking out, in lines 77 and 78, the words ‘a board composed of the attorney general, the state treasurer and the director’ and inserting in place thereof the following words: - the municipal finance oversight board.
SECTION 41B. Said section 8 of said chapter 44, as so appearing, is hereby further amended by inserting after the word ‘vote’, in line 190, the following words: - , provided, however, that debt under clause (9) of this section may be authorized by the treasurer of a city, with the approval of the official whose approval is required by the city charter in the borrowing of money, the treasurer of a town with a town council form of government, with the approval of the official whose approval is required by the town charter in the borrowing of money, the treasurer of a town without a town council form of government, with the approval of the board of selectmen, and the treasurer of a district, with the approval of the prudential committee, if any, otherwise of the commissioners.
SECTION 41C. Said chapter 44 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-
Section 19. Cities, towns and districts shall not issue any notes payable on demand, and they shall provide for the payment of all

debts, except temporary loans incurred under sections 4, 6, 6A, 8C, and 17, or under section 3 of chapter 74 of the acts of 1945, by annual payments that will extinguish the same at maturity, and so that the first of these annual payments on account of any serial loan shall be made not later than the end of the next complete fiscal year commencing after the date of the bonds or notes issued for the serial loan, and shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue the bonds or notes, or in the alternative, in accordance with a schedule providing a more rapid amortization of principal; and these annual amounts, together with the interest on all debts, shall, without further vote, be assessed until the debt is extinguished.
SECTION 41D. Section 21A of said chapter 44, as so appearing, is hereby amended by inserting after the word 'law', in line 10, the following words: - , and provided further that no order or vote authorizing the issuance of refunding bonds or notes shall be subject to any referendum provisions contained in any general or special law, any city or town charter, any city ordinance or town by-law, or other provision.
SECTION 41E. Section 22 of said chapter 44, as so appearing, is hereby amended by adding the following sentence: - Notwithstanding the above, the selectmen may delegate to the town treasurer the approval of the rate or rates of interest with any limitations that the selectmen determine to be in the best interests of the town.
SECTION 41F. Section 22A of said chapter 44, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: - Bonds or notes issued by a city may be secured in whole or in part by insurance or by letters or lines of credit or other credit facilities, provided that the city treasurer and mayor or city manager, as applicable, determine that issuing bonds or notes on this basis is in the best interests of the city.
SECTION 41G. Section 22B of said chapter 44 is hereby repealed."
The amendment was adopted.
Mr. Baddour, Ms. Spilka, Ms. Fargo and Messrs. Richard T. Moore, Petruccelli, Kennedy and Donnelly and Ms. Creem moved that the bill be amended by inserting after the word "services", in line 70, the following words:- "; provided, however, that this section shall not apply to the procurement of architectural, engineering or related professional services as defined by section 2".
The amendment was adopted.
Ms. Fargo moved that the bill be amended by inserting after section 74, the following section:-
"SECTION XX. Section 5 of chapter 59 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by inserting in sub clause (1) of clause eighteenth A, after the word 'annum' as appearing at the end of said sub clause, the following words:- "or such lesser rate as may be determined by the legislative body of the city or town, subject to its charter, no later than the beginning of the fiscal year to which the tax relates."
After remarks, the amendment was adopted.
Ms. Fargo moved that the bill be amended by inserting after section 74 the following section:-
"SECTION XX. Section 4 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, as amended by section 7 of chapter 302 of the acts of 2008, is hereby amended by inserting in subdivision (1), after paragraph (g1/2), the following paragraph:-
(g 3/4). The period or periods before 1975 during which any retired member of the Teachers Retirement System or any retired member of the Boston Teachers Retirement System resigned for the purposes of maternity leave or was on unpaid leave of absence for such purposes from the governmental unit in which the member was employed as a teacher and had established membership in a Massachusetts contributory retirement system shall be allowed under this paragraph a maximum of creditable service not to exceed four years creditable service. No credit shall be allowed under this paragraph for any member who was not retired as of September 1, 2000. The maximum credit shall not exceed the 80% allowed under the A Option. Said increase to a retiree's pension will commence in the month following the bill becoming law."
The amendment was rejected.
Messrs. Tisei, Tarr, Knapik and Hedlund moved that the bill be amended by inserting at the end thereof the following new sections:-
SECTION__. Paragraph (1) of section 10 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 5 to 7, inclusive, the words ", or whose office or position is abolished, or is removed or discharged from his office or position without moral turpitude on his part".
SECTION__. Said paragraph (1) of said section 10 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 11, the words ", or any such member whose office or position is abolished".
SECTION__. Said paragraph (1) of said section 10 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 51 to 53, inclusive, the words " , or whose office or position is abolished, or is removed or discharged from his office or position without moral turpitude on his part."
The amendment was rejected.
Mr. Richard T. Moore moved that the bill be amended by striking, in section 57, subsection (b) in its entirety and replacing therein the following: -
"(b) The commissioner shall, in cooperation with the Massachusetts Association of Collectors and Treasurers and the Massachusetts Deputy Collectors Association, investigate and study the issuance in electronic form of bills or notices, as required by section 3 to determine the cost-effectiveness of said electronic billing system. Said commissioner shall report his findings to the Joint Committee on Municipal and Regional Government and the House and Senate Committees on Ways and Means not later than January 1, 2011."
After debate, the amendment was rejected.
Ms. Fargo and Messrs. Tolman and Tarr moved that the bill be amended in section 66, by inserting at the end of subsection (a)

thereof, the following sentence:- “For the purposes of this section, a regional school district shall be considered a municipality.”
The amendment was rejected.
Mr. Richard T. Moore moved that the bill be amended in section 69, in line 1169, by inserting after the words “subject liability itself” the following:- “or any fees and charges authorized or incurred for the collection of a past due subject liability for which notice has been issued. Nothing in this section shall be deemed to authorize the waiver of penalties, fees, charges and accrued interest resulting from the violation of any law, municipal by-law or ordinance”.
The amendment was adopted.
Mr. Richard T. Moore and Ms. Chandler moved that the bill be amended by inserting after section __, the following new section: -
SECTION X. The General Laws are hereby amended by inserting after Chapter 23J the following chapter: -- CHAPTER 23K. MORE INFRASTRUCTURE PROGRAM
Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-
“Agency”, the Massachusetts Development Finance Agency established pursuant to section 2 of chapter 23G of the General Laws, as amended from time to time.
“Amended improvement plan” a plan describing any change to the improvement plan with respect to the boundaries of a development zone, or material change to the method of assessing costs, description of improvements, the maximum cost of the improvements, or method of financing the improvements that is approved through the same procedures as the original improvement plan adopted pursuant to this chapter.
“Assessing party”, shall mean the municipality, or other public instrumentality, as identified in the improvement plan to assess any infrastructure assessments in the development zone.
“Cost”, shall include the cost of: (a) construction, reconstruction, renovation, demolition, maintenance and acquisition of all lands, structures, real or personal property, rights, rights-of-way, utilities, franchises, easements, and interests acquired or to be acquired by the public facilities owner; (b) all labor and materials, machinery and equipment including machinery and equipment needed to expand or enhance services from the municipality, the commonwealth or any other political subdivision thereof to the development zone; (c) financing charges and interest prior to and during construction, and for 1 year after completion of the improvements, interest and reserves for principal and interest, including costs of municipal bond insurance and any other type of credit enhancement or financial guaranty and costs of issuance; (d) extensions, enlargements, additions, and enhancements to improvements; (e) architectural, engineering, financial and legal services; (f) plans, specifications, studies, surveys and estimates of costs and of revenues; (g) administrative expenses necessary or incident to the construction, acquisition, and financing of the improvements; and (h) other expenses as may be necessary or incident to the construction, acquisition, maintenance, and financing of the improvements.
“Development zone”, one or more parcels of real estate in the municipality described in the improvement plan and to be benefited by the improvements and subject to infrastructure assessments as described in the improvement plan.
“Infrastructure assessments”, assessments, betterments, special assessments, charges or fees as described in this chapter and the improvement plan and assessed by the assessing party upon the real estate within the development zone to defray the cost of improvements financed in accordance with this chapter.
“Improvement plan”, a plan set forth in the petition for the establishment of a development zone setting forth the proposed improvements, services and programs, revitalization strategy, replacement and maintenance plan, the cost estimates for said improvements, and the replacement and maintenance program, the identity of the public facilities owner or owners and the administrator of the plan, the boundaries of the development zone, the analysis of any costs of financing said improvements, the identification of the assessing party, the method and structure of the infrastructure assessments, the selection of any or all of the assessing powers listed in section 4 that shall be utilized by the assessing party within the development zone, the description of the infrastructure development project within the development zone, the proposed use of any bonds or notes to finance such project by the agency, the participation of the agency, if any, in a district improvement financing program as described in section 7, and if so, a description of any assessing powers to be utilized, and the estimates of the costs and expenses to be levied and assessed on the real estate in the development zone.
“Improvements”, the acquiring, laying, constructing, improving and operating of capital improvements to be owned by a public facilities owner, including, but not limited to, storm drainage systems, dams, sewage treatment plants, sewers, water and well systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, traffic lights, signage and traffic control systems, parking, including garages, public safety and public works buildings, parks, landscaping of public facilities, cultural and performing arts facilities, recreational facilities, marine facilities such as piers, wharfs, bulkheads and sea walls, transportation stations and related facilities, shuttle transportation equipment, fiber and telecommunication systems, facilities to produce and distribute electricity, including alternate energy sources such as co-generation and solar installations, the investigation and remediation associated with the cleanup of actual or perceived environmental contamination within the development zone in accordance with applicable governmental regulations and provided that no such investigation or remediation shall impair the rights of the public facilities owner or any other person to contribution or reimbursement from any potentially responsible party for the costs thereof, and other improvements; provided that improvements shall not include any improvements located in, or serving, so-called “gated communities”, not including age restricted developments operated by non-profit organizations, that prohibit access to the general public and any type of improvement that is specifically prohibited in the Untied States internal revenue code from using tax-exempt financing.
“Infrastructure development project”, the acquisition, construction, expansion, improvement or equipping of improvements

serving any new or existing commercial, retail, industrial, or residential facilities or mixed use project.
“Massachusetts opportunity rebuilding and expansion infrastructure program”, or “MORE infrastructure”, a program established under this act, designed to finance infrastructure improvements benefiting existing and new residential, commercial and industrial properties and the citizens and businesses of the commonwealth.
“Municipal governing body”, in a city, the city council with the approval of the mayor, and in a city having a Plan D or E form of charter, the city council with the approval of the city manager, the town council in a town with a town council form of government, or otherwise the town meeting and the board of selectmen in a town with a town meeting form of government, except that in the case of a town when a petition or petition submitted with an amended improvement plan, is signed by 100 percent of the persons owning real estate in the development zone, the board of selectmen shall constitute the municipal governing body and may also in connection with said petition, accept the provisions of this act.
“Municipality”, a city or town, or cities and towns, if the development zone, is located in more than 1 municipality.
“Person”, any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, limited liability companies, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.
“Petition”, the document initiating the creation of a development zone as described in section 2 (b).
“Project”, an infrastructure development project.
“Public facilities owner”, means the municipality, the commonwealth or any other political subdivision or public instrumentality, agency or public authority of the commonwealth, or any instrumentality thereof as defined by the United States internal revenue code and the regulations, rulings and other written determinations of the Internal Revenue Service thereunder, and identified as such, in the improvement plan as the owner of the improvements described in an improvement plan or an amended improvement plan.
Section 2. (a) Each municipality in the commonwealth, acting through its municipal governing body, notwithstanding any general or special law, charter provision, by-law or ordinance to the contrary, may adopt this chapter and is authorized to establish 1 or more development zones pursuant to this chapter. In the event that 2 or more municipalities wish to jointly establish or consolidate contiguous development zones, the municipal governing body of each such municipality wherein said development zone shall be located, shall approve by a majority vote the petition for the establishment of such a development zone.
(b) The establishment of a development zone shall be initiated by the filing of a petition signed by a person or persons owning real estate within the proposed development zone in the office of the clerk of the municipality and the office of the agency. The petition, at a minimum, shall contain:
(1) a legal description of the boundaries of the development zone;
(2) the written consent to the establishment of the development zone or any amended improvement plan, by both (i) the persons with the record ownership of at least 80 percent of the acreage to be included in the development zone and (ii) persons owning at least 80 per cent of the tax parcels within the development zone; provided that any real estate owned by the commonwealth, or any agency, or any political subdivision thereof, included in the boundaries of the development zone shall not be included in the count of persons owning tax parcels or acreage in the development zone for the purposes of this clause;
(3) the name of the development zone;
(4) a map of the proposed development zone, showing its boundaries, and any current public improvements as are already in existence which may be added to or modified by any improvements;
(5) the estimated timetable for construction of the improvements and the maximum cost of completing said improvements;
(6) the improvement plan for the development zone; and
(7) the procedure by which the municipality will be reimbursed for any costs incurred by it in establishing the development zone, and for any administrative costs to be incurred in the administration and collection of any infrastructure assessments imposed within the development zone.
Section 3. (a) Upon receipt of a petition pursuant to section 2, the city council in the case of cities, the town council in the case of towns with a town council form of government or the board of selectmen in the case of a town with a town meeting form of government shall, within 60 days of said receipt, hold a public hearing on said petition. Written notification of such hearing and a summary of the petition and the improvement plan, shall be provided by the clerk of the municipality to the record owner of each tax parcel within the boundaries of the proposed development zone no later than 14 days prior to such hearing, by mailing a notice to the address listed in the municipality’s property tax records. Notification of the hearing shall also be published for 2 consecutive weeks in a newspaper of general circulation in the municipality, the first such publication to be at least 14 days prior to the date of such hearing. Such public notice shall state the proposed boundaries of the development zone, the improvements proposed to be provided in the development zone, the proposed basis for determining any infrastructure assessments with respect to such improvements, and the location or locations for viewing and copying the petition including the improvement plan.
(b) A public hearing pursuant to subsection (a) shall be held to determine if the petition satisfies the criteria of this chapter for a development zone, and to obtain public comment regarding the improvement plan and the effect that the development zone will have on the owners of real estate, tenants and other persons within said development zone, and on the municipality or adjacent communities. Within 45 days after the conclusion of said public hearing, the city manager with the approval of the city council in the case of a city under Plan D or E forms of government, the mayor with the approval of the city council in the case of all other cities, the town council in the case of towns with a town council form of government or otherwise the board of selectmen in the case of a town with a town meeting form of government shall issue recommendations on the petition; provided, however, that said recommendations shall include, but shall not be limited to, the following findings:-
(1) whether the establishment of the development zone is consistent with any applicable element or portion of any master plan of

the municipality which shall be confirmed in writing by the municipality's planning board ; and
(2) whether the proposed improvements in the development zone will be compatible with the capacity and uses of existing local and regional infrastructure services and facilities.
(c) Within 21 days of the receipt of the recommendation required pursuant to subsection (b), the municipal governing body, or in the case of a town with a town meeting form of government, the next available town meeting, except that in the case of a petition in a town that is signed by all the persons owning parcels within the proposed development zone, the board of selectmen, without town meeting approval, shall vote on the petition to establish the development zone.
(d) Upon the approval of the petition by majority vote in accordance with subsection (c), notice of such approval shall be promptly filed with the records of the clerk of the municipality, the agency, and the secretary of the commonwealth. Upon such filing, the development zone shall be deemed established.
(e) The public facilities owner shall have all the rights and powers necessary or convenient to carry out and effectuate this chapter that are consistent with the improvement plan as approved by the municipal governing body, including, but without limiting the generality of the foregoing, the following:
(1) to make and enter into all manner of contracts and agreements necessary or incidental to the exercise of any power granted by this chapter including agreements with the municipality, the commonwealth, the agency and any other city, town or political entity or utility for the provision of services that are necessary to the acquisition, construction, operation or financing of the improvements within the development zone;
(2) to purchase or acquire by lease, lease-purchase, sale and lease-back, gift or devise, or to obtain or grant options for the acquisition of any property, real or personal, tangible or intangible, or any interest therein, in the exercise of its powers and the performance of its duties; to acquire real estate or any interest therein, within the boundaries of the development zone itself, if authorized in the improvement plan, and to acquire real estate or any interest therein outside the boundaries of the development zone, necessary for the acquisition, construction, and operation of the improvements or services relating thereto that are located within the development zone or are related to, or provided by the public facilities owner;
(3) to construct, improve, extend, equip, enlarge, repair, maintain, and operate and administer the improvements for the benefit of the development zone within, or without the development zone; to acquire existing improvements or construct new improvements, including those located under or over any roads, public ways or parking areas, and to enter upon and dig up any private land within the development zone for the purpose of constructing said improvements and of repairing the same;
(4) to accept gifts or goods of funds, property or services from any source, public or private, and comply, subject to the provisions of this chapter and the terms and conditions hereof;
(5) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or grant options for any such purposes with respect to any of the improvements, real or personal, tangible or intangible, within the development zone, or serving the development zone or any interest therein;
(6) to pledge or assign any money, infrastructure assessments or other revenues relating to any improvements within, or related to the development zone, and any proceeds derived there from;
(7) to enter into contracts and agreements with the municipality, the agency, the commonwealth or any political subdivisions thereof, the property owners of the development zone and any public or private party with respect to all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, the acquisition of existing improvements (including utilities or infrastructure outside the development zone but benefiting the development zone), collection of revenue, data processing, and other matters of management, administration and operation; to make other contracts of every name and nature; and to execute and deliver all instruments necessary or convenient for carrying out any of its purposes;
(8) to exercise the powers and privileges of, and to be subject to the limitations upon, municipalities provided in sections 38 to 42K, inclusive, of chapter 40, chapter 80 and chapter 83, in so far as such provisions may be applicable and are consistent with the provisions of this chapter; provided, however, that any requirement in said chapters for a vote by the governing body of a town or city or for a vote by the voters of a town or city, shall be satisfied by a vote or resolution duly adopted by the board of directors, board of selectmen, city council or town council as the case may be;
(9) to invest any funds in such manner and to the extent permitted under the General Laws for the investment of such funds by the treasurer of a municipality;
(10) to employ such assistants, agents, employees and persons, including consulting experts as may be deemed necessary in the public facilities owner's judgment, and to fix their compensation, according to the terms of the improvement plan;
(11) to procure insurance against any loss or liability that may be sustained or incurred in carrying out the purposes of this chapter in such amount as the public facilities owner shall deem necessary and appropriate with 1 or more insurers who shall be licensed to furnish such insurance in the commonwealth;
(12) to apply for any loans, grants or other type of assistance from the United States Government, the commonwealth or any political subdivision thereof that are described in the improvement plan or an amended improvement plan;
(13) to adopt an annual budget and to raise, appropriate, and assess funds in amounts necessary to carry out the purposes for which development zone is formed as described in this chapter and the improvement plan; and
(14) to do all things necessary, convenient or desirable for carrying out the purposes of this chapter or the powers expressly granted or necessarily implied in this chapter.
Section 4. (a) Consistent with the improvement plan, the assessing party, is authorized and empowered to fix, revise, charge, collect and abate infrastructure assessments, for the cost, maintenance, operation ,and administration of the improvements imposed on the real estate, leaseholds or other interests therein, located in the development zone. All real estate within a

development zone owned by the commonwealth or any political subdivision, political instrumentality, agency or public authority thereof shall be exempt from such charges unless such charges are specifically accepted by the commonwealth or such political subdivision, political instrumentality, agency or public authority. In providing for the payment of the cost of the improvements or for the use of the improvements, the assessing party may avail itself of the provisions of the General Laws relative to the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection of infrastructure assessments by cities and towns, or the establishment of liens therefore and interest thereon, and the procedures set forth in sections 5and 5A of chapter 254 of the General Laws for the foreclosure of liens arising under section 6 of chapter 183A of the General Laws, as it shall deem necessary and appropriate for purposes of the assessment and collection of infrastructure assessments. The assessing party shall file copies of the improvement plan and any amendments thereof, and all schedules of assessments with the appropriate registry of deeds and the municipality's assessors' records so that notice thereof would be reported on a municipal lien certificate for any real estate parcel located in a development zone. Notwithstanding any general or special law to the contrary, the assessing party may pay the entire cost of any improvements, including the acquisition thereof, during construction or after completion, or the debt service of notes or bonds used to fund such costs, from infrastructure assessments, and may establish said infrastructure assessments prior to, during, or within 1 year after completion of construction or acquisition of any improvements. The assessing party may establish a schedule for the payment of infrastructure assessments not to exceed 35 years. The assessing party may determine the circumstances under which the infrastructure assessments may be increased, if at all, as a consequence of delinquency or default by the owner of a parcel within the development zone. To provide for the collection and enforcement of its infrastructure assessments, the assessing party is hereby granted all the powers and privileges with respect thereto held by the municipality on the effective date of this chapter or as otherwise provided in this chapter, to be exercised concurrently with the municipality.

The infrastructure assessments of general application authorized by this chapter may only be increased for administrative expenses in excess of the infrastructure assessments described in the improvement plan, and shall be in accordance with the procedures to be established by the assessing party for assuring that interested persons are afforded notice and an opportunity to present data, views and arguments. The assessing party shall hold at least 1 public hearing on its schedule of infrastructure assessments or any revision thereof prior to adoption by the assessing party, notice of which shall be delivered to the municipality and be published in a newspaper of general circulation in the municipality at least 14 days in advance of the hearing. No later than the date of such publication, the assessing party shall make available to the public and deliver to the municipality the proposed schedule of infrastructure assessments.

The infrastructure assessments established by the assessing party shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including without limitation, the municipality, if it is not the assessing party, nor shall the assessing party be subject to the provisions of sections 20A and 21C of chapter 59.

Notwithstanding any general or special law to the contrary, the assessing party may contract with one or more persons for any services required by the assessing party regarding the assessment, apportionment, division, fixing, reassessment, revision, collection and enforcement of infrastructure assessments hereunder, and the fees, costs and other expenses thereof shall be included in the calculation of the infrastructure assessments levied by the assessing party hereunder.

The infrastructure assessments established by the assessing party in accordance with this chapter shall be fixed and adjusted in respect of the aggregate thereof so as to provide revenues at least sufficient to: (i) to pay the administrative expenses of the assessing party; (ii) to pay the principal of, premium, if any, and interest on bonds, notes or other evidences of indebtedness of the agency under this chapter as the same becomes due and payable; (iii) to create and maintain such reasonable reserves as may be reasonably required by any trust agreement or resolution securing bonds; (iv) to provide funds for paying the cost of necessary maintenance, repairs, replacements and renewals of the improvements; and (v) to pay or provide for any amounts that the agency may be obligated to pay or provide for by law or contract, including any resolution or contract with or for the benefit of the holders of its bonds and notes, provided that the assessing party shall not be required to increase any infrastructure assessments by virtue of any individual property owner delinquencies.

Notwithstanding any general or special law to the contrary, the agency shall not be precluded from carrying out its obligations under this chapter if it has previously provided technical, real estate, lending, financing, or other assistance to: (i) an infrastructure development project including, but not limited to, a project in which the agency may have a economic interest; (ii) a development zone; or (iii) a municipality associated with, or that may benefit from, an infrastructure development project.

(b) As an alternative to levying infrastructure assessments under any other provisions of this chapter or the General Laws, the assessing party may levy special assessments on real estate, leaseholds, or other interests therein within the development zone to finance the cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the expense of administration thereof. In determining the basis for and amount of the special assessment, the cost of the improvements and the maintenance, repair, replacement and renewal thereof, and the expense of administration thereof, including the cost of the repayment of the debt issued or to be issued by the agency to finance the improvements, may be calculated and levied using any of the following methods that result in fairly allocating the costs of the improvements to the real estate in the development zone:

(1) equally per length of frontage, or by lot, parcel, or dwelling unit, or by the square footage of a lot, parcel or dwelling unit;

(2) according to the value of the property as determined by the municipality's board of assessors; or

(3) in any other reasonable manner that results in fairly allocating the cost, administration and operation of the improvements, according to the benefit conferred or use received including, but not limited to, by classification of commercial or residential use or distance from the improvements.

The assessing party, consistent with the improvement plan, may also provide for the following:

(1) a maximum amount to be assessed with respect to any parcel;
(2) a tax year or other date after which no further special assessments under this section shall be levied or collected on a parcel;
(3) annual collection of the levy without subsequent approval of the assessing party;
(4) the circumstances under which the special assessment levied against any parcel may be increased, if at all, as a consequence of delinquency or default by the owner of that parcel or any other parcel within the development zone;
(5) the circumstances under which the special assessments may be reduced or abated; and
(6) the assessing party may establish procedures allowing for the prepayment of infrastructure assessments under this chapter.
(c) Infrastructure assessments, levied under this chapter shall be collected and secured in the same manner as property taxes, betterments, and assessments and fees owed to the municipality unless otherwise provided by the assessing party and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for such property taxes, betterments and liens owed to the municipality. Any liens imposed by the municipality for the payment of property taxes, betterments and assessments shall have priority in payment over any liens placed on real estate within the development zone.
(d) Notwithstanding any general or special act to the contrary, the agency, the municipality, or any other public facilities owner are each authorized to contract with 1 or more owners of real estate within a development zone to acquire or undertake improvements within the development zone. Upon completion, such improvements shall be conveyed to the public facilities owner, provided that the consideration for said conveyance shall be limited to the cost of said improvements.
Section 5. (a) In addition to the powers granted pursuant to chapter 23G and chapter 40D of the General Laws, the agency is hereby authorized to borrow money and issue and secure its bonds for the purpose of financing improvements as provided in and subject to, the provisions of this chapter; provided further that the provisions of said chapters 23G and 40D of the General Laws shall apply to bonds issued under this section, except that the provisions of subsection (b) of section 8 of said chapter 23G and section 12 of said chapter 40D shall not apply to bonds issued pursuant to this chapter or the improvements financed thereby; and provided further, that the improvements financed by the agency pursuant to this chapter shall constitute a project within the meaning of section 1 of said chapter 23G and section 1 of said chapter 40D, but shall not be considered facilities to be used in a commercial enterprise. With respect to the issuance of bonds or notes for the purposes of this chapter in the event of a conflict between this chapter and chapter 23G, the provisions of this chapter shall control.
Nothing in this chapter shall be construed to limit or otherwise diminish the power of the agency to finance the costs of projects authorized pursuant to said chapter 23G and said chapter 40D within the development zone or the municipality upon compliance with the provisions of said chapter 23G and said chapter 40D.
(b) The agency is hereby authorized and empowered to provide by resolution of its board of directors, from time to time, for the issuance of bonds or notes of the agency for any of the purposes set forth in this chapter. Bonds issued hereunder shall be special obligations payable solely from particular funds and revenues generated from infrastructure assessments levied pursuant to this chapter as provided in such resolution. No bonds or notes shall be issued by the agency pursuant to this chapter until the agency's board of directors has determined that the bonds or notes trust agreement and any related financing documents are reasonable and proper and comply with this chapter. The agency may charge a reasonable fee in connection with the review of such documentation by its staff and board of directors. Without limiting the generality of the foregoing, such bonds may be issued to pay or refund notes issued pursuant to this chapter, to pay the cost of acquiring, laying, constructing, and reconstructing the improvements. The bonds of each issue shall be dated, shall bear interest at the rates, including rates variable from time to time, and shall mature at the time or times not exceeding 35 years from their date or dates, as determined by the agency, and may be redeemable before maturity, at the option of the agency or the holder thereof, at the price or prices and under the terms and conditions fixed by the agency before the issuance of the bonds. The agency shall determine the form of the bonds, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth and such other locations as designated by the agency. In the event an officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be an officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until the delivery. The bonds shall be issued in registered form. The agency may sell the bonds in a manner and for a price, either at public or private sale, as it may determine to be for the best interests of the development zone.
Before the preparation of definitive bonds, the agency may, under like restrictions, issue interim receipts or temporary bonds exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The agency may also provide for the replacement of any bonds that shall become mutilated or shall be destroyed or lost. The issuance of the bonds, the maturities, and other details thereof, the rights of the holders thereof, and the agency in respect of the same, shall be governed by this chapter insofar as the same may be applicable.
While any bonds or notes of the agency remain outstanding, its powers, duties or existence shall not be diminished or impaired in any way that will affect adversely the interests and rights of the holders of such bonds or notes. Bonds or notes issued under this chapter, unless otherwise authorized by law, shall not be deemed to constitute a debt of the commonwealth or the municipality, or a pledge of the faith and credit of the commonwealth or of the municipality, but the bonds or notes shall be payable solely by the agency as special obligations payable from particular funds collected from infrastructure assessments levied pursuant to this chapter and any revenues derived from the operation of the improvements. Any bonds or notes issued by the agency under this chapter, shall contain on the face thereof a statement to the effect that neither the commonwealth, or the municipality, shall be obliged to pay the same or the interest thereon, and that the faith and credit or taxing power of the commonwealth, the municipality, or the agency is not pledged to the payment of the bonds or notes. All bonds or notes issued under this chapter shall

have and are hereby declared to have all the qualities and incidents of negotiable instruments as defined in section 3-104 of chapter 106 of the General Laws.
Issuance by the agency of 1 or more series of bonds or notes for 1 or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or any other project; provided, however, that the resolution or trust indenture wherein any subsequent bonds or notes may be issued shall recognize and protect any prior pledge made for any prior issue of bonds or notes unless in the resolution or trust indenture authorizing such prior issue the right is reserved to issue subsequent bonds on a parity with such prior issue.
(c) In the discretion of the agency, bonds issued pursuant to this chapter may be secured by a trust agreement between the agency and the bond owners or a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. A trust agreement may pledge or assign, in whole or in part, the revenues, funds and other assets or property held or to be received by the assessing party, or the agency including without limitation all monies and investments on deposit from time to time in any fund of the assessing party or the agency or any account thereof and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the assessing party or the agency, and the proceeds thereof. A trust agreement may pledge or assign, in whole or in part, development zone revenues, funds and other assets or property relating to the development zone held or to be received by the assessing party or the agency. A trust agreement may contain, without limitation, provisions for protecting and enforcing the rights, security and remedies of the bondholders, provisions defining defaults and establishing remedies, which may include acceleration and may also contain restrictions on the remedies by individual bondholders. A trust agreement may also contain covenants of the agency concerning the custody, investment and application of monies, the issue of additional or refunding bonds, the use of any surplus bond proceeds, the establishment of reserves and the regulation of other matters customarily treated in trust agreements. It shall be lawful for any bank or trust company to act as a depository of any fund of the assessing party or the agency or trustee under a trust agreement, provided it furnishes indemnification and reasonable security as the agency may require. Any assignment or pledge of revenues, funds and other assets and property made by the assessing party or the agency shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106 and other laws when made. The revenues, funds and other assets and property, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the assessing party or the agency shall immediately be subject to the lien of such pledge without any physical delivery or segregation or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the trust, whether or not such parties have notice thereof. The trust agreement by which a pledge is created need not be filed or recorded to perfect the pledge except in the records of the agency and no filing need be made pursuant to said chapter 106. Any pledge or assignment made by the agency is an exercise of its political and governmental powers, and revenues, funds, assets, property and contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this chapter shall not be applied to any purposes not permitted by the pledge or assignment.
(d) The agency is hereby authorized and empowered to issue, from time to time, notes of the agency in anticipation of federal, state or local grants for the cost of acquiring, constructing or improving the development zone's improvements or in anticipation of bonds to be issued pursuant to this chapter. Said notes shall be authorized, issued and sold in the same manner as, and shall otherwise be subject to the other provisions of this chapter. Such notes shall mature at such time or times as provided by the issuing resolution of the agency and may be renewed from time to time; provided, however, that all such notes and renewals thereof shall mature on or prior to 20 years from their date of issuance.
(e) In addition to other security provided herein, or otherwise by law, bonds, notes or obligations issued by the agency under any provision of this chapter, may be secured, in whole or in part, by a letter of credit, line of credit, bond insurance policy, liquidity facility or other credit facility for the purpose of providing funds for payments in respect of bonds, notes or other obligations required by the holder thereof to be redeemed or repurchased prior to maturity or for providing additional security for such bonds, notes or other obligations. In connection therewith, the agency may enter into reimbursement agreements, remarketing agreements, standby bond purchase agreements and any other necessary or appropriate agreements. The assessing party may pledge or assign any of its revenues as security for the reimbursement by the it to the agencies or providers of such letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities of any payments made under the letters of credit, lines of credit, bond insurance policies, liquidity facilities or other credit facilities.
(f) In connection with, or incidental to, the issuance of bonds, notes or other obligations, the agency may enter into such contracts as the agency may determine to be necessary or appropriate relative to the issuance thereof and the interest payable thereon or to place the bonds, notes or other obligations of the agency, as represented by the bonds or notes, or other obligations in whole or in part, on such interest rate or cash flow basis as the agency may determine appropriate, including without limitation, interest rate swap agreements, insurance agreements, forward payment conversion agreements, futures contracts, contracts providing for payments based on levels of, or changes in, interest rates or market indices, contracts to manage interest rate risk, including without limitation, interest rate floors or caps, options, puts, calls and similar arrangements. Such contracts shall contain such payment, security, default, remedy and other terms and conditions as the agency may deem appropriate and shall be entered into with such party or parties as the agency may select, after giving due consideration, where applicable, for the credit worthiness of the counter party or counter parties, including any rating by a nationally recognized rating agency, the impact on any rating on outstanding bonds, notes or other obligations or any other criteria the agency may deem appropriate.
(g) The agency shall have the power out of any funds available therefore to purchase its bonds or notes. The agency may hold, pledge, cancel or resell such bonds or notes, subject to and in accordance with agreements with bondholders. The agency may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. Refunding

bonds may be issued at such time or times prior to the maturity or redemption of the refunded bonds as the agency deems to be in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide for the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expense of issuing the refunding bonds, the expense of redeeming bonds being refunded and such reserves for debt service or other capital from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing the bonds and, if considered advisable by the agency, for the additional purpose of the acquisition, construction or reconstruction and extension or improvement of improvements. All other provisions relating to the issuance of refunding bonds shall be as set forth in this chapter insofar as the same may be applicable.

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

(i) Bonds or notes issued under this chapter are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments and within the limits set by the General Laws, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control and belonging to them; and the bonds are hereby made obligations that may properly and legally be made eligible for the investment of savings deposits and income thereof in the manner provided by section 2 of chapter 167E. The bonds or notes are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law. Notwithstanding any general or special law to the contrary, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section 1 of chapter 164, railroad corporations as defined in section 1 of chapter 160, financial institutions, trustees and the municipality may acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any bonds, notes, securities or other evidence of indebtedness of the agency provided that they are rated similarly to other governmental bonds or notes, and to make contributions to the agency, all without the approval of any regulatory authority of the commonwealth.

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

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

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

Section 6. Bonds or notes issued by the agency and their transfer and their interest or income, including any profit on the sale thereof, and the improvements belonging to the public facilities owner shall at all times be exempt from taxation within the commonwealth, provided that nothing in this chapter shall act to limit or restrict the ability of the commonwealth or the municipality to otherwise tax the individuals and companies, or their real or personal property or any person living or business operating within the boundaries of the development zone.

Section 7. For purposes of this chapter, the agency may also issue bonds secured by infrastructure assessments pursuant to and according to the terms of chapter 40Q of the General Laws. With the approval of the municipal governing body and the Massachusetts Economic Assistance Coordinating Council, the agency may issue its bonds in place of those of the municipality pursuant to, and according to the terms of chapter 40Q, provided that the municipality has fulfilled all requirements set forth in said chapter 40Q that would be required of the municipality if it were itself issuing bonds pursuant to said chapter 40Q. In addition, the municipality shall include in its “invested revenue district development program” as defined in said chapter 40Q, a description of the rights and responsibilities of the assessing party, the agency and the municipality with respect to said program. In such case, the municipality may designate the agency as the issuer of bonds pursuant to said chapter 40Q for the purpose of financing any of the “project costs” as defined in said chapter 40Q and that are located in, or functionally serving the needs of the development zone. The municipality shall determine the percentage of the “captured assessed valuation,” as defined in said chapter 40Q, of property within the boundaries of the development zone that the municipality is pledging pursuant to an invested revenue district development program as defined in said chapter 40Q for the payment of the agency’s bonds. With the written agreement of the person or persons owning 1 or more specific tax parcels in the development zone, the assessing party may adopt a plan whereby any of the assessing powers described in this chapter are made applicable exclusively to said parcels in order to secure and fund the debt service for the bonds. The “project costs” as defined in said chapter 40Q, shall not be reduced by the amount of the revenues derived pursuant to this chapter and said revenues derived from such a plan, may be made contingent upon or abated, in whole or in part, by the assessing party upon the receipt of the anticipated revenues generated through the pledged captured assessed valuation. At its option, the municipality may waive any adjustment for the “inflation factor” described in said chapter 40Q, in order to increase the captured assessed valuation available to finance improvements benefiting

the development zone. The assessing party, the agency and the municipality shall enter into an agreement delineating the rights and responsibilities of each pursuant to such district improvement financing.
Section 8. The agency may make representations and agreements for the benefit of the holders of the agency's bonds and notes or other obligations to provide secondary market disclosure information. The agreement may include: (1) covenants to provide secondary market disclosure information (2) arrangements for such information to be provided with the assistance of a paying agent, trustee, dissemination or other agent; and (3) remedies for breach of the agreements, which remedies may be limited to specific performance.
Section 9. The collector-treasurer of each municipality, at the option of the municipality and the agency, may collect any infrastructure assessments including any recording fees, on behalf of the agency pursuant to an agreement between the municipality and the agency and to disburse the funds to any designated management entity or financial institution selected by agency. The collector-treasurer shall disburse revenues to the management entity or financial institution within 30 days of the collection of such fees, together with the interest earned on the holding of such fees.
Section 10. (a) This chapter shall be considered to provide an exclusive, additional, alternative and complete method of accomplishing the purposes of this chapter and exercising the powers authorized hereby and shall be considered and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the agency, the assessing party or the public facilities owner, by law; but, insofar as the proceedings of this chapter are inconsistent with any general or specific law, administrative order or regulation, or any resolution or ordinance of the municipality, this chapter shall be controlling. Without limiting the generality of the foregoing, no provision of any resolution or ordinance of the municipality requiring ratification by the voters of certain bond issues shall apply to the issuance of bonds or notes of the agency pursuant to this chapter, nor shall be applicable to the manner of voting or the limitations as to the amount and time of payment of debts incurred by the agency.
(b) Except as specifically provided in this chapter, all other statutes, ordinances, resolutions, rules and regulations of the commonwealth and the municipality shall be fully applicable to the property, property owners, residents and businesses located in the development zone. This chapter shall not obligate the municipality or the agency to pay any costs for the acquisition, construction, equipping or operation and administration of the improvements located within the development zone.
After debate, the amendment was rejected.
Mr. Richard T. Moore moved that the bill be amended by inserting after section __, the following new following new sections:-
"SECTION X. Section 45 of Chapter 60 of the General Laws is hereby amended by adding after the third sentence the following sentence:-
Covenants and agreements running with the land shall mean obligations and interests in the real estate created by recorded instruments and agreements, and shall not include obligations and liens arising under statutes
SECTION X. Section 54 of Chapter 60 of the General Laws is hereby amended by adding at the end thereof the following sentence:-
Covenants and agreements running with the land shall mean obligations and interests in the real estate created by recorded instruments and agreements, and shall not include obligations and liens arising under statutes.
SECTION X. Section 77 of Chapter 60 of the General Laws is hereby amended by adding at the end thereof the following sentence:-
A city or town shall not be deemed to receive any benefit from such covenant or agreement unless it collects rent from property in tax title under section fifty-three, or occupies or rents the property after foreclosure.
SECTION X. Section 14 of Chapter 183A of the General Laws is hereby amended inserting after the first sentence the following:-
Any reserved development right or other interest in those areas and facilities that are adverse to the interests of unit owners in the areas and facilities shall be separately assessed and taxed to the owner of the adverse interest. The lien for those taxes shall attach to the interest so assessed and, to the extent the interest expires or is otherwise extinguished, to units in the condominium created after the assessment of the interest, but not to units against which property taxes were separately assessed in the same fiscal year the interest was assessed."
After remarks, the amendment was rejected.
Mr. Joyce moved that the bill be amended in section 43 by inserting in the third paragraph of subsection (f) after the words "common areas and facilities." in line 697 the following new sentence: - "Further, section 18 of chapter 183A shall not apply to any improvements undertaken pursuant to an agreement entered into under this section."; by striking out the following sentence in the third paragraph of subsection (f): - "The assessment under the agreement may be charged or assessed to the organization of units owners but shall not constitute an assessment of common expenses."; by inserting in place thereof the following new sentence: - "The assessment under the agreement shall be charged or assessed directly to the benefited unit owners and if unpaid shall be added to the annual tax bill for their units in accordance with section 13 of chapter 80."; by striking out the words "Instead, the" as appearing in line 708 and inserting in place thereof the word "The".; and by adding the following new section:
"SECTION___ Section 14 of chapter 183A of the General Laws, as so appearing, is amended by inserting after the word 'section', in line 5, the following words:- 53E ¾ of chapter 44 and section."
The amendment was adopted.
Messrs. Tisei, Tarr, Knapik and Hedlund and Ms. Tucker moved that the bill be amended by inserting at the end thereof the following new section:-
"SECTION __. Chapter 70 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, after section 10, the following new section:-
Early Local Aid Joint Resolution

Section 10A. Not later than March 1 of each year the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid and unrestricted general government aid to be received by each city, town or school district."
Ms. Menard in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute past three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 12 — nays 25) [Yeas and Nays No. 233]:
Insert Roll call "233"
The yeas and nays having been completed at nine minutes past three o'clock P.M., the amendment was rejected.

The President in the Chair, Mr. Richard T. Moore moved that the bill be amended by striking section 16 and inserting in place thereof the following:-
"SECTION 16. Section 3 of said chapter 32, as so appearing, is hereby amended by adding the following subdivision:-
(9) Notwithstanding any provision of this chapter to the contrary, a member who is reinstated to or re-enters the active service of a governmental unit or who is eligible to receive credit for other service under this section and does not within 1 year from the date of completing ten years of creditable service or the of the date of reinstatement or re-entry, whichever is later, either: (i) pay into the annuity savings fund of the system make-up payments of an amount equal to the accumulated regular deductions withdrawn by the member, together with buyback interest; or (ii) make provision for the repayment in installments, upon such terms and conditions as the board may prescribe, to pay into the annuity savings fund of the system make-up payments of an amount equal to the accumulated regular deductions withdrawn by the member, together with buyback interest shall, in order to be entitled to creditable service resulting from the previous employment, be required to pay actuarial assumed interest instead of buyback interest on all make-up payments."
After remarks, the amendment was adopted.
Mr. Tolman moved that the bill be amended in section 66 by striking subsection (d) at inserting the following:-
"(d) An employee who is eligible for the early retirement incentive program may request in an application for retirement that the retirement board credit the employee with an additional retirement benefit of a combination of years of creditable service and years of age, in full year increments, the sum of which shall not be greater than 3 years, or a lesser amount as established by the municipality, for the purposes of determining the employee's superannuation retirement allowance under paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws. Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of the employee's regular compensation as determined in accordance with said section 5 of said chapter 32. All participants in the employee retirement system shall agree to forego the right to accrued sick time and the amount that would have been paid to a retiree for accrued sick time shall be paid into the municipal retirement system to reduce the additional pension liability resulting from this program."
After remarks, the amendment was rejected.
Messrs. Tolman, McGee and Donnelly moved that the bill be amended by striking out section 64 in its entirety.
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes past three o'clock P.M., on motion of Mr. Tolman, as follows, to wit (yeas 15 — nays 22) [Yeas and Nays No. 234]:
Insert Roll call "234"
The yeas and nays having been completed at twenty-two minutes past three o'clock P.M., the amendment was rejected.

Mr. Hedlund moved that the bill be amended by inserting after section 74 the following new section:-
"Section XX: Notwithstanding any general or special law to the contrary, the Department of Elementary and Secondary Education shall recalculate the minimum local contributions for fiscal years 2010 and 2011 for the town of Weymouth by using the final actual fiscal year 2008 local contributions. The department shall also recalculate the final actual local contributions for the fiscal years 2008 through 2010, inclusive. The department shall include in the final recalculations required by this section any updated financial audits of the district's payments, or other similar information, that the superintendent may present to the department. The district shall be held harmless for any shortfalls in required local contributions attributable to any accounting errors discovered after the department conducts the recalculations required by this section."
The amendment was rejected.
Messrs. Hedlund and Kennedy moved that the bill be amended in section 73 by striking out the entire section and inserting in place thereof:
"SECTION 73. Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, sections 14 and 18 shall apply only to employees who become members of a retirement system after January 1, 2011, sections 16 and 17 shall apply only to repayments and purchases of creditable service after January 1, 2011, and sections 19 and 26 shall apply only to employees that are members of retirement systems who retire after January 1, 2011."
The amendment was rejected.
Messrs. Donnelly and McGee moved that the bill be amended by adding the following new section:-
"SECTION XX. Section 11 of chapter 32 is hereby amended by striking subsection (1) and inserting in place thereof:-
Return of Accumulated Total Deductions to Members. — (a) Any member entitled to a return of his accumulated total deductions as provided for in paragraph (1)(c) or (1)(d) of section five, in subdivision (4) of section ten, in paragraph (2)(b) of section thirteen or in subdivision (3) of section twenty-five, shall, subject to the provisions of subdivision (8) of section three, to the

provisions of this section, and to the provisions of section fifteen, be paid in one sum the amount of his accumulated total deductions within sixty days after his filing with the board on a prescribed form his written request therefor. For any such member who becomes a member subsequent to January first, nineteen hundred and eighty-four, who voluntarily withdraws from service with creditable service of less than one hundred and twenty months, the rate of regular interest for purposes of calculating accumulated total deductions shall be three percent. Any other member entitled to return of his accumulated total deduction shall receive one hundred per cent of the rate of regular interest payable."
The amendment was adopted.
Mr. Baddour moved that the bill be amended by inserting after section 18 the following section:-
"SECTION 18A. Said section 5 of chapter 32 of the General Laws is hereby further amended by striking out the table in paragraph (a) of subdivision (2), as appearing in the 2008 Official Edition, and inserting in place thereof the following table:-

Per Cent Group 1 Group 2 Group 4
2.5 67 or older 62 or older 57 or older
2.375 66 61 56
2.250 65 60 55
2.125 64 59 54
2.0 63 58 53
1.875 62 57 52
1.750 61 56 51
1.625 60 55 50
";
By inserting after inserting after section 19 the following section:-
"SECTION 19A. Section 10 of chapter 32, as amended by sections 9 to 13 of chapter 21 of the acts of 2009, is hereby further amended by striking out, in lines 24 and 45, as appearing in the 2008 Official Edition, the words "one tenth of one" and inserting in place thereof, in both instances, the following figure:- 0.125.";
By inserting after section 20 the following section:'
"SECTION 20A. Section 15 of said chapter 32, as amended by section 53 of chapter 25 of the acts of 2009, is hereby further amended by adding the following 2 paragraphs:-
(6) If a member's final conviction of an offense results in a forfeiture of rights to a pension under this section, the member shall forfeit, and the board shall require the member to repay, all benefits received after the date of the offense of which the member was convicted.
(7) Notwithstanding any other provision of this chapter or any other special or general law to the contrary, when a member has been indicted on charges on which a conviction could reasonably be expected to result in a forfeiture of the member's pension under this section, the board may refuse to accept or process the member's application for retirement until the prosecution has reached a final resolution.";
By inserting after section 21 the following section:-
"SECTION 21A. Subsection (b) of subdivision (1) of section 22 of said chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (iv) the following paragraph:-
(iv1/2) withhold on each pay day 8.5 per cent of the regular compensation of each employee in Group 1 who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after July 1, 2010, and not later than the date of his attaining the maximum age for Group 1, as specified in the table in subsection (a) of subdivision (2) of section 5, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after July 1, 2010.";
By amending section 73 by striking out, in line 1203, the words "18 and 20" and inserting in place thereof the following words: - "18A, 19A, 20, 75 and 76"; and
By adding the following 3 sections:-
"SECTION 75. Wherever, in any General Law, except in the table inserted by section 5 of this act, a retirement age of 55 is specified for Group 1 or Group 2, it shall be taken to mean 60, and whenever, a retirement age of 45 is specified for Group 4, it shall be taken to mean 50.
SECTION 76. Whenever, in chapter 32 of the General Laws, a reference is made to 3 years of creditable service or 3 consecutive years of creditable service, the number 3 shall be taken to mean 5.
SECTION 77. There shall be a special commission to study the Massachusetts public employees' pension classification system. The commission shall review and make recommendations for reform regarding the Massachusetts public employees' group classification system, beginning with consideration of the work by the Blue Ribbon Panel on the Massachusetts Public Employees Pension Classification system and including consideration and analysis of the cost of providing health care benefits to retirees.
The commission shall consist of 9 members: 1 of whom shall be the secretary of administration and finance, or his designee; 1 of whom shall be the executive director of the public employee retirement administration commission, or his designee; 1 of whom shall be a private citizen, appointed by the governor, who shall serve as chair of the commission and shall not be a member of any of the 106 contributory retirement systems; 1 of whom shall be appointed by the speaker of the house; 1 of whom shall be appointed by the senate president; 1 of whom shall have professional experience in employee benefits or in actuarial science and shall be appointed by the governor; 1 of whom shall be selected by the governor from a list of 3 candidates submitted by the

president of the Massachusetts AFL-CIO; 1 of whom shall be a member of the Massachusetts Municipal Association; and 1 of whom shall be a member of the Retired State, County and Municipal Employees Association of Massachusetts.
The public employee retirement administration commission shall conduct an actuarial analysis to determine the costs of any recommendations made by the commission. The commission shall file a report of its recommendations, together with the actuarial analysis and proposed legislation, if any, with the clerks of the house and senate, the chairs of the house and senate committee on ways and means and the chairs of the joint committee on public service not later than November 15, 2010."
The amendment was rejected.
Messrs. McGee, Kennedy and Richard T. Moore moved that the bill be amended by inserting after section 27 the following new section:-
SECTION 27A. Section 11A of chapter 32B of the General Laws, as appearing in the 2008 Official Edition, is amended by striking out, in lines 51-56, the word "seventy-five", each time it appears, and inserting in place thereof, in each instance, the word "eight-five".
The amendment was adopted.
Mr. O'Leary and Ms. Fargo moved that the bill be amended in section 43 by adding in subsection (b) of proposed section 53E3/4 of chapter 44 of the General Laws the following sentence:- "A county or regional governmental entity, if the county may incur debt under chapter 35 or any other general or special law extending a county's debt limit, may establish a fund subject to the provisions of this section and may appoint a person to be the administrator of the fund."
The amendment was adopted.
Messrs. Downing and O'Leary move to amend the bill by inserting after section 63 the following new section:
SECTION 63A: Section 29 of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "in the case of the commonwealth is more than five thousand, and in any other case is more than two thousand dollars" and inserting in place thereof the following words: "is more than twenty-five thousand".
The amendment was adopted.
Messrs. Downing and Montigny moved that the bill be amended by inserting after section 1 the following new section:
"SECTION 1A. Chapter 23B of the General Laws is hereby amended by inserting after paragraph (v) a new paragraph:-
(w) the Executive Office of Housing and Economic Development shall provide technical assistance to Gateway Municipalities who adopt Residential Tax Abatement Zones, as defined by Section 59B of Chapter 59 of the General Laws, and shall monitor the impacts of the program."; and by inserting after section 52 the following new section:
"SECTION 52A. Chapter 59 of the General Laws is hereby amended by inserting after Section 59A the following new section:-
SECTION 59B. Property Tax Abatement Zones in Gateway Municipality
(a) As used in this section, the following terms shall, unless the context clearly requires otherwise, have the following meanings:-
'Gateway Municipality', as defined by section 3A of chapter 23A.
'Residential Tax Abatement Zone', a housing development zone in a Gateway Municipality, to be designated by the mayor or manager and the city council, for the purpose of providing residential property tax abatement on all owner-occupied properties.
'Under-utilized property', a lot or part of a building in which the maximum number of residential units permitted under existing zoning regulations, building codes or approved variances has not been met.
'Occupied Residential Unit', a residential unit that is presently occupied or has been vacant for less than two years.
'Incremental improvements', an increased property value created by the construction of new residential units or improvements to a property
(b) There is hereby established a Residential Tax Abatement Zone program available to all Gateway Municipalities. No later than July 1, 2011, the mayor or manager and city council for each Gateway City are authorized to designate a specific area located in or around the Gateway City downtown as the Residential Tax Abatement Zone.
(c) All property located within the zone is eligible for this program with the exception of any occupied residential unit.
(d) Gateway Municipality may offer full or partial property tax abatement within Residential Tax Abatement Zones on any incremental improvements to vacant or under-utilized property.
(e) The length of the abatement period will be designated for not fewer than ten years and not greater than twelve years.
(f) At the conclusion of the abatement period, a Gateway Municipality may offer a reduced property tax rate in the Residential Tax Abatement Zone for a period of up to three years. During each year of this period, a Gateway Municipality may incrementally increase the abatement tax rate in order to ease the transition back to the full property tax burden.
(g) The Department of Revenue shall promulgate rules and regulations, including the above referenced guidelines."
The amendment was rejected.
Mr. Downing moved that the bill be amended in section 49, by inserting after the words "said chapter 44" in line 828 the following words: "but only if the individual, corporation or other legal entity will be compensated for the audit work under an arrangement pursuant to which neither the payment nor the amount of their fees and expenses for such work are contingent on either the results of the audit or whether such results withstand any appeal by a taxpayer".
The amendment was adopted.
Mr. Montigny moved that the bill be amended by striking section 30 in its entirety.
The amendment was rejected.
Mr. Montigny moved that the bill be amended by striking section 41 in its entirety.
The amendment was rejected.
Mr. Montigny moved that the bill be amended by striking section 59 in its entirety.
The amendment was rejected.

Messrs. Donnelly, McGee, Morrissey, Knapik and Richard T. Moore, Ms. Jehlen, Ms. Tucker and Ms. Creem moved to amend the bill in section 23 by adding the following new subsection:-
"(d) Systems may establish a schedule under this section that provides for an increase in the maximum base amount, on which the cost-of-living adjustment is calculated pursuant to section 103, in multiples of $1,000. Acceptance of this subsection shall be in accordance with the provisions in section 103 (j)."; and
by inserting at the end thereof the following new section:-
"SECTION XX. Section 103 of chapter 32 of the General Laws is hereby amended by inserting the following new paragraph: -
(j) Notwithstanding the provisions of paragraph (a), the board of any system, that establishes a schedule pursuant to section 22D or section 22F, may increase the maximum base amount, on which the cost-of-living adjustment is calculated, in multiples of $1,000. Each increase in the maximum base amount shall be accepted by a majority vote of the board of such system, subject to the approval of the legislative body. For the purpose of this section, 'legislative body' shall mean, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a district, the district members, and, in the case of an authority, the governing body. In the case of a county or region, acceptance shall be by the county or regional retirement board advisory council at a meeting called for that purpose by the county or regional retirement board that shall notify council members at least sixty days prior to the meeting. Upon receiving notice, the treasurer of a town, belonging to the county or regional retirement system, shall make a presentation to the town's chief executive officer, as defined in paragraph (c) of subdivision (8) of section twenty-two, regarding the impact of the increase in the cost-of-living adjustment base, the failure of which by any treasurer shall not impede or otherwise nullify the vote by the advisory council. Acceptance of an increase in the maximum base amount shall be deemed to have occurred upon the filing of the certification of such vote with the commission. A decision to accept an increase in the maximum base amount may not be revoked."
After remarks, the amendment was adopted.
Messrs. Donnelly and. Tarr moved that the bill be amended in section 66, subsection (a) by striking the second sentence thereof which provides that "Teachers, as defined by section 1 of chapter 32, who are members of the teachers' retirement system or who are members of the State-Boston retirement system, shall not be considered 'employees' for purposes of this section and shall not be eligible to participate in the municipal early retirement program established under this section."; and
By inserting the following additional subsection (j):
"(j) By a vote of the school committee and with the further approval of the municipal chief executive officer as provided in subsection (b) of this section, members of the state teachers' retirement system and teachers employed by the City of Boston who are members of the State-Boston retirement system shall be eligible for an early retirement incentive in accordance with the provisions of this section; provided, however, that no member shall benefit from both the incentive established by this section and the allowances provided for in subdivision 4 of Section 5 of Chapter 32. In the event that a municipality offers the incentives of this section to members of the state teachers' retirement system or teachers employed by the City of Boston who are members of the State-Boston retirement system, the municipality shall reimburse the appropriate retirement system for all actuarially determined costs resulting from the members' choices made under this subsection, in equal installments over a ten year period starting in the next fiscal year as determined by the Public Employee Retirement Administration Commission.
No municipality may implement an early retirement incentive program for its teachers under this section if a school or district within the municipality has been designated by the commissioner of elementary and secondary education as underperforming under section 1J or 1K of chapter 69 unless the chief executive officer of the municipality receives approval from the commissioner of elementary and secondary education to implement such program. Any member of the state teachers' retirement system or a teacher employed by the city of Boston and member of the State-Boston retirement system who retires under the provisions of this section shall not be eligible to be employed pursuant to subsection (e) of section 91 in a position that has been designated "critical shortage" by the department of elementary and secondary education for the first five years immediately following the date of the member's retirement. The effective date of a retirement under this subsection shall be between June 30 and August 31 in calendar year 2010 or June 30 and August 31 in calendar year 2011. As to positions vacated by members electing to receive both the incentives of this section and the allowances provided for in subdivision 4 of Section 5 of said Chapter 32, the percentage applicable in subsection (e) of this section shall be zero in Fiscal 2011."
The amendment was adopted.
Ms. Spilka and Messrs. Richard T. Moore and Donnelly moved to amend the bill by adding at the end thereof the following section:
"SECTION XX. Notwithstanding any general or special law to the contrary, in order to improve public education throughout the commonwealth, the department of revenue and the executive office of education, are hereby directed to convene a task force in order to conduct a study on alternative, dependable sources for funding local and state aid to public schools. Said task force shall be chaired jointly by the commissioner of the department of revenue or his designee and the secretary of the executive office of education or his designee. Members of said task force shall include, the chair of the senate committee on ways and means or his designee, the chair of the house committee on ways and means or his designee, the senate chair of the joint committee on education or his designee, the house chair of the joint committee on education or his designee, the senate chair of the joint committee on revenue or his designee, the house chair of the joint committee on revenue or his designee, and one representative from each of the following organizations: the Massachusetts Taxpayers Foundation, the Massachusetts Association of School Superintendents, the Massachusetts Municipal Association, the Massachusetts Association of School Committees, the Massachusetts Federation of Teachers and the Massachusetts Teachers Association. The study shall include, but not be limited to, alternative, dependable sources to fund public education other than the property tax and the exploration and investigation of a dedicated funding stream for funding state aid to public schools. The task force shall report the results of said study to the house

and senate committees on ways and means, the joint committee on education, the joint committee on revenue, and the secretary of the executive office for administration and finance no later than 1 year from the effective date of this act."
The amendment was adopted.
Messrs. Donnelly, Timilty, and Tarr, Ms. Jehlen, Messrs. Brewer, Richard T. Moore and Kennedy, Ms. Tucker, Ms. Fargo and Ms. Creem moved that the bill be amended by inserting at the end thereof the following new section:-
"SECTION XX. Section 34B of chapter 164 of the General Laws as appearing in the 2008 official edition is hereby amended by inserting after the word "pole" in line 5 the following:- "Provided further, that a city or town may enforce this section by the enactment of a local ordinance or bylaw prohibiting double poles beyond the ninety days authorized by this section, violation of which may be punishable by a fine not to exceed a maximum of $100 per occurrence per day."
The amendment was rejected.
Messrs. Donnelly and McGee moved that by adding the following new section:-
"SECTION XX. (a) Section 12 of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting in line 212 after the words 'two hundred and fifty dollars a month' the following words:- or five hundred dollars a month, whichever is applicable to such spouse.
(b) Section 12 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after line 221 the following paragraph:-
Beginning January first, two thousand and eleven, the normal monthly member-survivor allowance provided for under this option to a spouse of a deceased member shall not be less than five-hundred dollars for members of the state teachers' and state employees' retirement system. The provisions of this paragraph shall take effect for the members of a retirement system of any other political subdivision by a majority vote of the board of such system and by the local legislative body. For the purpose of this paragraph, local legislative body shall mean a town meeting for a town system, the city council subject to the provisions of its charter for a city system, the county retirement board advisory council for a county system, the regional retirement board advisory council for a regional system, the district members for a district system and the governing body of an authority for an authority system. Acceptance shall be deemed to have occurred upon the filing of a certification of such vote with the commission.
SECTION XX. (a) Section 101 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting in line 8 after the words 'six thousand dollars,' the following words:- or in the amount of nine thousand dollars in a retirement system accepting the supplemental annual allowance provided for by this section.
(b) Section 101 of chapter 32 of the General Laws, as so appearing, is hereby further amended by inserting at the end thereof the following words:- Any retirement system may accept the supplemental annual allowance, provided for by this section and fixed at the rate of nine thousand dollars, by a majority vote of the board of each such system, subject to the approval of the legislative body. For the purposes of this section, "legislative body" shall mean, in the case of a city, the city council in accordance with its charter, in the case of a town, the town meeting, in the case of a county, the county retirement board advisory council, in the case of a region, the regional retirement board advisory council, in the case of a district, the district members, and, in the case of an authority, the governing body. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commission. For purposes of this section, the state teachers' and state employees' retirement systems shall be deemed to have accepted the supplemental annual allowance provided for by this section.
SECTION XX. Notwithstanding any general or special law to the contrary, the increases in these sections shall apply for all payments beginning on January 1, 2011."
The amendment was adopted.
Mr. Tolman moved to amend the bill in section 44 by striking section 18B (d) at inserting the following:-
"(d) Not later than 14 days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section, the principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than 14 days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. The arguments and summary shall be submitted by the solicitor or counsel to the governing body not more than 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk."
The amendment was rejected.
Messrs. Rosenberg and Richard T. Moore moved that the bill be amended in section 14 by inserting at the end of the paragraph the following:-Faculty, librarians, and administrators in public higher education, as well as any physicians employed by the Commonwealth who are eligible for the state retirement system, shall not be prohibited from participating in the Teachers Insurance and Annuity Association - College Retirement Equities Fund or the Optional Retirement Program.
The amendment was adopted.
Mr. Joyce moved that the bill be amended by adding the following new section:
"SECTION __ Subsections (8) and (9) inclusive of section 44D of chapter 149 are hereby repealed."
The amendment was adopted.
Mr. Joyce and Ms. Fargo moved that the bill be amended by adding the following new section:
"SECTION ___ Subsection (1) of Section 44E of chapter 149 of the General Laws, as so appearing, is hereby amended by

inserting after the first paragraph, the following paragraphs:
In inviting general bids, the awarding authority shall reserve the right to reject any or all such general bids, if it is in the public interest to do so. In inviting sub-bids in connection with such a contract, the awarding authority shall reserve the right to reject any sub-bid on any sub-trade, if it determines that such sub-bid does not represent the sub-bid of a person competent to perform the work as specified or that less than 3 such sub-bids were received and that the prices are not reasonable for acceptance without further competition.
If the awarding authority decides to reject all general bids or if the awarding authority does not receive any general bids, the awarding authority may retain and use the sub-bids received for a second opening of general bids; provided, however, that there are no changes in the work involved for the sub-trades for which the sub-bids are so retained and used; and provided further, that the awarding authority shall obtain the consent of each sub-bidder included in any award of a general contract made pursuant to the second opening of general bids if such award is not made within 90 days, Saturday, Sundays, and legal holidays excluded, after the opening of such sub-bids."
The amendment was adopted.
Mr. Joyce moved that the bill be amended by adding the following new sections:-
"SECTION__ (a) Subsection (e) of section 44D3/4 of chapter 149 is hereby amended by striking out clause (4) and inserting in place thereof the following:
(4) Mandatory requirement, for which no points are assigned:
A commitment letter for payment and performance bonds at 100 per cent of the estimated contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570. The cost for such payment and performance bond shall be paid by the sub-bidder and included in any sub-bid price submitted. Subcontractors seeking prequalification by an awarding authority for a particular project shall be required to submit to the awarding authority a copy of the current certificate of eligibility issued by the division of capital asset management and maintenance and a completed update statement.
(b) Subsection (2) of section 44E of said chapter 149 as so appearing is hereby further amended by striking paragraph D in its entirety and inserting in place thereof the following:
D. The subdivision of the proposed contract price is as follows:
Item 1: The work of the general contractor, being all work other than that covered by Item 2. $_____
Item 2. Sub-bids as follows; provided, however, that column (D) shall not apply to projects with subcontractor prequalification pursuant to section 44D¾::--

(A) (B) (C) (D)
Sub-trade Name of Sub-bidder Amount Bonds required requested by general bidder (Yes or No)
_____ $
_____ $
_____ $

Total of Item 2 $

The undersigned agrees that each of the above named sub-bidders will be used for the work indicated at the amount stated, unless a substitution is made. The undersigned further agrees to pay the premiums for any performance and payment bonds furnished by sub-bidders as requested herein by the undersigned, and that all of the cost of all such premiums is included in the amount set forth in Item 1 of this bid. The undersigned further agrees that the cost of premiums for payment and performance bonds furnished by sub-bidders pursuant to section 44D 3/4 shall not be included in the amount set forth in Item 1, but shall be paid by the sub-bidders and included in the sub-bid price.
The undersigned agrees that if he is selected as general contractor, he will promptly confer with the awarding authority on the question of sub-bidders; and that the awarding authority may substitute for any sub-bid listed above a sub-bid filed with the awarding authority by another sub-bidder for the sub-trade against whose standing and ability the undersigned makes no objection; and that the undersigned will use all such finally selected sub-bidders at the amounts named in the respective sub-bids and be in every way as responsible for them and their work as if they had been originally named in this general bid, the total contract price being adjusted to conform thereto.
(c) Subsection (2) of section 44F of said chapter 149 of the General Laws, as so appearing, is hereby amended by striking out paragraph D and inserting in place thereof the following paragraph:-
D. The undersigned agrees that, if he is selected as a sub-bidder, he will, within 5 days, Saturdays, Sundays and legal holidays excluded, after presentation of a subcontract by the general bidder selected as the general contractor, execute with such general bidder a subcontract in accordance with the terms of this sub-bid, and contingent upon the execution of the general contract. If required to do so pursuant to the prequalification process under section 44D¾ or if requested to do so by the general bidder in the general bid, the undersigned shall furnish a payment and performance bond of a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570, in the full sum of the subcontract price. The premiums for the payment and performance bond shall be paid by the sub-bidder and included in the sub-bid price when the subcontractors are prequalified pursuant to section 44D¾, and shall be paid by the general bidder when there is no subcontractor prequalification pursuant to section 44D¾ and the bonds are requested by the general bidder.
SECTION _____ Section 8 of chapter 149A of the General Laws, as so appearing, is hereby amended by inserting after the number "149" in line 32, the following words: The premiums for such bonds shall be paid by the trade contractor and included in

the trade contractor bid price.
(b) Subsection (e) of section 8 of chapter 149A of the General Laws, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following clause:
(4) Mandatory Requirements for which no points are assigned:
(i) Commitment Letter for payment and performance bonds at 110 per cent of the estimated trade contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570. The cost for such payment and performance bonds shall be paid by the trade contractor and included in any trade contractor bid price submitted following prequalification.
(ii) As of January 1, 2006, trade contractors seeking prequalification by an awarding authority for a particular project shall be required to submit to the awarding authority a copy of the current certificate of eligibility issued by the division of capital asset management and maintenance and a completed update statement.
SECTION _____ Subsection (b) of section 21G of chapter 703 of the acts of 1963 as inserted by section 30 of chapter 193 of the acts of 2004, is hereby amended by inserting at the end thereof the following: The premiums for such bonds shall be paid by the trade contractor and included in the trade contractor bid price.
(b) Subsection (g) of section 21G of chapter 703 of the acts of 1963 as inserted by section 30 of chapter 193 of the acts of 2004, is hereby amended by striking out clause (4) and inserting in place thereof the following:
(4) Mandatory Requirements for which no points are assigned:
(i) Commitment Letter for payment and performance bonds at 110 per cent of the estimated trade contract value from a surety company licensed to do business in the commonwealth and whose name appears on United States Treasury Department Circular 570.The cost for such payment and performance bonds shall be paid by the trade contractor and included in any trade contractor bid price submitted following prequalification.
(ii) Trade contractors seeking prequalification for a particular project shall be required to submit to the awarding authority a copy of the current certificate of eligibility issued by the division of capital asset management and maintenance and a completed update statement."
The amendment was adopted.
Messrs. Rosenberg and Richard T. Moore and Ms. Fargo moved that the bill be amended by inserting at the end thereof the following new section:-
"SECTION X. Notwithstanding any general or special law to the contrary, any executive agency which administers a program through which funding may be provided to a municipality, shall encourage municipal efficiencies by prioritizing those applications for funds which come from cities or towns that have developed a way to jointly and more efficiently utilize the funding."
The amendment was adopted.
Messrs. Rosenberg and Richard T. Moore, Ms. Fargo, Messrs. Donnelly and O'Leary and Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:-
"SECTION X. The Department Elementary and Secondary Education is directed to review and revise reporting requirements imposed on local school districts. Wherever possible, the Department shall consolidate and eliminate said reporting requirements. The Department shall file a report not more than six months after the passage of this act to the Clerks of the House and Senate and the Joint Committee on Education detailing the number of requirements that were eliminated and consolidated, as well as reasons for why certain reports could not be consolidated or eliminated."
The amendment was adopted.
Ms. Spilka moved that the bill be amended by adding the following new section:
"SECTION X. Notwithstanding section 23 of chapter 59 of the General Laws or any other general or special law to the contrary, a city or town may amortize over fiscal years 2011 and 2012, in equal installments, or more rapidly, an amount of its fiscal year 2010 unemployment insurance expenses. The local appropriating authority, as defined in section 21C of said chapter 59, shall adopt a deficit amortization schedule before the setting of the fiscal year 2011 municipal tax rate, consistent with the first sentence of this section. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this section. No city or town amortizing unemployment insurance expenses under this section shall receive any funds from the General Fund, not including the distribution to cities and towns of the balance of the State Lottery Fund, as paid from the General Fund in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, that may be used to contribute to the amortization schedule established under this section."
The amendment was rejected.
Ms. Spilka moved that the bill be amended by inserting at the end thereof the following new section:
SECTION X. Chapter 176D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 3B the following new section:-
Section 3C. (a) As used in this section the following words, shall unless the context clearly requires otherwise, have the following meanings:-
"Insurance Policy" and "Insurance Contract", a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship, or annuity issued, proposed for issuance or intended for issuance by any insurer.
"Insured", an individual entitled to medical services under any insurance policy or insurance contract.
"Insurer", a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 111I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 111I; any

carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage .

b) Notwithstanding any general or special provision of law to the contrary, in any instance in which a public school provides medical services to an insured child on school premises during the school day and where such medical services are such that the services would have been covered services if provided by a health care provider under contract to the insurer maintaining or providing the insured's insurance policy or insurance contract, the insurer maintaining or providing such insurance policy or insurance contract shall pay the public school directly and promptly for the medical services rendered to the insured child. Such payment shall be made to the public school notwithstanding that the insured's insurance policy or insurance contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the public school, and such payment shall be made to the public school in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under any insurance policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or insurance contract that contains a prohibition against any such assignment of benefits. A public school shall have a right of action against any insurer that fails to make any payment to it pursuant to this subsection.

The amendment was rejected.

Mr. Donnelly moved that the bill be amended in section 19 by inserting the following words at the end of subsection (f):- "This section shall be superseded by the terms and conditions of any collective bargaining agreement or individual contract for employment that is in effect on the effective date of this act and shall continue in effect until the stated expiration date of such agreement or June 30, 2012, whichever comes sooner."

The amendment was adopted.

Ms. Spilka and Mr. Richard T. Moore moved that the bill be amended by adding at the end thereof the following new section:

"SECTION X. Section 2 of chapter 44B of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting, in line 27, after the word 'town' the following:- 'or a building owned by a city or town that has been determined by the community preservation committee to be a significant public building'."; and in said section 2 by inserting, in line 82, after the words "Part 68." the following:- "With respect to historic resources, rehabilitation shall also mean capital improvements to significant public buildings which increase the energy efficiency, allow for the use of renewable energy, or generate renewable energy for the purposes of heating, cooling or producing electricity. With respect to land for recreational use, rehabilitation shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the related recreational use."

The amendment was adopted.

Messrs. Knapik and Tarr moved that the bill be amended in section 22 by inserting after the word "year" in line 154 the following:- ", provided further that in fiscal years 2011 and 2012 the required payments shall be no less than 75 percent of the amount appropriated in fiscal year 2010".

After debate, the amendment was rejected.

Messrs. Tisei, Tarr, Knapik and Hedlund, Ms. Fargo and Mr. Montigny moved that the bill be amended by inserting at the end thereof the following new section:-

"SECTION__. Paragraph (e) of subsection 2A of section 23 of chapter 32 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following clause:-

(xv) not award any compensation package that includes incentive payments for performance in any year in which the total value of the fund is reduced from the total value thereof in the preceding year."

After debate, the amendment was adopted.

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

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

Section 37M 1/2. (a) For any city or town accepting the provisions of this section, not earlier than December first of each alternating year beginning in 2009, and not later than January thirty-first of every other year, the superintendent of schools for each school district serving such municipality shall meet with the mayor, town manager, or chief municipal officer or his designee for that municipality to review the fiscal status of the school district budget and to identify opportunities for cost savings and efficiencies and any potential methodologies, including, but not limited to, joint procurement or consolidation of redundant functions. The results of each meeting shall be transmitted to the local legislative body and the local school committee not later than 30 days after the meeting."

The amendment was rejected.

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

SECTION X. Section 3 of chapter 115 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 7, the word "contiguous"

SECTION X. Section 10 of chapter 115 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words "Two or more adjoining towns, or two or more adjoining municipalities only one of which is a city," and inserting in place thereof the following words:- "Two or more municipalities"

SECTION X. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by inserting after the word "Center,", in line 13, the following words:- "a department of veterans' services district,"

The amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting, after section X, the following new section:-
"SECTION XX. The Massachusetts Development Finance Agency shall conduct a study to determine the best way in which to implement a program offering low-interest loans to municipalities for the purpose of constructing municipal buildings, with a focus on the construction of public safety buildings. The program shall, to the degree possible, be based on similar state programs, including, but not limited to, the State Revolving Fund and the Massachusetts Public Library Construction Program. The study shall include, but not be limited to, consideration of the best way in which to capitalize the fund and the appropriate state agency or agencies to administer the fund.
The Agency shall report its findings, together with its legislative recommendations, to the clerks of the House and Senate no later than April 1, 2011."
After remarks, the amendment was adopted.
Ms. Creem and Ms. Tucker moved that the bill be amended by adding the following new sections:-
SECTION ____. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "than", in line 220, the following words:- a telephone or telegraph corporation subject to tax under section 52A of chapter 63 or.
SECTION __. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words† "two A", in line 223, the following words:- , other than a telephone or telegraph corporation,.
SECTION __. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by SECTION 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-
(2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under section 52A of chapter 63, all property owned by the corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function. Notwithstanding the preceding sentence, a telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph corporation, and the telephone or telegraph corporation shall include such property on its list to the board of assessors where the property is situated under section 29 of this chapter.
The amendment was rejected.
Mr. Tarr moved that the bill be amended by inserting after section X, the following new section:-
"SECTION XX. Section 3 of chapter 44B of the General Laws is hereby amended in paragraph (e) by striking subsection (2) and inserting in place thereof the following subsection:-
'(2) for $100,000 of the value of each taxable parcel of class three, commercial, and class four, industrial, property as defined in section 2A of said chapter 59'."
The amendment was rejected.
Mr. Tisei moved that the bill be amended by inserting at the end thereof the following sections: -
SECTION X. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting following the definition of the words "Annuity savings fund" the following: - "Average annual rate of regular compensation", shall be the average of the rate of regular compensation for any qualifying year of credible service received during each pay period during the qualifying year.
SECTION X. Subpart 2(a) of paragraph (m) of section 5 of chapter 32 is hereby amended by striking the words "be based on the average annual rate of regular compensation received by such member during any period of three consecutive years of creditable service for which such rate of compensation was the highest, or on the average annual rate of regular compensation received by such member during the period or periods, whether consecutive or not, constituting his last three years of creditable service preceding retirement, whichever is the greater, and shall be computed according to the following table based on the age of such member and his number of years and full months of creditable service at the time of his retirement" and inserting in place thereof the words: - "be based on the average annual rate of regular compensation received by such member during their term of credible service."
After debate, the amendment was rejected.
Ms. Creem moved that the bill be amended by inserting after section 26 the following new sections:-
SECTION 26A. Section 5 of chapter 32 of the General Laws is hereby further amended by striking out the table in paragraph (a) of subdivision (2), as appearing in the 2008 Official Edition, and inserting in place thereof the following table:

Per Cent	Group 1	Group 2	Group 4
2.5	67 or older	62 or older	57 or older
2.375	66	61	56
2.250	65	60	55
2.125	64	59	54
2.0	63	58	53
1.875	62	57	52
1.750	61	56	51
1.625	60	55	50

SECTION 26B. Section 10 of chapter 32, as amended, is hereby further amended by striking out, in lines 24 and 45, as appearing in the 2008 Official Edition, the words “one tenth of one” and inserting in place thereof, in both instances, the following figure:- 0.125.
SECTION 26C. Wherever, in any General Law, except in the table inserted by Section ___ of this act, a retirement age of 55 is specified for Group 1 or Group 2, it shall be taken to mean 60, and whenever, a retirement age of 45 is specified for Group 4, it shall be taken to mean 50.
SECTION 26D. Subsection (b) of subdivision (1) of section 22 of said chapter 32, as appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (iv) the following paragraph:-
(iv1/2) withhold on each pay day 8.5 per cent of the regular compensation of each employee in Group 1 who is a member in service of the system, which is received on the day by the member on account of service rendered by him on or after January 1, 2011, and not later than the date of his attaining the maximum age for Group 1, as specified in the table in subsection (a) of subdivision (2) of section 5, in the case of an employee who entered the service of the commonwealth or a political subdivision thereof on or after January 1, 2011; .
SECTION 26E. Notwithstanding any general or special law to the contrary, sections 26A, 26B, 26C and 26D shall apply only to employees who become members of a retirement system after January 1, 2011.
The amendment was rejected.
Ms. Creem. Mr. Donnelly and Mr. McGee moved that the bill be amended by striking section 18 and inserting in place thereof the following:-
“SECTION 18. Paragraph (a) of subdivision (2) of said section 5 of chapter 32, as so appearing, is hereby amended by adding the following sentence:- Provider further, that if in the five years of creditable service preceding retirement the difference in the annual rate of regular compensation between any two consecutive years exceeds 100%, the retirement allowance shall be based on the average annual rate of regular compensation received by such member during the period of five consecutive years preceding retirement. The retirement allowance for members who have served in more than 1 group shall be prorated by applying the percentage for each group to the number of years of service in that group.”
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes past four o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 235]:
Insert Roll call “235”
The yeas and nays having been completed at nineteen minutes past four o’clock P.M., the amendment was adopted.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:
PAPER FROM THE HOUSE.
The House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations (House, No, 4670,-- on House, No, 4444, in part),-- was read.
There being no objection, the rules were suspended, on motion of Mr. Panagiotakos, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

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

The House Bill relative to municipal relief (House, No. 4631),-- was considered, the main question being on ordering the bill to a third reading..
Mr. Tisei moved that the bill be amended by inserting at the end thereof the following: -
“SECTION X. Paragraph (a) of subsection (1) of section 5 of chapter 32 is hereby amended by striking the figure ‘55’ and inserting in place thereof the figure: - ‘60’.”
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes past four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 32) [Yeas and Nays No. 236]:
Insert Roll Call “236”
The yeas and nays having been completed a half past four o’clock P.M., the amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting after section X, the following new section:-
“SECTION X. Chapter 25A of the General Laws is hereby amended by adding the following section:-
Section 16. Any city, town or county may establish a residential energy preservation fund for the purpose of loaning money to residential property owners to improve the energy efficiency of their property. Repayment of the loan shall be governed by a betterment agreement between the city, town or county and the owner of the residential property.
The legislative body of a city, town or county may submit to their voters the question of whether to designate said entities as a clean energy assessment district. In such a district, only those property owners who have entered into written agreements with the city, town or county would be subject to a special assessment.
Upon a vote of approval by a majority of the qualified voters of the city, town or county voting at an annual or special election duly warned for that purpose, the city, town or county may incur indebtedness for or otherwise furnace projects relating to renewable energy efficiency as defined by or undertaken by owners of real property within the boundaries of the city, town or county.
Upon an affirmative vote made pursuant to the previous paragraph, an owner of real property within the boundaries of a clean

energy assessment district may enter into a written agreement with the city, town or county that shall constitute the owner's consent to be subject to a special assessment.
The owners of real property who have entered into written agreements with the city, town or county shall be obligated to cover the costs of operating the district. A city, town or county may use other available funds to operate the district.
A property owner who has entered into a written agreement with the city, town or county may enter into a private agreement for the installation or construction of a project relating to removable energy.
A city, town or county that incurs indebtedness for or otherwise finances projects under the section shall not be liable for the failure of performance of a project.
Two or more cities, towns and counties, by vote of their respective legislative bodies may establish and enter into agreements for incurring indebtedness or otherwise financing projects under this section."
The amendment was rejected.
Mr. Tarr moved that the bill be amended by inserting after section __, the following new section: -
"SECTION X. (a) Methodology - Notwithstanding any general or special law to the contrary, the Secretary of Health and Human Services is hereby authorized and directed to, in consultation with the University of Massachusetts, change the methodology by which the Commonwealth seeks reimbursement from the federal Medicaid program for students educated pursuant to Chapter 71B of the General Laws from the current 'per diem' format, so-called, to a 'fee-for-service' format, so-called.
(b) Certification of Increased Reimbursement – Not later than thirty days following the initial receipt of funds pursuant to the 'fee-for-service' methodology and in periods of not more than ninety days thereafter, the Secretary shall certify the amount by which reimbursement received using this methodology exceeds the amount which would have otherwise been received, taking into account inflation and any other relevant factors. Such excess amount shall be deposited into the Special Education Assistance Fund established herein.
(c) There shall be established and set up on the books of the Commonwealth the Special Education Assistance Fund, into which shall be deposited sums resulting from federal Medicaid reimbursement pursuant to subsection (b) of this section.
Not less than sixty percent of the total amount in said fund shall be appropriated annually for the purposes of assisting municipalities and regional school districts with the cost of transportation of students provided pursuant to Chapter 71B of the General Laws. Said appropriation shall be made in a form designed to ensure equity among students and local educational authorities by utilizing a methodology based on a uniform percentage of eligible transportation costs to be compensated.
The remainder of said fund shall be available for appropriation in the form of grants of assistance to private institutions providing educational services pursuant to Chapter 766 of the Acts of 1972 and its implementing regulations.
(d) The Secretary of Health and Human Services, the Secretary of Administration and finance and the Commissioner of the Department of Education, in consultation with the University of Massachusetts, shall develop a system of acquiring from municipalities and regional school districts the information necessary to utilize a fee-for-service method of reimbursement from the federal Medicaid system following the passage of this act and prior to a request for a change in reimbursement methodology to the federal government.
Said system shall be designed to maximize efficiency and minimize the cost and burden of compliance for municipalities and regional school districts."
After remarks, the amendment was rejected.
Mr. Tolman moved that the bill be amended in section 26 by striking section 9A1/2 and inserting the following:-
"SECTION 9A1/2. The treasurer of the first governmental unit shall annually, on or before January 15, upon the certification of the board of the system from which the disbursements have been made, notify the treasurer of the other governmental unit of the amount of reimbursement due for the previous fiscal year; and the treasurer of the other governmental unit shall immediately take all necessary steps to insure prompt payment of this amount. In default of any such payment, the first governmental unit may maintain an action of contract to recover the same, but there shall be no such reimbursement if the 2 systems involved are the state employees' retirement system and the teachers' retirement system."
The amendment was rejected.
Mr. Rosenberg moved that the bill be amended by inserting after section 28 the following 2 sections:-
"SECTION 28A. Section 18 of chapter 32B of the General Laws is hereby repealed.
SECTION 28B. Said chapter 32B is hereby further amended by striking out section 18A and inserting in place thereof the following section:-
Section 18A. (a) All retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a Medicare health plan offered by the governmental unit under section 11C or section 16, if the benefits under the plan and Medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage, but a retiree or spouse who has a dependent who is not enrolled or eligible to be enrolled in Medicare Part A at no cost shall not be required to transfer to a Medicare health plan if a transfer requires the retiree or spouse to continue the existing family coverage for the dependent in a plan other than a Medicare health plan offered by the governmental unit.
(b) Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a Medicare health plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from a retiree, a retiree's spouse or a retiree's dependent, proof, certified by the federal government, of eligibility or ineligibility for Medicare Part A and Part B coverage.

(c) The governmental unit shall pay any Medicare Part B premium penalty assessed by the federal government on the retiree, spouse or dependent as a result of enrollment in Medicare Part B at the time of transfer."
The amendment was rejected.
Ms. Creem moves that the bill be amended by inserting at the end thereof the following new section:-
"SECTION XX. Chapter 159 of the Acts of 2000 is hereby amended by striking out section 57, section 58, section 371 and section 372.
SECTION 2. Chapter 29C of the general laws as appearing in the 2004 Official Edition, is hereby amended by inserting after section 18 the following section: -
Section 19. The water pollution abatement trust shall leverage funds in the trust for disbursement to finance projects authorized pursuant to this chapter on the basis of a three-to-one ratio. If in the opinion of the state treasurer, such increased leveraging is not feasible, the provisions of this section shall not apply.
SECTION 3. Section 6 of Chapter 29C of the general laws as appearing in the 2004 Official Edition, is hereby amended in the second paragraph by deleting the third sentence and inserting in place thereof the following sentence: -'Notwithstanding the forgoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the departments intended use plan for calendar year 2011 and any subsequent calendar year shall provide for a subsidy or other assistance on the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest equal to zero per cent.'
SECTION 4. Subsection (g) of section 18 of said Chapter 29C of the general laws as appearing in the 2004 Official Edition, is hereby amended by deleting the second sentence and inserting in place thereof the following sentence:- "Notwithstanding the forgoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of drinking water projects on the departments intended use plan for calendar year 2011 and any subsequent calendar year shall provide for a subsidy or other assistance on the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to zero per cent."
The amendment was rejected.
Ms. Creem, Ms. Fargo and Mr. Donnelly moved that the bill be amended by inserting at the end thereof the following new sections:-
SECTION XX. Section 321 of Chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the definitions for "beverage" and "beverage container," and inserting in place thereof the following definitions:—
"Beverage," soda water or similar carbonated soft drinks; noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; beer and other malt beverages; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption except milk and beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines.
"Beverage container," any sealable bottle, can, jar, or carton which is primarily composed of glass, metal, plastic, or any combination of those materials and is produced for the purpose of containing a beverage, which, at the time of sale, contains one-hundred and thirty-five ounces or less of a beverage. This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.
SECTION 2. Section 321 of Chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding, after the definition of "Plastic bottle" the following definition:— "Redemption center," any business whose primary purpose is the redemption of beverage containers and is not ancillary to any other business,
SECTION 3. Section 321 of Chapter 94 of the General Laws, as so appearing, is hereby amended by adding, after the definition of "Reusable beverage container," the following definition:—
"Small dealer," any person, including any operator of a vending machine, employing the equivalent of ten full time employees or less, who engages in the sale of beverages in beverage containers to consumers in the Commonwealth.
SECTION 4. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by adding in line 30 after the letter "(e)," the following:—
The Executive Office of Environmental Affairs shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for the licensing of such redemption centers.
SECTION 5. Section 323, paragraph (a), of Chapter 94 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out in line the words "the refund value" and inserting in place thereof the words "the full refund value".
SECTION 6. Section 323, paragraph (b), of Chapter 94 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one quarter cents" and placing the following sentence at the end of the paragraph. "The handling fee shall be reviewed semi-annually by the Secretary of the Executive Office of Environmental Affairs and adjustments made to reflect increases in costs incurred by redemption facilities."
SECTION 7. Section 323, paragraph (c), of Chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out in the words "one cent" and inserting in place thereof the words "three and one quarter cents" and placing the following sentence at the end of the paragraph. "The handling fee shall be reviewed semi-annually by the Secretary of the Executive Office of Environmental Affairs and adjustments made to reflect increases in costs incurred by redemption facilities."
SECTION 8. Section 323 of Chapter 94 of the General Laws, appearing in the 2002 Official Edition, is hereby amended by adding in line 73, after the word "civil," the words "or administrative."

SECTION 9. Chapter 94 of the General Laws, as so appearing, is hereby amended by adding a new section after 323F:—
SECTION 323G. Redemption Centers.
(a) Only small dealers may apply for an exemption with the department.
(b) Application for an exemption shall be jointly filed with the department by the small dealer and redemption center. The application shall state the name and address of the person responsible for the establishment and operation of the center, the kinds, sizes and brand names of beverage containers that will be accepted and the names and addresses of dealer(s) to be served and their distance from the local redemption center.
(c) In approving the exemption, the department shall consider at least the health and safety of the public; the convenience for the public, including standards governing distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the redemption center. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.
(d) A local redemption center may not refuse to accept from any consumer or other person not a dealer any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by a dealer served by the center, or refuse to pay in cash the full refund value of the returned beverage container as established by Section 322 of Chapter 94 of the General Laws.
(e) A list of the dealers served and the kinds, sizes and brand names accepted shall be promptly displayed at each local redemption centers.
(f) The name and location of the redemption center serving the dealer shall be conspicuously displayed at the dealer.
SECTION 10. Section 327 of Chapter 94 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following new paragraphs:— The Department of Environmental Protection shall have authority to enforce the provisions of sections three hundred and twenty-one; three hundred and twenty-two; paragraphs (a) through (f) inclusive, and paragraph (i) of section three hundred and twenty-three; three hundred and twenty-three A; three hundred and twenty-three F; three hundred and twenty-four; and three hundred and twenty-five. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than one thousand dollars.
The Department of Revenue shall have authority to enforce the provisions of paragraphs (g) and (h) of section three hundred and twenty-three and sections three hundred and twenty-three B to three hundred and twenty-three E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than one thousand dollars.
SECTION 11. Section 327 of Chapter 94 of the General Laws, as so appearing, is hereby amended by adding after the word “civil” in line 14 the words “or administrative.”
SECTION 12. Section 323D of Chapter 94 of the General Laws, is hereby amended by replacing the existing text with the following:
a) By the tenth day of each month, each bottler or distributor shall turn over to the commissioner of revenue any deposit amounts deemed to be abandoned at the close of the preceding month, pursuant to section three hundred and twenty-three C. Such amounts may be paid from the Deposit Transaction Fund. Amounts collected by the commissioner of revenue pursuant to this section shall be deposited in the following manner:
i) Subject to appropriation, the Clean Environment Fund, as established in Section 323F of Chapter 94 shall be allocated a minimum of 5 percent of the collected deposit amounts deemed to be abandoned in the preceding fiscal year; and
ii) subject to appropriation, the Water Pollution Abatement Trust Fund as established in section 18 of Chapter 29C shall be allocated a minimum of 30 percent of the collected deposit amounts deemed to be abandoned in the preceding fiscal year for the purposes of providing zero percent loans.
(b) Notwithstanding the preceding subsection, the department of revenue shall transfer on an aggregate yearly basis into the General Fund from the Deposit Transaction Fund an amount not less than the total collected deposit amounts deemed to be abandoned from July 1, 2009 to June 30, 2010.
SECTION 13. Section 323F of Chapter 94 of the General Laws, is hereby amended by replacing the existing text with the following:
(a) There shall be established on the books of the Commonwealth a separate fund to be known as the Clean Environment Fund as established in Section 323D of Chapter 94 of the General Laws. Amounts deposited in said fund shall be used, subject to appropriation, solely for programs and projects in the management of solid waste and for environmental protection; provided, however, that no funds shall be used for costs associated with incineration.
(b) Not less than fifty percent of amounts deposited in the Fund shall be used for recycling, composting and solid waste source reduction projects and programs.
(c) Not less than an additional twenty percent of amounts deposited in the Fund shall be used for recycling and other solid waste projects and programs.
(d) Not more than thirty percent of amounts deposited in the fund shall be used for other environmental programs consistent with the purposes of the ""bottle bill", so-called.
(e) Of amounts expended under paragraphs (b) through (d), not more than fifty percent shall be used for debt service on capital outlays authorized prior to January first, nineteen hundred and eighty-eight.
SECTION 14. Section 6 of Chapter 29C of the general laws as appearing in the 2004 Official Edition, is hereby amended in the second paragraph by deleting the third sentence and inserting in place thereof the following sentence: -
“Notwithstanding the forgoing but subject to the limit on contract assistance provided in this section, all permanent loans and

other forms of financial assistance made by the trust to finance the costs of water pollution abatement projects on the departments intended use plan for calendar year 2011 and any subsequent calendar year shall provide for a subsidy or other assistance on the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest equal to zero per cent."
SECTION 15. Subsection (g) of section 18 of said Chapter 29C of the general laws as appearing in the 2004 Official Edition, is hereby amended by deleting the second sentence and inserting in place thereof the following sentence:-
"Notwithstanding the forgoing but subject to the limit on contract assistance provided in this section, all permanent loans and other forms of financial assistance made by the trust to finance the costs of drinking water projects on the departments intended use plan for calendar year 2011 and any subsequent calendar year shall provide for a subsidy or other assistance on the payment of debt service thereon such that such loans and other forms of financial assistance shall be the financial equivalent of a loan made at an interest rate equal to zero per cent."
The amendment was rejected.
Mr. Knapik moved that the bill be amended by striking out sections 48 through 56 inclusive.
The amendment was rejected.
Mr. Tarr moved that the bill be amended by inserting after section X, the following new section:-
"SECTION XX. The Secretary of Economic Development and Housing, in consultation with the University of Massachusetts and the Massachusetts Municipal Association, is hereby authorized and directed to develop a comprehensive plan to assist the municipalities of the Commonwealth in facilitating economic development and the creation of jobs. Said plan may include, but shall not be limited to, the creation, maintenance of expansion of particular development districts, increased technical assistance, targeted grant funding, state regulatory changes, innovative partnerships between state and local government, tax incentives, and infrastructure improvements.
Said plan shall encompass a five year time period and shall be developed so as to be reevaluated and renewable in five year increments. The Secretary shall file said plan not more than twelve months following the passage of this act."
The amendment was adopted.
Mr. Tarr moved that the bill be amended by inserting after section __, the following new section: -
"SECTION __. Section 53 of chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in line 17, the figure "$200,000" and inserting in place thereof the following figure:- $5,000,000.".
Mr. Pacheco arose to a point of order which, being stated, was that the amendment was beyond the scope of the bill before the Senate.
The President stated that the bill under consideration did not contain the subject matter of the amendment as filed and therefore the amendment is beyond the limited scope of this piece of legislation
Therefore, the point of order was well taken; and the amendment was laid aside.
Mr. Tisei moved that the bill be amended by inserting after section 63 the following 2 sections:-
"SECTION 63A. Section 29 of chapter 93 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word 'limits', in line 28, the following words: - ', including billboards, sign and other devices which are located on property within the geographical boundaries of the city or town which is owned by any body politic or subdivision,'.
SECTION 63B. Said section 29 of said chapter 93, as so appearing, is hereby amended by inserting after the word 'regulations', in line 30, the following words:- '; provided, however, that this sentence shall not apply to a building, sign or device which is owned or operated by the Massachusetts Bay Transportation Authority'."
The amendment was adopted.
Mr. Tisei moved to amend the bill by inserting at the end thereof the following: -
"SECTION X. Section 13 of chapter 21A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the fourth sentence thereof the following:- Notwithstanding the provisions of any general or special law to the contrary, no municipal board of health may promulgate any such regulation which impose standards, procedures or other requirements more stringent than or otherwise exceeding those set forth in the state environmental code, and in particular Title 5 thereof, concerning any matter relating to the subsurface treatment or disposal of sanitary sewage, including without limitation the construction, alteration or inspection of any system thereof. Provided, however, that where the board of health of any municipality determines, based upon unique local environmental concerns, supported by findings that have generally recognized scientific basis, the board of health may file a written application for approval to adopt such regulations with the commissioner of the department of environmental protection. Such application shall include an explanation of such unique local conditions, the specific regulation or regulations sought to be adopted by the board of health and copies of the scientific data, evidence and study that forms the basis for the application. Upon the receipt of a completed application with accompanying documentation, the commissioner of the department of environmental protection shall, within thirty days, make a written determination of whether the proposed regulations are reasonably necessary for the protection of public health, safety, welfare and the environment of said municipality and approve or disapprove said regulations. No additional or more stringent regulations shall be adopted or become effective in any municipality until approved by the commissioner of the department of environmental protection."
The amendment was rejected.
Messrs. Hedlund and O'Leary moved that the bill be amended inserting the following sections :-
"SECTION 69A. The inspector general, in consultation with the attorney general shall enter into a contract with a third party for the purposes of auditing all affordable housing projects' cost certifications submitted after January 1, 2004 that were built through the comprehensive permit process as outlined in sections 20 to 23, inclusive, of chapter 40B of the General Laws. The third party shall be hired through a competitive bidding process and be a certified public accountant licensed and in good

standing with the commonwealth and meet minimum professional qualifications as determined by the inspector general.
All audits performed through this section shall be conducted in accordance with the American Institute of Certified Public Accountants auditing standards; provided, however, in the event of any conflict between with the American Institute of Certified Public Accountants standards and housing policy guidance or regulation issued by the department of housing and community development or any subsidizing agency on or after November 30, 2006 such policy guidance or regulation shall control. The audits performed under this section may include, but not be limited to, a review of the submitted cost certification, agreements between the developer and the municipality, site eligibility letters issued by the subsidizing agencies, purchase and sales agreements, any and all documentation relating to the real estate appraisal of the relevant property or properties in accordance with the applicable rules that were in place at the time that the cost certification occured, all reported expenses and revenues, and all documentation relating to the purchase, sale or lease of all constructed units.
At the request of the third party, the inspector general may summons the production of all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence and any other data and material relevant to any matter under audit or investigation, in accordance with section 9 of chapter 12A of the General Laws.
The findings of every audit, including any evidence of illegal or fraudulent activities, or cases where the actual realized profit of an individual project exceeds 20 per cent, shall be presented immediately upon completion to the inspector general, the attorney general and the department of housing and community development for review. The inspector general may take whatever further action deemed necessary, in accordance with section 10 of said chapter 12A.
It shall be the responsibility of the attorney general to recover all monies owed to the host communities. The third party hired to conduct the initial audit may receive a pre-determined percentage of all recovered monies, not to exceed 10 per cent, with the balance being returned to the host community."
After remarks, the amendment was adopted.
Ms. Menard moved to amend the bill by inserting at the end thereof the following new section:-
SECTION 75. (a) Notwithstanding any general or special law to the contrary, the executive office of public safety and security shall conduct a study to examine the possible use of a traffic control signal violation monitoring system by a city, town or political subdivision.
(b) For purposes of this section, "violation", shall mean the failure of an operator of a motor vehicle to comply with a law, code, regulation, ordinance, rule or other form of legislation governing the traffic control signals.
(c) The study shall include, but not be limited to:
(i) reliability of means of capturing information relevant to alleged violations for vehicles identified by a traffic control signal violation monitoring system;
(ii) retention of documentation of violations of motor vehicle laws as captured by traffic control signal monitoring systems;
(iii) possible penalties which may be imposed for failure by the operator of a motor vehicle to comply with the laws, codes, regulations, ordinances, rules and/or other forms of legislation governing the traffic control signals;
(iv) notice to an operator of a motor vehicle who is alleged to have committed a violation as a result of information captured by a traffic control signal violation monitoring system; and
(v) admissibility in evidence of information captured by a traffic control signal violation monitoring system in judicial or administrative proceedings;
(d) The study shall be completed and submitted to the chairs of the joint committee on public safety and homeland security and joint committee on transportation not later than December 31, 2010.
The amendment was adopted.
Mr. Tisei moved to amend the bill by inserting at the end thereof the following section: -
"SECTION X. Notwithstanding any general or special law to the contrary the provisions of chapter 149 relating to the requirement of a prevailing wage in public construction projects shall not apply to such municipal projects of gross value less than one million dollars."
After debate, 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

Emergency Preamble Adopted
An engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4670), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 13 to 0.
The bill was signed by the President and sent to the House for enactment.

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

The House Bill relative to municipal relief (House, No. 4631),-- was considered, the main question being on ordering the bill to a third reading.

Mr. Tolman moved that the bill be amended by striking out section 31 in its entirety.
Pending the question on adoption of the amendment, Mr. Panagiotakos moved that the pending amendment (Tolman) be amended by striking out the text and inserting in place thereof the following text:-
"SECTION 31. The second paragraph of section 4A of said chapter 40, as so appearing, is hereby amended by adding the following sentence: A decision to enter into an intermunicipal agreement under this section, or to join a regional entity, shall be solely subject to the towns' elected bodies' approval process."
Mr. Tolman moved that the question on adoption of the amendment be determined by a call of the yeas and the nays.
An insufficient number of members joining with him, the yeas and nays were not ordered
After debate the further amendment (Panagiotakos) was adopted.
The pending amendment (Tolman), as amended (Panagiotakos), was then adopted.
Ms. Fargo moved that the bill be amended by inserting after Section 64 the following section:-
"SECTION 64A. Section 22M of chapter 166 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following 2 paragraphs:-
A utility or distribution company that collects a surcharge for customers in a city or town in accordance with this section, shall pay interest on the sums so collected, which shall be credited as part of the capital contribution towards the cost of construction in the city or town. The rate of interest to be paid on all surcharges so collected in the commonwealth shall be at a rate set by the department. Every utility or distribution company that collects a surcharge from customers in a city or town, shall annually on or before the last day in March, file with the board of selectmen or city council of the respective town or city, a statement signed under the pains and penalties of perjury, by its treasurer setting forth in detail the aggregate sum of the surcharge so collected and interest credited in the immediately preceding calendar year, in addition, a statement for the current year shall be filed with the board or council within 90 days after the completion of construction.
Any surplus remaining in the account, upon the completion of the construction and after payments of any related costs and expenses, shall be returned by the utility to its current customers in the municipality, without undue delay on a pro-rata basis in the form of a billing credit. No utility that collects a surcharge from its customers in a municipality shall impose an additional fee related to the collection, administration or repayment of the surcharge and accrued interest or for any lost revenue for interest so applied under this section."
The amendment was adopted.
Ms. Candaras and Mr. Rosenberg moved that the bill be amended by inserting after section 68 the following section:-
"SECTION 68A. (a) Notwithstanding subsection (d) of section 8 of chapter 372 of the acts of 1984 or any other general or special law to the contrary, each of the municipalities of Chicopee, Wilbraham and South Hadley Fire District #1, each having the responsibility for providing potable water in their respective service areas and each presently receiving its wholesale supply of potable water from the Massachusetts Water Resources Authority through the Chicopee Valley Aqueduct may furnish water to new service connections to properties located in other communities when, in the exercise of discretion by the community furnishing the water, such service is deemed necessary exclusively for the public health, safety or welfare.
(b) Each of the municipalities of Chicopee, Wilbraham and South Hadley Fire District #1 may provide water for new single service connections upon such reasonable terms as may be agreeable to the municipality providing water service and may extend their respective water supply systems to properties contiguous to or in the vicinity of their respective local community-owned water supply pipelines that extend from the Chicopee Valley Aqueduct. For the purposes of this section, the term "single service connection" shall refer to either a single, individual new customer connection or to a distinct water service expansion project involving multiple new customers. Each such connection or each such water service expansion project shall be regarded as a single service connection so long as additional demand upon safe yield from the sources of water available to the authority, per connection or per project, does not exceed 100,000 gallons per day. The prior consent of the authority shall not be required for new single service connections, but advance written notification to the authority shall be required. Notification to and approval of the chief executive officer in the municipality to which the single service connection is located is required. An entrance fee shall be paid to the authority unless waived by all 3 of the aqueduct municipalities. If not waived, the entrance fee shall be in an amount equal to the new service connection's proportional share of the net asset value of the Chicopee Valley aqueduct system. The entrance fee shall be collected by the municipality of the aqueduct which shall extend its system and which shall provide the water supply connection. The entrance fee shall inure to the benefit of the aqueduct system.
(c) For all new service connections that do not qualify as single service connections, as defined in subsection (b), the recipient municipality, on behalf of its residents, businesses or other customers, shall follow the procedures and requirements and obtain each of the applicable approvals, as set forth in subsection (d) of section 8 of chapter 372 of the acts of 1984 as are required of a new member community or water district seeking admission to the authority service area. Compliance with said subsection (d) of said section 8 shall remain the sole means for approval of any proposed new service connection which is either intended to provide and extend water service to any significant additional segment of the population of a municipality not now served by the authority or which is otherwise beyond the scope of the requirements established in subsection (b). All authority entrance fees for additional wholesale and retail connections to municipalities served through the aqueduct shall inure to the benefit of the aqueduct municipalities."
The amendment was adopted.
Mr. Panagiotakos moved that the bill be amended by inserting before section 1, the following section:-
"SECTION XX. Section 22N of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 60 and 61, and in line 63, the word 'December' and inserting in place thereof, in each instance, the following word:- October."; by striking out, in line 99, the words "July 1, 2010" and inserting in place thereof the following words:-

“January 1, 2011”; by striking out, in line 1211, the words “section 22A”, and inserting in place thereof the following words:- “sections 22A and 22B”; and by striking out section 63.”
The amendment was adopted.
The Ways and Means amendment was then adopted, as amended.
The bill, as amended, was then ordered to a third reading and read a third time.
After debate, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty minutes before six o’clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 237]:
Insert Roll Call “237”
The yeas and nays having been completed at sixteen minutes before six o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendments, see Senate, No. 2436, printed as amended].
Sent to the House for concurrence in the amendments.

The Senate Bill to establish employment leave and safety remedies to victims of domestic violence, stalking and sexual assault (Senate, No. 2382),-- was considered, the main question being on passing it to be engrossed.
The pending motion, previously moved by Ms. Candaras, to lay the matter on the table was considered; and it was negatived.
Pending the question on passing it to be engrossed, Ms. Creem and Ms. Candaras moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2405).
After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at eight minutes before six o’clock P.M., on motion of Ms. Candaras, as follows, to wit (yeas 37 — nays 0) [Yeas and Nays No. 238]:
The yeas and nays having been completed at four minutes before six o’clock P.M., the amendment was adopted.
The bill (Senate, No. 2405) was then passed to be engrossed.
Sent to the House for concurrence.

The Senate Bill relative to housing rights for victims of domestic violence (Senate, No. 2274, amended),-- was considered, the main question being on passing it to be engrossed.
On motion of Mr. Tisei, the further consideration thereof was postponed until Wednesday, May 20.

Report of Committees.
By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Scott LaJoie, Executive Director, Hyannis Main Street Business Improvement District, for legislation relative to business improvement district;
The rules were suspended, on motion of Mr. Berry, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Community Development and Small Business.
Sent to the House for concurrence.
Petition.
On motion of Ms. Walsh, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Michael O. Moore, Jennifer L. Flanagan and Dennis Rosa for legislation to establish a sick leave bank for Howard Ray, an employee of the Department of Education ,— and the same was referred to the committee on Public Service.
Sent to the House for concurrence.
PAPERS FROM THE HOUSE

Engrossed Bills.
An engrossed Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (see House, No. 4611, amended) (which originated in the House),-- having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation..

An engrossed Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4670) (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.
Order Adopted.
On motion of Mr. Berry,--
Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at twelve o’clock noon, and that the Clerk be directed to dispense with the printing of a calendar.

Adjournment in Memory of Cosmo Macero, Sr.

The Senator from Suffolk and Middlesex, Mr. Tolman, requested that when the Senate adjourns today, it adjourn in memory of Cosmo Macero, Sr. of Belmont.
An Italian immigrant, Cosmo Macero was born December 10, 1923 to Salvatore and Anna Macera in Gaeta, Italy. He spoke no English when he moved to the United States and began school in Somerville, Massachusetts at the age of 7. After his father

passed away, Cosmo Macero became the man of the household at age 16, looking after three young sisters and his mother. He graduated Somerville High School in 1942.

In 1944, Macero enlisted in the U.S. Army as the war raged in northern France and Germany. He was part of a Yankee Division force that helped liberate the Mauthausen Nazi concentration camp in 1945. Macero earned the Bronze Star and Purple Heart with the 26th "Yankee Division" from wounds by gunfire during combat in Germany. He spent 30 days in a field hospital as part of his recovery before returning to service. His name is also among the many thousands that are commemorated on the American Immigrant Wall of Honor at Ellis Island.

Accordingly, as a mark of respect to the memory of Cosmo Macero, Sr. at six o'clock P.M., on motion of Mr. Tolman, the Senate adjourned to meet again tomorrow at twelve o'clock noon.