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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Tuesday, May 19, 2009.*

Met at seven minutes past ten o'clock A.M.

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

*Recess.*

There being no objection, at eight minutes past ten o'clock A.M., the President declared a recess subject to the call of the Chair; and, at thirteen minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

*Distinguished Guests.*

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

The President introduced, in the rear of the Chamber, the Hanover Pee Wee Hockey Team. The team was recognized for being named Pee Wee Tier 2 Massachusetts State Hockey Champions and 2nd Place New England Regional Champions. The team was accompanied by their coaches and was the guests of Senator Kennedy.

The President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced, in the rear of the Chamber, Craig Welton, the State Director of Best Buddies and Anthony Shriver, the Founder and President. Best Buddies is a non-profit organization that enhances the lives of people with mental retardation by providing opportunities for socialization and employment.

### PAPERS FROM THE HOUSE.

Report of the committee on Housing, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3572) of Kevin Honan and others for legislation relative to land use recommending that the same be referred to the committee on Municipalities and Regional Government,— was considered forthwith, under Senate Rule 36, and accepted, in concurrence.

*Orders of the Day.*

The Orders of the Day were considered as follows:—

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was read a second time, the main question being on ordering the bill to a third reading.

After remarks, Ms. Chang-Díaz, Messrs. Eldridge and McGee, Ms. Fargo and Ms. Jehlen moved that the bill be amended by adding the following section:

SECTION XX: Section 1. Chapter 62, Section 4(b) is hereby amended in line 11 by striking out the words “5.3 per cent” and inserting in place thereof: “5.95 per cent” and in line 12 by striking “2002” and inserting in place thereof: “2010”.

Section 2. Said subsection is hereby further amended in line 16 by striking “2001” and inserting in place thereof: “2009”.

*Remarks of Senator Michael O. Moore.*

During consideration of the question on adoption of the amendment, Senator Michael O. Moore offered the following remarks:

Thank you Madam President.

I rise in opposition to this amendment today. This Chamber has led the way as far as reforms, comprehensive reforms in ethics, pensions to transportation; but these reforms are not enough.

Given the dismal budget outlook, the devastating budget that we have had and the effects on the homeless, law enforcement, teachers, the disabled, I realize revenues is a necessity that we have to face as part of the budget.

However, an increase in the income tax is not the right option.

The income tax is not an optional tax; people do not have a choice whether they can afford this tax or not.

People are struggling to get by right now; we have to restore faith and confidence in our economy.

The passage of the income tax will further reduce the discretionary spending and further impact small businesses.

86% of the businesses in Massachusetts are small business.

We need to stimulate our economy, support small business, and create more jobs. Massachusetts, as I stated earlier, has lost 100,000 jobs in 2008. The voters were given a ballot question to reduce the income tax to 2.65%, in Central Massachusetts; where I represent, we had the second largest anti-income tax vote in the referendum.

I ask you to please support the opposition to this and vote down this amendment.

Thank you.

On motion of Ms. Flanagan, the above remarks were ordered printed in the Journal of the Senate.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at nineteen minutes past one o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 11 — nays 28) [Yeas and Nays No. 40]:

YEAS.

Berry, Frederick E. McGee, Thomas M.  
Chang-Díaz, Sonia Menard, Joan M.  
Donnelly, Kenneth J. Pacheco, Marc R.  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Tolman, Steven A. — 11.  
Jehlen, Patricia D.

NAYS.

Baddour, Steven A. Knapik, Michael R.  
Brewer, Stephen M. Montigny, Mark C.  
Brown, Scott P. Moore, Michael O.  
Buoniconti, Stephen J. Moore, Richard T.  
Candaras, Gale D. Morrissey, Michael W.  
Chandler, Harriette L. O'Leary, Robert A.  
Creem, Cynthia Stone Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Flanagan, Jennifer L. Spilka, Karen E.  
Galluccio, Anthony D. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Tisei, Richard R.  
Joyce, Brian A. Tucker, Susan C.  
Kennedy, Thomas P. Walsh, Marian — 28.

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

Mr. Petrucci moved that the bill be amended by inserting, after section X, the following new sections:—

SECTION X. Section 1 of chapter 64A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in paragraph (1) the language: "Tax per gallon", shall be 21 cents per gallon" and inserting in place thereof the following:— (1)

"Tax Per Gallon", shall be 40 cents per gallon.

For the additional \$0.19 per gallon collected, it shall be allocated as follows and references to "Fund" shall refer to the Massachusetts Transportation Fund, established in section 85 of chapter 6C of the General Laws:—

(i) \$0.04 for the maintenance and operation of the assets owned by the Massachusetts turnpike authority on the effective date of this act, which amounts shall be distributed to the authority for so long as it shall continue to exist and thereafter shall remain in the Fund but shall be dedicated for such purposes;

(ii) \$0.06 to the Massachusetts bay transportation authority in the manner provided for in section 35LL of chapter 10;

(iii) \$0.01 to the Fund for alternative transportation funding pilot programs, the revised automated system of toll collection mandated by section 42 of chapter 6C, and other projects established by the secretary to reduce reliance on the motor vehicle fuel tax;

(iv) \$0.015 to the Fund for distribution to the regional transit authorities;

(v) \$0.015 to the Fund for the regional mobility assistance program to be established by the secretary in accordance with section 17 of chapter 6C;

(vii) \$0.03 to the Fund to be used by the department for rail projects to be undertaken outside the city of Boston; and

(viii) \$0.02 to the Fund for the payment of salaries and benefits to employees of the department whose salaries and benefits would otherwise be paid from bond funds of the Commonwealth.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at eight minutes before two o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 34) [Yeas and Nays No. 41]:

YEAS.

Chang-Diaz, Sonia Jehlen, Patricia D.

Creem, Cynthia Stone McGee, Thomas M.

Eldridge, James B. Petrucci, Anthony — 6.

NAYS.

Baddour, Steven A. Menard, Joan M.

Berry, Frederick E. Montigny, Mark C.

Brewer, Stephen M. Moore, Michael O.

Brown, Scott P. Moore, Richard T.

Buoniconti, Stephen J. Morrissey, Michael W.

Candaras, Gale D. Murray, Therese

Chandler, Harriette L. O'Leary, Robert A.

Donnelly, Kenneth J. Pacheco, Marc R.

Downing, Benjamin B. Panagiotakos, Steven C.

Fargo, Susan C. Rosenberg, Stanley C.

Flanagan, Jennifer L. Spilka, Karen E.

Galluccio, Anthony D. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E.

Hedlund, Robert L. Tisei, Richard R.

Joyce, Brian A. Tolman, Steven A.

Kennedy, Thomas P. Tucker, Susan C.

Knapik, Michael R. Walsh, Marian — 34.

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

Ms. Creem moved that the bill be amended in section X by adding the following new sections:

SECTION \_\_. Section 1 of Chapter 64A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in paragraph (1), the words "'Tax per gallon', shall be 21 cents per gallon" and inserting in place thereof the following:—

"Tax per gallon", shall be thirty-two cents per gallon, provided however that beginning on July 1, 2011, and on the first of July each year thereafter, the tax per gallon shall be adjusted by the percent change in inflation as determined and certified by the commissioner as set forth in the following sentence and the resulting tax per gallon shall then be computed to the nearest tenth of a cent per gallon. On or prior to April 30, 2011, and each April 30 thereafter, the commissioner shall determine the inflation adjustment, if any, to be applied to the tax per gallon as determined for the prior year, as the percentage change, rounded to the nearest tenth of one percent, of the change in the average consumer price index for all consumers for Boston as determined by the Bureau of Labor Statistics of the United States Department of Labor for the most recent 12-month period ending prior to the rate determination month compared to the average consumer price index for the same 12-month period in the preceding year.

SECTION \_\_. Said chapter 64A, as most recently amended by section 4 of chapter 206 of the acts of 2008, is hereby further amended by striking out section 13 and inserting in place thereof the following section:—

Section 13. All sums received from the excise imposed on aviation fuel, and related penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under sections 7 and 7A, shall be credited to the Highway Fund, referred to in this section as the “Fund”, and may be used for airport development projects approved and carried out at airports and landing facilities under 49 U.S.C. App. § 2210; and all other sums received under the excise imposed in section 4, and relative penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under said sections 7 and 7A, shall be credited as follows, according to the following distributions:—

(a) For the first \$0.21 per gallon collected:—

(i) 99.85 percent shall be credited to the Fund to be used for transportation-related purposes; and

(ii) 0.15 percent shall be credited to the Inland Fisheries and Game Fund, established by section 2C of chapter 131.

(b) For the second \$0.10 per gallon collected:—

(i) \$0.04 for the maintenance and operation of the assets owned by the Massachusetts turnpike authority on the effective date of this act, which amounts shall be distributed to the authority for so long as it shall continue to exist and thereafter shall remain in the Fund but shall be dedicated for such purposes; and

(ii) \$0.06 to the Massachusetts bay transportation authority;

(c) For any remaining amounts collected, 100 percent shall be credited to the Fund to be used for transportation-related purposes.

Mr. Brewer in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes before three o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 9 — nays 30) [Yeas and Nays No. 42]:

YEAS.

Chang-Diaz, Sonia McGee, Thomas M. Creem, Cynthia Stone Petrucci, Anthony Eldridge, James B. Tolman, Steven A. Galluccio, Anthony D. Walsh, Marian — 9. Jehlen, Patricia D.

NAYS.

Baddour, Steven A. Knapik, Michael R. Berry, Frederick E. Menard, Joan M. Brewer, Stephen M. Montigny, Mark C. Brown, Scott P. Moore, Michael O. Buoniconti, Stephen J. Moore, Richard T. Candaras, Gale D. Morrissey, Michael W. Chandler, Harriette L. O'Leary, Robert A. Donnelly, Kenneth J. Pacheco, Marc R. Downing, Benjamin B. Panagiotakos, Steven C. Fargo, Susan C. Rosenberg, Stanley C. Flanagan, Jennifer L. Spilka, Karen E. Hart, John A., Jr. Tarr, Bruce E. Hedlund, Robert L. Timilty, James E. Joyce, Brian A. Tisei, Richard R. Kennedy, Thomas P. Tucker, Susan C. — 30.

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

The President in the Chair, Mr. Eldridge moved that the bill be amended in Section X by adding the following new sections:—  
Section XX. Chapter 63 of the General Laws is hereby amended in section 2 by striking out subsection (b) and inserting in place thereof the following subsection:—

(b) Any corporation taxable under this section shall pay an excise measured by its net income determined to be taxable under section 2A at the rate of 10.5 percent; provided, however, that in no case shall the excise imposed under this section amount to less than \$456.

Section XX. Said Chapter 63 is hereby further amended in Section 2B, as created by Chapter 173 of the Acts of 2008, by striking out subsection 1 and inserting in place thereof the following subsection:—

(1) The net income shall be determined by taking into account subchapter S of the Code. Income or loss shall be determined as if it were realized or incurred directly by an owner subject to taxation under chapter 62 or 63, as applicable. In the case of an S corporation, income shall be included in the net income measure under this subsection and, to the extent that the income is taxed to the S corporation for federal income tax purposes, subject to tax at a rate of 10.5 percent.

Section XX. Said Chapter 63 is hereby further amended in section 39 by striking out section subsection (a)(2)(i) and inserting in place thereof the following subsection:—

(a)(2)(i) 9.5 per cent of its net income determined to be taxable in accordance with this chapter.

Pending the question on adoption of the amendment, Mr. Tisei moved that amendment (Eldridge) be further amended by striking the text and inserting in place thereof the following:— “chapter 173 of the acts of 2008 is hereby repealed.”

Mr. Brewer in the Chair, after debate, the question on adoption of the further amendment was determined by a call of the yeas

and nays at twelve minutes past three o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 34) [Yeas and Nays No. 43]:

YEAS.

Brown, Scott P. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 5.  
Knapik, Michael R.

NAYS.

Baddour, Steven A. Flanagan, Jennifer L..  
Berry, Frederick E. Galluccio, Anthony D..  
Brewer, Stephen M. Hart, John A., Jr.  
Buoniconti, Stephen J. Jehlen, Patricia D.  
Candaras, Gale D. Joyce, Brian A.  
Chandler, Harriette L. Kennedy, Thomas P.  
Chang-Diaz, Sonia McGee, Thomas M.  
Creem, Cynthia Stone. Menard, Joan M.  
Donnelly, Kenneth J. Montigny, Mark C.  
Downing, Benjamin B. Moore, Michael O.  
Eldridge, James B. Moore, Richard T.  
Fargo, Susan C. Morrissey, Michael W.  
O'Leary, Robert A. Spilka, Karen E.  
Pacheco, Marc R. Timilty, James E.  
Panagiotakos, Steven C. Tolman, Steven A.  
Petruccelli, Anthony Tucker, Susan C.  
Rosenberg, Stanley C. Walsh, Marian — 34.

The yeas and nays having been completed at seventeen minutes past three o'clock P.M., the amendment was rejected. After further debate, the question on adoption of the pending amendment (Eldridge) was determined by a call of the yeas and nays at ten minutes before four o'clock P.M., on motion of Mr. Brown, as follows, to wit (yeas 7 — nays 32) [Yeas and Nays No. 44]:

YEAS.

Chang-Diaz, Sonia Jehlen, Patricia D.  
Donnelly, Kenneth J. McGee, Thomas M.  
Eldridge, James B. Pacheco, Marc R. — 7.  
Galluccio, Anthony D.

NAYS.

Baddour, Steven A. Menard, Joan M.  
Berry, Frederick E. Montigny, Mark C.  
Brewer, Stephen M. Moore, Michael O.  
Brown, Scott P. Moore, Richard T.  
Buoniconti, Stephen J. Morrissey, Michael W.  
Candaras, Gale D. O'Leary, Robert A.  
Chandler, Harriette L. Panagiotakos, Steven C.  
Creem, Cynthia Stone Petruccelli, Anthony.  
Downing, Benjamin B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hart, John A., Jr. Timilty, James E.  
Hedlund, Robert L. Tisei, Richard R.  
Joyce, Brian A. Tolman, Steven A.  
Kennedy, Thomas P. Tucker, Susan C.  
Knapik, Michael R. Walsh, Marian — 32.

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

Recess.

There being no objection, at five minutes before four o'clock P.M., at the request of Mr. Tisei, for the purpose of a minority caucus, the Chair (Mr. Brewer) declared a recess; and, at fourteen minutes past six o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was considered, the main question being on ordering the bill to a third reading. Ms. Walsh and Ms. Creem moved that the bill be amended by adding a new section:—

“SECTION XX:

SECTION 1. Chapter 29 of the General Laws, as appearing in the official 2006 version, is hereby amended, by inserting after section 2XXX the following section:—

Section 2YYY. There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Substance Abuse Health Protection Fund. Amounts credited to the fund shall be expended, not subject to appropriation, by the department of public health to provide funding or supplement existing levels of funding for the following purposes:

- (a) For a comprehensive substance abuse treatment program, to be administered by the department of public health, for the treatment of individuals who are dependent on or addicted to alcohol or controlled substances, or both alcohol and controlled substances and who lack public or private health insurance that would provide coverage for such treatment;
- (b) To fund such substance abuse treatment programs and jail diversion programs, subject to approval by the department of public health, administered by the office of community corrections, the office of the district attorney, the department of corrections, the department of social services, the department of youth services or the office of the commissioner of probation;
- (c) For comprehensive school health education programs, subject to approval by the department of public health, administered by the department of education, provided that such programs shall incorporate information relating to the hazards of alcohol and controlled substances use;
- (d) For workplace-based and community substance abuse prevention and drinking cessation programs, for substance abuse-related public service advertising and for drug and alcohol education programs, administered by the department of public health;
- (e) For outpatient substance abuse treatment services, subject to approval by the department of public health, administered by the office of community corrections, the office of the district attorney, the department of corrections, the department of social services, the department of youth services or the office of the commissioner of probation, for the outreach, counseling, training and follow-up of individuals who have received treatment for or are dependent on or addicted to alcohol or controlled substances; and
- (f) In fiscal year 2010, not less than 10 percent of said fund, not to exceed \$6,000,000 shall be expended for 2 pilot jail diversion programs primarily for nonviolent offenders with OxyContin or heroin addiction to be procured by the department of public health; provided, that each program shall have at least 60 beds and shall provide clinical assessment services to the respective courts, inpatient treatment for up to 90 days and ongoing case management services for up to one year; provided further, that individuals may be diverted to this or other programs by a district attorney in conjunction with the office of the commissioner of probation if:
  - (a) there is reason to believe that the individual being diverted suffers from an addiction to OxyContin or heroin, or other substance use disorder; and
  - (b) the diversion of an individual is clinically appropriate and consistent with established clinical and public safety criteria; provided further, that both programs shall be established in separate counties and a location deemed suitable by the department of public health; provided further, that the department of public health shall coordinate operations with county sheriffs, the district attorneys, the office of the commissioner of probation and the department of correction; provided further, that not more than 500,000 may be used to support the ongoing treatment needs of clients post 90 days for which there is no other payer; and provided further, that the department of public health shall provide an annual report to the joint committee on mental health and substance abuse and the house and senate committees on ways and means as to the outcomes of the program and the cost of operations.

No expenditure from the fund shall cause the fund to become deficient at any point during the fiscal year.

SECTION 2. Notwithstanding clause (g) of section 6 of chapter 64H or any other general or special law to the contrary, there shall be a sales tax of 5 per cent on each vendors gross receipts on each sale at retail of alcoholic beverages for off-premises consumption. Notwithstanding any general or special law to the contrary, the proceeds of said tax together with any penalties, forfeitures, interest, costs of suits and fines collected in connection therewith, all as determined by the commissioner of revenue according to his best information and belief shall be credited to the Substance Abuse Health Protection Fund. Any appropriation, grant, gift, or other contribution explicitly made to said fund at any time, and any income derived from the investment of amounts credited to said fund shall also be credited to the Substance Abuse Health Protection Fund.”

After debate, the amendment was adopted.

Mr. Downing moved to amend the bill by inserting the text of Senate document numbered 2054.

Mr. Rosenberg in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-five minutes before eight o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 29 — nays 10) [Yeas and Nays No. 45]:

YEAS.

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Kennedy, Thomas P.

Buoniconti, Stephen J. McGee, Thomas M.

Candaras, Gale D. Menard, Joan M.  
Chandler, Harriette L. Moore, Michael O.  
Chang-Diaz, Sonia Morrissey, Michael W.  
Creem, Cynthia Stone O'Leary, Robert A.  
Donnelly, Kenneth J. Pacheco, Marc R.  
Downing, Benjamin B. Panagiotakos, Steven C.  
Eldridge, James B. Petrucci, Anthony  
Fargo, Susan C. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Spilka, Karen E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Walsh, Marian— 29.  
Jehlen, Patricia D.

NAYS.

Baddour, Steven A. Moore, Richard T.  
Brown, Scott P. Tarr, Bruce E.  
Hedlund, Robert L. Timilty, James E.  
Knapik, Michael R. Tisei, Richard R.  
Montigny, Mark C. Tucker, Susan C. — 10.

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

Suspension of Senate Rule 38A.

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

The President in the Chair, Mr. Rosenberg moved to amend the bill by inserting the text of Senate document numbered 2053. Pending the question on adoption of the amendment, Mr. Tisei moved that the amendment (Rosenberg) be further amended by striking sections 96 and 97.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays at twenty-one minutes before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 33) [Yeas and Nays No. 46]:

YEAS.

Brown, Scott P. Morrissey, Michael W.  
Hedlund, Robert L. Tarr, Bruce E.  
Knapik, Michael R. Tisei, Richard R. — 6.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Montigny, Mark C.  
Candaras, Gale D. Moore, Michael O.  
Chandler, Harriette L. Moore, Richard T.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian — 33.  
Joyce, Brian A.

The yeas and nays having been completed at seventeen minutes before nine o'clock P.M., the further amendment was rejected. Mr. Tisei moved that the amendment (Rosenberg) be further amended by inserting at the end thereof the following section:—  
“SECTION \_ . Any local option taxes approved pursuant to section four of chapter four must also be approved by a majority of voters at a town election.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays at eight minutes before nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 33) [Yeas and Nays No. 47]:

YEAS.

Brown, Scott P. Morrissey, Michael W.  
Hedlund, Robert L. Tarr, Bruce E.  
Knapik, Michael R. Tisei, Richard R. — 6.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Montigny, Mark C.  
Candaras, Gale D. Moore, Michael O.  
Chandler, Harriette L. Moore, Richard T.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petruccelli, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian — 33.  
Joyce, Brian A.

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

Mr. Tisei moved that the amendment (Rosenberg) be further amended by striking the words:—

“SECTION \_\_. The first paragraph of section 2 of said chapter 64G, as so appearing, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:—

(b) lodging accommodations, including dormitories, at religious, charitable, educational and philanthropic institutions; provided, however, that this exemption shall not apply to accommodations provided by any such institution at a hotel, motel, and other transient accommodations operated by the institution;

SECTION \_\_. Section 3A of said chapter 64G, as so appearing, is hereby amended by striking out, in line 5, the words “four per cent” and inserting in place thereof the following words:— 6 per cent.

SECTION \_\_. Section 3A of said chapter 64G, as so appearing, is hereby amended by striking out, in line 10, the words, “4.5 per cent” and inserting in place thereof the following words:— 6.5 percent.

SECTION \_\_. Section 1 of chapter 64G of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the definition of “Occupant” the following definition:—

“Other transient accommodation”, a vacation or leisure accommodation including, but not limited to, an apartment, single or multiple family housing, a cottage, a condominium or a timeshare unit which is rented to an occupant for a period of 90 consecutive days or less regardless of whether such use is as a lessee, tenant, guest or licensee.

SECTION \_\_. Section 3A of said chapter 64G, as so appearing, is hereby amended by inserting at after the first paragraph the following new paragraph:—

Additionally, any city or town may choose to include other transient accommodations, as defined in section 1, as part of the room occupancy excise established pursuant to this section; provided, however, that said excise may only be applied to accommodations on parcels with two or more units.

SECTION \_\_. Within 1 year after the effective date of this act, the commissioner of revenue shall promulgate regulations that provide for the implementation and collection of taxes due from operators of other transient accommodations, as defined in section 1 of chapter 64G of the General Laws, and shall prescribe forms for the payment of such taxes which may include entering into agreements with municipal governments to carry out the provisions of this section.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays at nine o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 34) [Yeas and Nays No. 48]:

YEAS.

Brown, Scott P. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 5.  
Knapik, Michael R.

NAYS.

Baddour, Steven A. Jehlen, Patricia D.  
Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Kennedy, Thomas P.  
Buoniconti, Stephen J. McGee, Thomas M.



Candaras, Gale D. Menard, Joan M.  
Chandler, Harriette L. Montigny, Mark C.  
Chang-Diaz, Sonia Moore, Michael O.  
Creem, Cynthia Stone. Moore, Richard T.  
Donnelly, Kenneth J. Morrissey, Michael W.  
Downing, Benjamin B. O'Leary, Robert A.  
Eldridge, James B. Pacheco, Marc R.  
Fargo, Susan C. Panagiotakos, Steven C..  
Flanagan, Jennifer L. Petruccelli, Anthony  
Galluccio, Anthony D. Rosenberg, Stanley C.  
Hart, John A., Jr. Spilka, Karen E.  
Timilty, James E.. Tucker, Susan C.  
Tolman, Steven A. Walsh, Marian — 34.

The yeas and nays having been completed at four minutes past nine o'clock P.M., the further amendment was rejected. The pending amendment (Rosenberg) was then considered; and it was adopted.

*Moment of Silence.*

At the request of the president, the members, guests and employees stood in a moment of silence to the memory of Joseph Baldachinno, II.

*Recess in Memory of Joseph Baldacchino, II.*

The Senator from Middlesex, Suffolk and Essex, Mr. Galluccio, requested that when the Senate adjourns today, it adjourn in memory of Joseph Baldacchino, II. Joseph Baldacchino, II passed away suddenly on March 15th at the age of 18. He was a former captain of the Everett High School Super Bowl Winning Football Team and student at Bridgeton Academy.

Accordingly, as a mark of respect to the memory of Joseph Baldacchino, II, at five minutes past nine o'clock P.M., on motion of Ms. Menard, the Senate recessed to meet again tomorrow at eleven o'clock A.M.

Wednesday, May 20, 2009.  
[being the legislative session of  
Tuesday, May 19, 2009.]

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

*Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the following guests were recognized, as follows: The President handed the gavel to Ms. Chandler for the purpose of an introduction. Ms. Chandler then introduced members of the Worcester Cultural Coalition. The group was visiting the State House for an event displaying many attractions of Worcester and Central Massachusetts. The attractions include the Worcester Chamber Music Society, Higgins Armory Museum, the EcoTarium Worcester Historical Museum, Worcester Art Museum, American Antiquarian Society, Hanover Theatre for the Performing Arts and the Museum of Russian Icons. The group was also accompanied by representatives from the Office of the City Manager and the Worcester County Visitors Bureau.

The President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced George Hauser, a Newton resident, whose heroism helped liberate France during World War II. This morning, Francois Gauthier, Consul General of France in Boston, on behalf of President Nicolas Sarkozy, bestowed upon George Hauser the insignia of Knight in the National Order of the Legion of Honor. This is France's highest civil and military honor and illustrates the high esteem France has for Mr. Hauser. George Hauser was accompanied by Louise Hauser and Guendoline Thornblade. He was applauded for his heroic efforts, briefly addressed the Senate and withdrew from the Chamber.

The President introduced Loic Barneau, a renowned General Lafayette re-enactor from New York. May 11, 2009 marked the 74th celebration of General Lafayette Day in Massachusetts. He is recognized for fighting with George Washington for the Independence of the United States and was one of the founders of the French-American Friendship. He was the guest of Senator Richard T. Moore.

*Resolutions.*

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:— Resolutions (filed by Ms. Flanagan) “honoring the unveiling of the name of Private First Class Jonathan Roberge on the Franco American War Monument and the dedication of Franco American War Veterans Post 13's Post Hall”; and Resolutions (filed by Mr. Pacheco) “congratulating Edward and Irene Trucchi on their sixtieth wedding anniversary.”

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Sheila Ferreira, an employee of the Department of the Trial Court (see Senate, No. 2046), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0. The bill was signed by the President and sent to the House for enactment.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was considered, the main question being on ordering the bill to a third reading.

Mr. Brown moved that the bill amended by inserting after section 90 the following new section:—

SECTION XX. Chapter 64H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 6 the following section:—

Section 6A. (a) A vendor shall rebate to a purchaser, at the time of sale, a portion of the excise imposed by this chapter in the amount equal to 2.25 percent of the gross receipts of the vendor for sales at retail of tangible personal property that have labeled as all or virtually all manufactured in the Commonwealth of Massachusetts in accordance with U.S.C. 15 § 45a.

(b) Except as provided in paragraph (c) of Section 3 of this chapter, the rebate shall be paid by the vendor to the purchaser and each vendor in the Commonwealth shall subtract the rebate from the full amount of the tax imposed by this chapter and shall collect from the purchaser the remaining amount of tax or an amount equal as nearly as possible or practicable to the average equivalent thereof.

(c) Upon each sale of tangible personal property eligible for the rebate under this section, the amount of the rebate collected by the purchaser from the vendor shall be stated and charged separately from the sales price and sales tax and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor; provided, however, that in the instance of the sale of alcoholic beverages for on premise consumption, the tax collected need not be stated separately.

After remarks, the amendment was rejected.

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

“Section X. An environmental study shall be conducted by the Department of Conservation and Recreation in the City of Worcester and in other Worcester County towns to determine the long-term effects due to the eradication process for the permanent removal of the Asian Longhorned Beetle. The area of study shall include the City of Worcester and the towns of West Boylston, Boylston, Holden and Shrewsbury. The study shall determine the impact on the immediate environment. Included in the study shall be the replacement of a natural barrier, the restoration of indigenous wildlife, the cost of such remediation and long-term planning and solutions. The Department of Conservation and Recreation shall report its findings to the Clerk of the House of Representatives and the Clerk of the Senate by December 31, 2009.”

Mr. Brewer in the Chair, after remarks, the amendment was adopted.

Ms. Chandler and Messrs. Michael O. Moore, Downing and Knapik moved that the bill be amended by inserting after section \_\_\_\_\_. the following new Section:—

“SECTION \_\_\_\_\_. Section 6J of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after subsection (c)(2) the following:—

(3) Nothing in this section shall prevent a completed or certified project that has been placed into service from remaining eligible for further historic rehabilitation tax credit allocations; provided that the completed project has not received previous allocations that exceed 20 percent of the qualified rehabilitation expenditures; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, projects that received final certification prior to January 1, 2009, which were subsequently deemed ineligible for a historic rehabilitation tax credit allocation shall be issued said credits forthwith.

Section 38R of chapter 63, as so appearing, is hereby amended by inserting after (c)(2) the following:—

(3) Nothing in this section shall prevent a completed or certified project that has been placed into service from remaining eligible for further historic rehabilitation tax credit allocations; provided that the completed project has not received previous allocations that exceed 20 percent of the qualified rehabilitation expenditures; provided further, that notwithstanding any general or special law, rule or regulation to the contrary, projects that received final certification prior to January 1, 2009, which were subsequently deemed ineligible for a historic rehabilitation tax credit allocation shall be issued said credits forthwith.”

The amendment was rejected.

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

Section XX. Notwithstanding any general or special law to the contrary, fee interest in and parcel to Paul X. Tivnan Drive, located in the Towns of Boylston and West Boylston, is hereby transferred from the towns to the Commonwealth.

The amendment was rejected.

Mr. Richard T. Moore, Ms. Tucker and Mr. Joyce moved that the bill be amended inserting, after section \_\_\_\_\_. the following new sections:—

SECTION \_\_\_\_. Notwithstanding any general or special law to the contrary, the secretary of health and human services, in consultation with the health care quality and cost council, shall study the feasibility of developing a consolidated center of excellence focused on technology, performance measurement and quality improvement. The study shall include an examination

of existing centers for quality, including the health care quality and cost council, the Betsy Lehman Center, and the Massachusetts Health Quality Partners, as well as potential opportunities to increase efficiency and avoid duplication of efforts. The secretary shall file a report with the results of the study together with legislation, if any, with the clerk of the senate and the clerk of the house of representatives on or before December 1, 2010.

After remarks, the amendment was rejected.

Mr. Richard T. Moore moved that the bill be amended by inserting, after Section \_\_\_\_, the following new Sections:—

SECTION \_\_\_\_. There is hereby established a special commission to investigate and study methods of improving the accountability, economy, and efficiency of the government of the Commonwealth and the operation of its agencies, departments and instrumentalities, hereinafter referred to as “the commission.”

“The purpose of the commission shall be to make recommendations to the Governor and the General Court to promote economy, efficiency, and improved service in the transaction of the public business in the various departments, agencies and instrumentalities in the executive, legislative and judicial branches of state government, and in making the operation of all state departments, agencies, and instrumentalities, and all expenditures of public funds, more directly responsive to the needs of the Commonwealth, by any or all of the following means:

- a) By adopting methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;
- b) By eliminating duplication of overlapping services, activities, and functions, and time-consuming or wasteful practices;
- c) By consolidating services, activities, and functions of a similar nature;
- d) By abolishing services, activities, and functions not necessary to the efficient conduct of state government;
- e) By the elimination of unnecessary state departments and agencies, the creation of necessary new state departments and agencies, the reorganization of existing state departments and agencies, and the transfer of functions and responsibilities among state departments and agencies;
- f) By defining or redefining duties and responsibilities of state officers;
- g) By revising present provisions for continuing or permanent appropriations of state funds or bond authorizations, for whatever purpose, by eliminating any such existing provisions and by adopting new provisions;
- h) By establishing means for performance measurement and methods of reporting such measurement;
- i) Reorganizing all aspects of state career public service including, but not limited to, methods of recruitment and retention of state employees; training and re-training of state employees; job classification, salaries and benefits of state employees; discipline and termination of state employees; clarifying the responsibilities and functions that are best served by regular state employees and those best served by contract employees; and encouraging and facilitating opportunities for private sector and non-profit sector employees to work in state government for limited periods of time;
- j) By analyzing and evaluating all state contracts with private vendors for the purpose of confirming that all contracted approaches to the delivery of goods and services are accountable, economical, and efficient;
- k) To review state requirements for contracting for goods and services and for the retention of professional services to determine the most effective means of determining the most qualified vendor, including but not limited to, a review of a method by which state agencies, authorities, boards and commissions retain legal counsel, accounting, architectural and engineering services.

The commission shall be comprised of the following members, each of whom shall serve at the pleasure of the appointing authority:

- a) Thirteen members, seven of whom shall be appointed by the Governor, three by the President of the Senate, and three by the Speaker of the House. Not more than seven of such members shall be registered voters in the same political party, and none shall hold public office in the executive or legislative branches of the state government. Leading Massachusetts residents in the fields of business and government management, accounting, labor relations, finance, and human relations including, but not limited to, deans of schools of business, public administration and other scholars who would be ideal candidates for these appointments;
- b) Five members of the Massachusetts Senate who shall be the Senate Chair of Ways and Means, the Senate Chair of the Committee on Revenue, the Chair of the Senate Committee on Post Audit and Oversight, and two members designated by the Senate Minority Leader;
- c) Five members of the Massachusetts House of Representatives who shall be the House Chair of Ways and Means, the House Chair of the Committee on Revenue, the Chair of the House Committee on Post Audit and Oversight, and two members designated by the House Minority Leader;
- d) The Governor, the President of the Senate, and the Speaker of the House, who shall jointly designate the chair or co-chairs of the commission, shall each serve on the commission, ex-officio;
- e) The Auditor of the Commonwealth and the Inspector General of the Commonwealth, ex-officio.

The Commission shall meet monthly, and should have the authority, subject to the approval of the Secretary of Administration and Finance, to request staff support and research from state agencies to carry out its responsibilities. The commission may seek assistance from other organizations or individuals on a pro bono basis. The commission shall file annual reports with the clerk of the Senate and the clerk of the House of Representatives and shall make a final report not later than June 30, 2010. The commission may make interim reports as appropriate in order to address the serious fiscal problems facing the Commonwealth in the next few years.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes past twelve o'clock noon, on motion of Mr. Richard T. Moore, as follows, to wit (yeas 15 — nays 24) [Yeas and Nays No. 49]:

YEAS.

Brown, Scott P. O'Leary, Robert A.  
Candaras, Gale D. Pacheco, Marc R.  
Fargo, Susan C. Rosenberg, Stanley C.  
Hedlund, Robert L. Tarr, Bruce E.  
Jehlen, Patricia D. Timilty, James E.  
Joyce, Brian A. Tisei, Richard R.  
Knapik, Michael R. Tucker, Susan C. — 15.  
Moore, Richard T.

NAYS.

Baddour, Steven A. Hart, John A., Jr.  
Berry, Frederick E. Kennedy, Thomas P.  
Brewer, Stephen M. McGee, Thomas M.  
Buoniconti, Stephen J. Menard, Joan M.  
Chandler, Harriette L. Montigny, Mark C.  
Chang-Diaz, Sonia Moore, Michael O.  
Creem, Cynthia Stone Morrissey, Michael W.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucelli, Anthony  
Eldridge, James B. Spilka, Karen E.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Walsh, Marian — 24.

The yeas and nays having been completed at a quarter past twelve o'clock noon, the amendment was rejected. Subsequently, Richard T. Moore moved to reconsider the vote by which the Senate had rejected the amendment; and, after debate this motion prevailed.

The recurring question on adoption of the amendment was then considered; and the amendment was adopted.

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

SECTION \_\_. Effective January 1, 2009, no amendment of 114.3 CMR 20.00 shall take effect until the Division of Health Care Finance and Policy has certified that it has conducted its mandatory biannual review of all of the services and procedures identified in that section, with data and testimony supporting the reasons for (1) any rate adjustments; and (2) the maintenance of the current rate.

The amendment was rejected.

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

SECTION \_\_. Notwithstanding any general or special law to the contrary, the secretary of health and human services, in consultation with the health care quality and cost council, shall hereby establish an independent entity, known as the Massachusetts Comparative Cost Effectiveness Institute. Said independent entity shall examine, research and issue guidelines on the comparative effectiveness of medical procedures, drugs, devices, and biologics, so that research results can be used as a basis for health care purchasing and payment decisions that limit cost, create efficiencies and eliminate clinical waste thereby reducing inappropriate, ineffective or redundant care.

SECTION \_\_. In concert with the results from study commission findings, as mandated by Section 53 of Chapter 305 of the Acts of 2008, the secretary shall consider existing state and national models, including, but not limited to, the Institute for Clinical Economic Review, the Washington State Health Care Authority's Health Technology Assessment program, the National Institute for Health and Clinical Excellence in Britain, and the Institut für Qualität und Wirtschaftlichkeit im Gesundheitswesen in Germany regarding the development of the independent entity.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes past twelve o'clock noon, on motion of Mr. Tisei, as follows, to wit (yeas 14 — nays 24) [Yeas and Nays No. 50]:

YEAS.

Brown, Scott P. Moore, Richard T.  
Candaras, Gale D. Morrissey, Michael W.  
Fargo, Susan C. O'Leary, Robert A.  
Hedlund, Robert L. Pacheco, Marc R.  
Joyce, Brian A. Tarr, Bruce E.  
Knapik, Michael R. Timilty, James E.  
Montigny, Mark C. Tisei, Richard R. — 14.

NAYS.

Baddour, Steven A. Jehlen, Patricia D.  
Brewer, Stephen M. Kennedy, Thomas P.  
Buoniconti, Stephen J. McGee, Thomas M.

Chandler, Harriette L. Menard, Joan M.  
Chang-Diaz, Sonia Moore, Michael O.  
Creem, Cynthia Stone Panagiotakos, Steven C.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Spilka, Karen E.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Tucker, Susan C.  
Hart, John A., Jr. Walsh, Marian — 24.

ABSENT OR NOT VOTING.

Berry, Frederick E. — 1.

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

Ms. Creem moved that the bill be amended in Section X by adding the following new section:—

SECTION XX. Chapter 7 of the General Laws is hereby amended by adding the following new section:—

Section \_\_.

“Secretary”, the Secretary of the Executive Office for Administration and Finance.

“Searchable budget database website” means a website that allows the public at no cost to search for, obtain, and aggregate the information identified in subsection (2).

“Entity/and or recipients” means: any corporation, association, limited liability company, limited liability partnership, or any other legal business entity. It shall also include any grantee or subgrantee, contractor or subcontractor, county, city or other local government entity. It shall not include any individual recipient of state assistance.

“Agency” means any state department, office, board commission, bureau, division, institution, or institution of higher education.

“Agency” specifically includes any authority created by an act of the Massachusetts Legislature, including those authorities not receiving state tax revenue. This includes individual state agencies and programs, as well as those programs and activities that cross agency lines, and also includes all elective offices in the Executive Branch of government and the Legislature

“Funding source” means the state account the expenditure is appropriated from.

“Funding action or expenditure” shall include details on the type of spending, both appropriated expenditures including but not limited to grants, contracts, and appropriations, and tax expenditures, including but not limited to tax exemptions, waivers, and credits. This shall include but not be limited to all tax exemptions, credits, direct grants, or infrastructure assistance provided to any corporate or other business entity. Where possible, a hyperlink to the actual grants or contracts shall be provided.

“Expected outcome” includes, in relation to any tax exemption, tax credit, direct grant or infrastructure assistance provided to a corporate or other business entity, the number and quality of jobs to be created or retained, including wages and benefits, the date the job goals will be reached, the estimated increase to the state tax base, and whether the funded project involves the relocation of jobs and if so how many and from where.

“Final outcomes” includes, in relation to any tax exemption, tax credit, direct grant or infrastructure assistance provided to a corporate or other business entity, the number and quality of jobs actually created or retained, including wages and benefits, and the actual increase to the state tax base for the fiscal year in which benefit was given; the outcomes achieved shall also include any money recaptured from corporate subsidy recipients for failure to meet expected performance outcomes.

“State audit or report” shall include any audit or report issued by the Inspector General, State Auditor, legislative auditor, legislative committee, or executive body relating to the past or current performance of the entity or recipient of funds or the budget program/activity or agency which the Secretary deems as relevant.

(2) Not later than January 1, 2011 the Secretary shall develop and operate a single searchable budget database website, accessible by the public at no cost that includes:

(a) Annual state expenditures or funding actions provided to any entity, recipient or agency, as determined by the Secretary including the name and location of any such entity, recipient or agency, the funding source, the amount of funds appropriated including tax expenditures or other subsidies, the funding agency or authority, and a description of the purpose of the funding action or expenditure. If the funding action or expenditure is a tax expenditure, information about the expected outcome of such tax expenditure shall be included and information concerning the final outcome shall be provided within 30 days from when it is reported to the appropriate state agency;

(b) Bond debt payments and debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;

(c) Local aid to cities and towns including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

(d) Annual revenues, as determined by the Secretary which shall include, but not be limited to:

(i) receipts or deposits by any agency into funds established within the state treasury;

(ii) tax revenue received ;

(iii) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;

(iv) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;

- (v) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
  - (vi) other revenue including, but not limited to, receipts not classified elsewhere; and
  - (e) Annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.
  - (f) A link to any state audit or report.
  - (g) Any other relevant information specified by the secretary.
- (3) The searchable budget database website shall retain information for each fiscal year on the single website for not less than 10 years and shall include data for the most recent fiscal years.
- (4) The Secretary shall update the searchable budget database website as new data becomes available. All agencies shall provide to the Secretary all data that is required to be included in the searchable budget database website not later than 30 days after the data becomes available to the agency. The Secretary shall provide guidance to agency heads to ensure compliance with this section.
- (5) Nothing in this act shall permit or require the listing of individual businesses' tax liability, profits, sales or losses.
- (6) The Secretary shall not be considered in compliance with this act if the data required for the searchable budget database website is not available in a searchable and aggregate manner or if the public is redirected by the searchable budget database website to other government websites, unless each of those websites complies with the requirements of this Act.
- After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-five minutes before one o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 39 — 0) [Yeas and Nays No. 51]:

YEAS.

Baddour, Steven A. Knapik, Michael R.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Brown, Scott P. Montigny, Mark C.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petruccelli, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tisei, Richard R.  
Hedlund, Robert L. Tolman, Steven A.  
Jehlen, Patricia D. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 39.  
Kennedy, Thomas P.

NAYS — 0.

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

Mr. Pacheco moved that the bill be amended by inserting the following new outside section:—

“Section XXX. Chap 395 of 2002 is hereby amended in Section 1. by striking out the following sentence: “The purchase price payable to the Taunton Development Corporation for the parcel shall be the full and fair market value of the property less any environmental cleanup costs as of the time of conveyance to the Taunton Development Corporation, as determined by the commissioner of capital asset management and maintenance based on an independent appraisal.” and inserting in place thereof the following new sentence:—

“The purchase price payable to the Taunton Development Corporation for the parcel shall be the full and fair market value of the property less any environmental cleanup costs and demolition costs of existing uninhabitable buildings located upon the parcel as of the time of conveyance to the Taunton Development Corporation, as determined by the commissioner of capital asset management and maintenance based on an independent appraisal.”

After remarks, the amendment was adopted.

Ms. Creem moved that the bill be amended in Section X by adding the following new section:

SECTION \_\_. Section 5K of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 13, the figure “750” and inserting in place thereof the following figure:— “1,000”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes before one o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 39 — nays 0) [Yeas and Nays No. 52]:

YEAS.

Baddour, Steven A. Knapik, Michael R.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Brown, Scott P. Montigny, Mark C.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tisei, Richard R.  
Hedlund, Robert L. Tolman, Steven A.  
Jehlen, Patricia D. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 39.  
Kennedy, Thomas P.

NAYS — 0.

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

Ms. Creem moved that the bill be amended in section X by adding the following new section:

SECTION \_\_. Clause First of Section 18 of Chapter 59 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking the first sentence thereof and replacing it with the following:—

First, all tangible personal property, including that of persons not inhabitants of the Commonwealth, except ships and vessels, and including machinery, poles, wires, and underground conduits, wires, and pipes of telecommunications companies laid in or erected upon public or private ways, shall be taxed to the owner in the town in which such property is situated on January first. For purposes of this clause, telecommunications companies shall include providers of cable television service, internet service, telephone service, data service, radio utility and mobile radio telephone utility systems, both as defined in Section 12A of Chapter 159, and any other services involving the transmission of communications or intelligence by any means.

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.”

After remarks, the amendment was adopted.

Ms. Menard moved that the bill be amended, in Section 2, in item

1599-3857 “For capital lease payments from the University of Massachusetts to the Massachusetts Development Finance Agency and for annual operations of the advanced technology and manufacturing center in Fall River 1,581,922.”

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. The Department of Revenue is hereby authorized and directed to conduct a study to determine the means to calculate the excise tax liability for motor vehicles so as to ensure that said tax is levied in a manner that fairly reflects the actual value being taxed, based on a methodology which is objective and fair. Said study may consider, but shall not be limited to, the utilization of published valuation reports and established depreciation schedules and methods, and systems employed by other states and governmental jurisdictions.

The findings of said study shall be filed with clerks of the House and Senate not later than nine months following the passage of this act.”

The amendment was rejected.

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

“SECTION XX. Chapter 64A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting, after section 7A, the following section:—

Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from

the excise established by this chapter.”

After remarks, the amendment was rejected.

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

SECTION XX. Notwithstanding any general or special law or regulation to the contrary, any landlord may exercise any contractual right to renegotiate a lease with a state agency, if in the determination of the agency head, insufficient funds are available within the agency’s appropriation or allotment to maintain the lease consistent with maintaining core governmental functions. Said landlord who successfully renegotiates with the head of the leasing state agency shall obtain priority status for other state agencies looking for space. This section shall expire on June 30, 2010.

The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Sections:—

SECTION XX. There is hereby transferred 100,000,000 from the Massachusetts Life Sciences Investment Fund to the Massachusetts Job Creation Reserve Fund.

SECTION YY. Chapter 29 of the General Laws is hereby amended by inserting after Section 2YYY the following new section:—

“SECTION 2ZZZ. There is hereby established upon the books of the Commonwealth a separate fund to be known as the Massachusetts Job Creation Reserve Fund. There shall be credited to this fund any appropriation or transfer made by the Commonwealth, as well as any grants, fees, compensation, payments or revenues of any kind from any agency of the federal government, other governmental entity, or individual.

Amounts credited to said fund shall be available to offset costs to the Commonwealth of the small business tax credit, codified at 67D(a) of Chapter 62C of the General Laws, 30 days after notice by the Secretary of Administration and Finance to the clerks of the House and Senate that the costs of said tax credit would precipitate fiscal instability absent use of said fund.

SECTION ZZ. Section 67D(a) of Chapter 62C of the General Laws is hereby amended by striking it in its entirety and replacing it with the following section:—

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

‘Application year’, the calendar year for which a biotechnology or medical device manufacturing or marine science technology company or small business submits the information required for a determination as to a jobs incentive payment.

‘Biotechnology company’, a business primarily engaged in the research, development, production or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes including, but not limited to, medical, pharmaceutical, nutritional and other health-related purposes or a person engaged in providing services or products necessary for such research, development, production or provision. This term shall include contract manufacturers engaged in the production of biotechnology products for a biotechnology company or a medical device manufacturing or marine science technology company.

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

‘Commissioner’, the commissioner of revenue.

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

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

‘Job qualifier fraction’, in the case of either a full-time employee or a part-time employee of a biotechnology or medical device manufacturing or marine science technology company or small business, the figure that determines the extent to which that employee is employed in the Commonwealth during a single calendar year. The job qualifier fraction for each employer shall be determined by multiplying the following percentages together: (i) the percentage of time that an employee worked while employed by the company expressed as average hours worked per week out of 35 hours, not to exceed 100 per cent; (ii) that employee’s time attributable to work in the Commonwealth, as a portion of that employee’s total work for the company; and (iii) the portion of the year the employee worked for the company.

‘Jobs incentive payment’, a business employment incentive payment for biotechnology or medical device manufacturing or marine science technology companies or small businesses as provided for in this section.

‘Local jobs created’, the total number of jobs created by a biotechnology or medical device manufacturing or marine science technology company or small business during a single calendar year in which the new employees perform qualified services at least 1 in-state location, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the state.

‘Marine science technology company’, a business engaged in research, exploration, operations, monitoring, or defense in marine settings. This term shall include contract manufacturers engaged in the production of these products for a marine science technology company.

‘Medical device manufacturing company’, a business primarily engaged in manufacturing medical or surgical instruments, surgical appliances or supplies or electromedical, electrotherapeutic or irradiation apparatus. This term shall include contract manufacturers engaged in the production of such products for a medical device manufacturing company or a biotechnology company.

‘Part-time employee’, a person who is employed for consideration for less than 35 hours a week and whose salary is subject to withholding as provided in chapter 62B.

‘Payment years’, in the case of a biotechnology or medical device manufacturing or marine science technology company or small



business that is determined to be eligible for a jobs incentive payment, the 3 calendar years following the application year. 'Qualified services', for an employee of a biotechnology or medical device manufacturing company, direct production manufacturing services performed that consist primarily of at least 1 of the following services: medicinal and botanical manufacturing, pharmaceutical and preparation manufacturing, in vitro diagnostic substance manufacturing, biological product, except diagnostic, manufacturing, surgical and medical instrument manufacturing, electromedical and electrotherapeutic apparatus manufacturing, surgical appliance and supplies manufacturings and irradiation apparatus manufacturing. These services are as referenced in the federal NAICS Codes for biotechnology manufacturing, numbers 325411-325414, 339112, 314510, 339113 and 334517, respectively or direct manufacturing or professional services performed by an employee of a marine science technology company during a calendar year that consists of research, exploration, operations, monitoring, or defense in a marine setting. For an

'Weighted, average employment', for a calendar year, the total number of jobs maintained by a biotechnology or medical device manufacturing or marine science technology company in which the employees performed employment services at at least 1 in-state location. The number is to be determined by first multiplying each of the individual jobs maintained by the company for that year by the job qualifier fraction for that job and then totaling the number for all of these jobs."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 — nays 32) [Yeas and Nays No. 53]:

YEAS.

Brown, Scott P. Moore, Richard T.  
Candaras, Gale D. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 7.  
Knapik, Michael R.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Montigny, Mark C.  
Chandler, Harriette L. Moore, Michael O.  
Chang-Diaz, Sonia Morrissey, Michael W.  
Creem, Cynthia Stone O'Leary, Robert A.  
Donnelly, Kenneth J. Pacheco, Marc R.  
Downing, Benjamin B. Panagiotakos, Steven C.  
Eldridge, James B. Petruccelli, Anthony  
Fargo, Susan C. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Spilka, Karen E.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tolman, Steven A.  
Jehlen, Patricia D. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 32.

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

Ms. Menard moved that the bill be amended in amended in section X

"Chapter 32. Section 4 (G½) by inserting after the word, in line 82, 'commission' the following words:— "provided, that no credit shall be allowed unless such member has made application to the teachers retirement system or the State-Boston retirement system on a form prescribed by such system to purchase such service by Dec 31, 2001 and has paid into the Annuity Savings Fund of the system by December 31, 2009; provided further that any such member that has retired between January 1, 2009 and December 31, 2009 shall be eligible.""

The amendment was rejected.

Ms. Fargo moves to amend the bill in Section 3, by adding the following Section:—

SECTION \_\_\_\_\_. "Section 1. Paragraph (2) of subsection (k) of section 6 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is amended by inserting after the figure '750', as so appearing, at the end of said paragraph, the following words:— ; except, in the event that the taxpayer's total income does not exceed 50 percent of the income limitation as applicable to the taxpayer under clause (i) of paragraph (3) of this subsection, as increased under paragraph (4) of this subsection, then such amount to which the real estate tax payment or the rent constituting real estate tax payment exceeds the taxpayer's total income shall be calculated based on 8 ½ percent of such total income."; and in section 3, by adding the following Section:—

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

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nine minutes past one o'clock P.M., on motion of Ms. Fargo, as follows, to wit (yeas 11 — nays 28) [Yeas and Nays No. 54]:

YEAS.

Brown, Scott P. Pacheco, Marc R.  
Fargo, Susan C. Spilka, Karen E.

Hedlund, Robert L. Tarr, Bruce E.  
Knapik, Michael R. Timilty, James E.  
Moore, Richard T. Tisei, Richard R. — 11.  
O’Leary, Robert A.

NAYS.

Baddour, Steven A. Jehlen, Patricia D.  
Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Kennedy, Thomas P.  
Buoniconti, Stephen J. McGee, Thomas M.  
Candaras, Gale D. Menard, Joan M.  
Chandler, Harriette L. Montigny, Mark C.  
Chang-Diaz, Sonia Moore, Michael O.  
Creem, Cynthia Stone Morrissey, Michael W.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucelli, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Tucker, Susan C.  
Hart, John A., Jr. Walsh, Marian — 28.

The yeas and nays having been completed at thirteen minutes past one o’clock P.M., the amendment was rejected.  
Mr. Richard T. Moore moved that the bill be amended in by inserting, after section \_\_, the following new section:—  
SECTION \_\_.Section 106 of Chapter 182 of the Acts of 2008 is hereby amended by striking, in section (d), the following:  
“January 1, 2009” and placing therein the following: “June 30, 2011”.  
The amendment was rejected.

Recess.

There being no objection, at twenty-four minutes past one o’clock P.M., at the request of Mr. Tisei, for the purpose of a minority caucus, the Chair (Mr. Brewer) declared a recess; and, at eight minutes past three o’clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was considered, the main question being on ordering the bill to a third reading.  
Mr. Tolman moved that the bill be amended, in section 35, by striking out the text and inserting in place thereof the following:—  
“Chapter 71 of the Massachusetts General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting the following new section:—

Section 91. (a) ‘Recovery High School’ shall mean a public school or collaborative program for students diagnosed with substance use disorder or dependency, as defined by the Diagnostic and Statistical Manual of Mental Disorders IV-TR, that provides

- (i) a comprehensive 4-year high school education and
- (ii) a structured plan of recovery.

(b) A school district shall transfer the state average chapter 70 per pupil allotment to a Recovery High School for any student meeting the following criteria:

- (i) the student is currently enrolled in the district or currently resides in the municipality in which the district is located;
- (ii) the student is considered clinically appropriate by a clinician as defined by 105 CMR 164.006 of the Code of Massachusetts Regulations, using the criteria for Substance Use Disorders as defined in the Diagnostic and Statistical Manual of Mental Disorders IV-TR; and

(iii) the student meets all matriculation criteria as outlined by their sending districts and the department of elementary and secondary education, with determination of academic eligibility based on existing documentation provided by the district. The district and the Recovery High School shall arrange to confer a diploma when a student completes all state and district-mandated graduation requirements.

(c) Recovery High Schools shall submit to the board of elementary and secondary education data considered necessary by the board to provide information regarding each student’s academic performance. Recovery High Schools shall also submit to the department of public health data regarding each student’s recovery.

(d) The board of elementary and secondary education shall promulgate regulations, as necessary in consultation with the department of public health and the department of mental health, to implement the provisions of this section.”

After remarks, the amendment was adopted.

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

“SECTION X. There shall be a special commission to investigate and study the reform and core functions of state government in

order to determine what are the essential services the Commonwealth must deliver to its citizens. The study shall include, but not be limited to, an examination of projected revenue, a prioritization of the core services state government, what is the most efficient manner to deliver those services, and how can the state measure progress in achieving those goals identified. The commission shall consist of 11 members, 5 members of the house of representatives, 1 of whom shall be appointed by the minority leader, 5 members of the senate, 1 of whom shall be appointed by the minority leader, and the secretary of administration and finance or her designee. The commission shall file a report of the results of its investigation with the clerks of the house of representatives and senate, the house and senate committees on ways and means on or before December 31, 2009.” The amendment was adopted.

Ms. Spilka moved that the bill be amended by striking out Section 25 and inserting in place thereof the following:

SECTION 25. Said chapter 62C is hereby further amended by adding the following section:—

Section 88. (a)(1) Annually, not later than March 1, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year which shall be a public record.

(2) The report shall contain the following information:

- (i) the number of taxpayers authorized by the administering agency head to receive a tax credit;
- (ii) the total amount of tax credit award and issued tax credit for each industry and each project, if applicable;
- (iii) the date of the tax credit award or issued tax credit for each industry and each project; and
- (iv) an aggregate summary of the employment data, by industry, provided by each taxpayer pursuant to subsection b(1).

(3) The report shall contain an analysis of the impact of the tax credit on preserving and promoting the relevant industry in the Commonwealth and employment in the relevant industry including, but not limited to, an analysis of the relevant industry’s output, where applicable, and employment retained or increased in the relevant industry in the Commonwealth for the calendar year, other benefits relevant to the specific goals of the tax credit program and other information that the commissioner may require.

(4) The report shall additionally include the following information relevant to the following specific tax credit programs:

- (i) for the brownfields tax credit, an analysis of the impact of the brownfields tax credit program on the cleanup and development of contaminated properties;
- (ii) for the dairy farmer tax credit, an analysis of the impact of the dairy farmer tax credit on preserving dairy farms and dairy farm employment including, but not limited to, an analysis of the dairy product output and the number, size in acreage and location of dairy farms receiving a dairy farm credit;
- (iii) for the U.S.F.D.A. user fees credit, life sciences investment tax credit and the refundable research credit, an analysis of the impact of the program on preserving and increasing economic development and infrastructure for the calendar year;
- (iv) for the film tax credit, an analysis of the impact of the film tax credit program on preserving or increasing film industry jobs and other benefits of the program;
- (v) for the historic rehabilitation tax credit, an analysis of the impact of the program on preserving historic structures and other benefits of the program including, but not limited to, the employment created for the calendar year;
- (vi) for the low-income housing tax credit, an analysis of the impact of the program on preserving or increasing low-income housing and other benefits of the program, including but not limited to, the number of low-income housing units placed in service for the calendar year; and
- (vii) for the medical device tax credit, an analysis of the impact of the medical device tax credit program on preserving or increasing medical device industry jobs and other benefits of the program.

(b)(1) Annually, not later than February 15, each taxpayer receiving an authorized tax credit from the administering agency head in the previous calendar year shall submit a statement of jobs on a form provided by the administering agency head to the administering agency head containing the following information:

- (i) the number of full-time employees working for the taxpayer on the date the administering agency head authorized the tax credit;
- (ii) the average salary of the full-time employees identified in clause (i);
- (iii) the number of part-time employees, identifying the part-time employees as either equal to or less than 20 hours per week employees or less than 35 hours but more than 20 hours per week employees, working for the taxpayer on the date the administering agency head authorized the tax credit and the number of part-time employees, identifying the part-time employees as either equal to or less than 20 hours per week employees or less than 35 hours but more than 20 hours per week employees, working for the taxpayer on December 31 of the calendar year in which the administering agency head authorized the tax credit;
- (iv) the average salary of the employees working equal to or less than 20 hours per week and the average salary of employees working less than 35 hours but more than 20 hours per week as identified in clause (iii);
- (v) the number of full-time employees working for the taxpayer on the date the administering agency head authorized the tax credit and the number of full-time employees working for the taxpayer on December 31 of the calendar year in which the administering agency head authorized the tax credit;
- (vi) the average salary of the full-time employees identified in clause (v);
- (vii) the average salary of the employees working equal to or less than 20 hours per week and the average salary of the employees working less than 35 hours but more than 20 hours per week as identified in clause (iii); and
- (viii) other information required by the administering agency head to assist the agency head in assessing the impact of the tax credit program on the Commonwealth and employment in the relevant industry and otherwise in meeting the goals of the relevant tax credit program.

(2) Annually, not later than March 1, the administering agency head shall submit to the commissioner, on a form prescribed by

the commissioner, copies of the taxpayer job statements required by paragraph (1), with the report required by subsection (a). The commissioner shall provide this information on a government internet website for public disclosure.

The amendment was adopted by a vote of 11 to 2.

Ms. Fargo moved that the bill be amended in Section 3, by adding the following Section:—

SECTION \_\_\_\_\_

“Section 1. There shall be a business development advisory task force called the ‘task force’, consisting of the secretary of the executive office of housing and economic development or his designee who shall serve as chair, the secretary of the Commonwealth or his designee, the director of the securities division of the secretary of the Commonwealth or his designee, the chief of the business and labor division of the department of the attorney general or his designee, the commissioner of the department of revenue, or his designee, the director of the department of business development or his designee, a representative of the Associated Industries of Massachusetts, and 5 other members that shall be appointed by the governor, one of whom shall be a chief executive officer or chief financial officer of a Massachusetts corporation that is traded publicly, one of whom shall be an attorney licensed in Massachusetts, with not less than 10 years of experience in corporate law, one of whom shall be a representative from an organization or association serving Massachusetts licensed certified public accountants, one of whom shall be a representative from an organization or association serving Massachusetts small businesses, and one of whom shall be a certified public accountant who is licensed in Massachusetts and has not less than 10 years experience in corporate or business accounting. The governor shall in a like manner fill any vacancy for the unexpired period. The members shall serve without specific compensation.

The task force shall study the laws of the Commonwealth with respect to the legal requirements and policies for the creation, formation, structure and maintenance of business organizations. Such study shall include, the requirements and policies to incorporate foreign and domestic corporations and to create other business entities, the requirements to structure and maintain the legal status of such corporations and other business entities, state taxation of businesses, stockholder and ownership issues, governmental filing requirements and related fees and any other issues related to the formation and maintenance of such business entities.

As part of such study, the task force shall review and compare the business laws and practices of other states that have the largest number of business incorporations, foreign corporations or other business entities that have located in such state. In addition, the task force shall review any judicial structure that was specifically established for business related litigation in such states.

The task force shall make recommendations to the legislature for the enactment of laws to: promote and increase the formation of corporations and other business entities in the Commonwealth; to promote and attract corporations or other businesses to establish a legal presence in Massachusetts; and to retain the legal presence of corporations and other business entities in Massachusetts.

Upon completion of its study, the task force shall submit a written report of its recommendations to the senate and house committees on ways and means committees no later than April 1, 2010.

The secretary of the executive office of housing and economic development shall provide meeting space, secretarial, clerical and such other services as he deems necessary to carry out the purposes of the task force. Said task force shall meet at least once a month until such report is submitted or the above listed date, whichever is first occurring.”

After remarks, the amendment was rejected.

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

“Notwithstanding any special or general law to the contrary the secretary of administration and finance shall select one agency or department, or a subset thereof to administer a pilot program utilizing a four-day extended hour work week. Said pilot program shall be administered for at minimum six-months and at the end thereof the secretary shall issue a report to the house and senate committees on ways and means detailing any savings from fixed cost reductions or any other savings, as well as impacts on personnel.”

The amendment was rejected.

Mr. Tolman moved that the bill be amended by inserting after section 96 the following new section: —

“SECTION XX. Section 56 of Chapter 302 of the Acts of 2008 is hereby amended by striking out the following language:— ‘and 5 members to be appointed by the governor; 1 of whom shall be a representative from the bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the chair of the department of psychiatry at the University of Massachusetts Medical School; 1 of whom shall be a representative from the trial court; and 1 of whom shall be a representative from the department of correction,’ and by inserting in place thereof the following:—

and 8 members to be appointed by the governor; 1 of whom shall be a representative from the bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the chair of the department of psychiatry at the University of Massachusetts Medical School; 1 of whom shall be a representative from the trial court; 1 of whom shall be a representative from the department of correction; 1 of whom shall be the executive director of the interagency council on substance abuse and prevention; 1 of whom shall be a representative from the office of community corrections and 1 of whom shall be a representative from the department of mental health.”; and by striking out the text “January 1, 2009”, and inserting in place thereof the following: — “October 1, 2009.”

After remarks, the amendment was adopted.

Mr. Tisei moved to amend the bill in section two, in item 0411-1000, by striking the figure “\$4,952,646” and insert in place there of figure “\$3,952,646”;

In item 1100-1100, by striking the figure “\$3,153,173” and inserting in place thereof the figure “\$3,059,102”;

In item in item 2000-0100, by striking the figure “\$6,382,555” and inserting in place thereof the figure “\$6,032,555”;  
In item 4100-0060 by striking the figure “\$17,449,078” and inserting in place thereof the figure “\$12,836,110”;  
In item 4510-0100, by striking the figure “\$18,575,757” and inserting in place thereof the figure “\$17,051,539”;  
In item 5920-3000, by striking the figure “\$23,521,184” and inserting in place thereof the figure “\$38,613,923”;  
By striking item 7002-0100 in its entirety;  
By striking 7009-6379 in its entirety;  
In item 8950-0001, by striking the figure “\$18,572,321” and inserting in place thereof the figure “\$17,582,149”; and  
In item in item 9110-0100, by striking the figure “\$2,404,526” and inserting in place thereof the figure “\$2,143,395”.

The amendment was rejected.

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

“SECTION \_\_. Notwithstanding any special or general law to the contrary the excise levied on the sale of motor vehicles pursuant to section 25 of chapter 64H of the general laws shall be at the rate of three percent of the gross receipts for six-months from the date of the passage of this act.”

Pending the question on adoption of the amendment, Mr. Downing moved that the amendment (Tisei) be amended by adding the following new section:—

“Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the Commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at eighteen minutes past four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 35 — nays 4) [Yeas and Nays No. 55]:

YEAS.

Baddour, Steven A. Candaras, Gale D.  
Berry, Frederick E. Chandler, Harriette L.  
Brewer, Stephen M. Chang-Diaz, Sonia  
Buoniconti, Stephen J. Creem, Cynthia Stone  
Donnelly, Kenneth J. Moore, Michael O.  
Downing, Benjamin B. Moore, Richard T.  
Eldridge, James B. Morrissey, Michael W.  
Fargo, Susan C. O’Leary, Robert A.  
Flanagan, Jennifer L. Pacheco, Marc R.  
Galluccio, Anthony D. Panagiotakos, Steven C.  
Hart, John A., Jr. Petruccelli, Anthony  
Jehlen, Patricia D. Rosenberg, Stanley C.  
Joyce, Brian A. Spilka, Karen E.  
Kennedy, Thomas P. Timilty, James E.  
Knapik, Michael R. Tolman, Steven A.  
McGee, Thomas M. Tucker, Susan C.  
Menard, Joan M. Walsh, Marian — 35.  
Montigny, Mark C.

NAYS.

Brown, Scott P. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R. — 4.

The yeas and nays having been completed at twenty-two minutes past four o’clock P.M., the further amendment was adopted. The pending amendment (Tisei) was then considered; and it was adopted, as amended.

Mr. Tisei moved that the bill be amended in Section 3 by inserting after the first paragraph the following:—

“Any city or town receiving funds from the distribution of the balance of the State Lottery Fund, pursuant said section 35 of chapter 10, shall not enter into any new collective bargaining agreements under chapter 150E of the General Laws, or into any new contracts with any other employee, that would provide an increase in compensation in the forms of wages or salaries for the fiscal year ending June 30, 2010. Any city or town receiving funds under this section that executes agreements or contracts with employees that include provisions for an increase in compensation for the fiscal year ending June 30, 2010 over that compensation in effect for the fiscal year ending June 30, 2009, shall have deducted from the its fourth quarterly payment received pursuant to said section 35 of chapter 10 for the fiscal year ending June 30, 2010, a total amount equal to the total increase in compensation under any executed agreements or contracts over that compensation paid in the previous fiscal year.”

After debate, the amendment was rejected.

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

“SECTION \_\_.Section 10 of chapter 32 of the general laws is hereby repealed.”

The amendment was rejected.

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

“SECTION \_\_, Chapter 64H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 6 the following section:—

Section 6A. The commissioner shall, on July 15 of each year, designate a two-day weekend within the second week of August during which no excise shall be imposed upon non-business sales at retail in the Commonwealth of tangible personal property, as defined in section 1 of this chapter. For the purposes of this section, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of 2,500. On such weekend, no vendor in the Commonwealth shall add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property. The commissioner shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on the designated weekend, but any excise erroneously or improperly collected during these two days shall be remitted to the department of revenue. Any reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C, shall remain in effect for sales for the two designated days. On or before December 31 of each year, the commissioner shall certify to the comptroller the amount of sales tax revenue forgone due to the operation of this section. The commissioner shall issue a report, detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H which would have been deposited in each fund, notwithstanding this section. The commissioner shall issue any instructions or forms, or promulgate any rules or regulations, deemed necessary to carry out this section.”

Pending the question on adoption of the amendment, Mr. Downing moved that the amendment (Tisei) be amended by striking the language and inserting in its place thereof:—

“Section XX. The department of revenue is hereby authorized and directed to conduct a study to determine the impact on revenue that would otherwise be collected from the excise under 64H from the implementations of a yearly two-day weekend that would exempt non-business sales at retail in the Commonwealth of tangible personal property.”

A copy of said study shall be submitted on or before December 1st of each year to the clerks of the house of representatives and the senate.”

The further amendment was adopted.

The pending amendment (Tisei) was then considered; and it was adopted, as amended.

Mr. Michael O. Moore moved that the bill be amended by the addition of the following:

Chapter 90B is hereby amended by adding a new section which shall require recreational vehicles as defined under Chapter 90B section 20 to pay a title fee of \$25 to the Department of Environmental Law Enforcement. The Director of the Department shall be required to promulgate regulations relative to title requirements for recreational vehicles to go into effect within one year from the date of passage. Revenue from said title fees shall be retained by the Department of Environmental Law Enforcement for use by the Department. Of the revenue collected twenty-five percent shall be dedicated to the Department of Conservation and Recreation to be used for trail maintenance programs.

The amendment was rejected.

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

SECTION XX (a) There shall be a Center for Hurricane Research, hereinafter referred to as the center, at the University of Massachusetts at Lowell. The center shall employ such expert, clerical, or other assistants as the work of the center may require. For the purpose of carrying out its duties as set forth in this section the center may expend such funds as may be appropriated to the University of Massachusetts at Lowell. The cost of the establishment, maintenance, and operations of the center shall be borne by the private insurers and assessed by the Division of Insurance.

(b) The center shall develop criteria for hurricane loss projection models and methodologies that are specific to Massachusetts and may from time to time adopt revisions to these criteria. In establishing the criteria, the center shall consider any models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges that have the potential for improving the accuracy of or reliability of the hurricane loss projections used in homeowners’ insurance rate filings. The criteria developed under this subsection shall be based on actual data on Massachusetts construction practices, codes, and buildings. Criteria developed by the center for this purpose shall be a public record.

(c) Insurers filing rates for approval by the commissioner shall submit to the center all hurricane models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges relevant to the insurer’s hurricane loss projection model or methodology that is intended to be used during a rate proceeding on an insurer’s rate filing in advance of the rate proceeding. The center shall review the accuracy or reliability of particular models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges submitted to the center by insurers and shall make recommendations relative to the accuracy and reliability of the particular models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges submitted to the center by insurers using the criteria developed by the center under subsection (b). The center shall have discretion to review findings made by similar centers, commissions, or regulatory bodies and to focus on those aspects of the hurricane loss projection methodologies submitted to the center by insurers that are specific to Massachusetts. All models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges shall be submitted to the center for review within a reasonable period of time, as determined by the center, prior to being admitted as evidence during a rate proceeding before the commissioner of insurance. If any insurer fails to submit any item or items required by the center under this subsection, the commissioner shall direct the insurer to remove the hurricane loss projection from its filing.

(d) There shall be a rebuttable presumption that the recommendations made by the center relative to the accuracy or reliability of particular models, model software, methods, principles, standards, data, inputs, manuals, validation studies and output ranges submitted to the center by insurers shall be considered by the commissioner to be relevant evidence in a rate proceeding on an insurer's rate filing, provided, however that an exemption from the disclosure of trade secrets to the public may apply as set forth in subsection (e).

(e) A trade secret used in designing and constructing a hurricane loss model or methodology, provided by an insurer to the center under subsection (c), is confidential and shall not be deemed a public record, as defined in clause Twenty-sixth of section 7 of chapter 4. The center shall maintain custody of any records made confidential by this paragraph using a secure location or website. That portion of a rate proceeding on an insurer's rate filing at which a trade secret is discussed shall be deemed confidential and not open to disclosure under the open meetings law, but may be discussed at a closed meeting as provided for in section 11A½ of chapter 30A. Employees, volunteers, and students of the center will be bound not to disclose information made confidential.

(f) The center may form a multi-state center with the states of Rhode Island, Connecticut and any other interested state in furtherance of the goals of this section.

The amendment was rejected.

Ms. Fargo moved that the bill be amended in Section 3, by adding the following Section:—

SECTION \_\_\_\_ . "Section 1. Chapter 13 of the General Laws is hereby amended by inserting after section 9C the following section:

Section 9D. Notwithstanding any other general or special law to the contrary, a board of registration and examination under the jurisdiction of the division of professional licensure may by regulation extend for an additional year, the initial term and renewal term of any professional or business license that such board is authorized to issue, subject to the provisions of this section, provided that no such initial or renewal term shall exceed a period of 3 years with the period so extended. A board of registration and examination of said division shall not extend the term of a license issued under that board's jurisdiction, if such additional year period would pose a significant risk to the health, safety and welfare of public. The authority of a board to extend any license term by regulation under this provision shall be subject to the prior written approval of the director or executive officer of the department of consumer affairs and business regulation and with the advice and recommendation of the director of the division of professional licensure. In the event a board extends the term of a license under this paragraph, the fee for such term shall be adjusted by adding the pro-rated amount of the fee for a 1 year period based on the term and fee in effect immediately prior to such extension. Subject to the prior approval of said director or executive officer, a board shall be authorized to alter, by regulation, any continuing educational requirement for the renewal of a license, provided that any such change is adopted in conjunction with the extension of the renewal term of such license and the change will maintain the general level of standard of continuing education as previously required, for such renewal period as extended."

After remarks, the amendment was rejected.

Mr. Montigny moves to amend the bill after section 2, by adding the following:—

"Section xx. SECTION 13 of Chapter 130 of the Acts of 2008, is hereby amended by striking subsections (c), (d), and (e) from Section 5."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes before six o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 7 — nays 31) [Yeas and Nays No. 56]:

YEAS.

Brown, Scott P. Montigny, Mark C.  
Hedlund, Robert L. Tarr, Bruce E.  
Jehlen, Patricia D. Tisei, Richard R. — 7.  
Knapik, Michael R.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. Menard, Joan M.  
Brewer, Stephen M. Moore, Michael O.  
Buoniconti, Stephen J. Moore, Richard T.  
Candaras, Gale D. Morrissey, Michael W.  
Chandler, Harriette L. O'Leary, Robert A.  
Chang-Diaz, Sonia Pacheco, Marc R.  
Creem, Cynthia Stone Panagiotakos, Steven C.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Spilka, Karen E.  
Fargo, Susan C. Timilty, James E.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Tucker, Susan C.  
Hart, John A., Jr. Walsh, Marian — 31.  
Joyce, Brian A.

ABSENT OR NOT VOTING.

McGee, Thomas M. — 1.

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

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

SECTION X. Notwithstanding any general or special law to the contrary, the comptroller shall deposit fiscal relief funds generated by the increased federal Medicaid assistance percentage received from the federal government during fiscal years 2009, 2010, and 2011 pursuant to the American Recovery and Reinvestment Act of 2009, to the Federal Medicaid Assistance Percentage Escrow Fund, which shall be established and set up on the books of the Commonwealth as a separate account and be subject to appropriation. Amounts credited to the Federal Medicaid Assistance Percentage Escrow Fund, shall be expended by the Executive Office of Health and Human Services to fulfill the requirements of section 128 of Chapter 58 of the acts of 2006, to restore Medicaid payment reductions to health care providers made in fiscal year 2009, to prevent further payment reductions to health care providers in fiscal year 2010, and to restore and prevent further cuts to other state health care programs.”

The amendment was rejected.

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

SECTION X. Notwithstanding the provisions of section 19A of chapter 78 of the General Laws or any other general or special law to the contrary, the board of library commissioners may grant temporary certification to a municipality with a free public library upon receipt of a preliminary report showing compliance with the materials expenditure requirement during fiscal year 2009, and showing that the library has met the municipal appropriation requirement, or is likely to qualify for a waiver of said requirement, in the 2010 state aid to public libraries program; and provided further, that in order for a municipality with a free public library to retain this certification and receive a grant award the library must successfully complete the annual certification process of the board in fiscal year 2010.

After remarks, the amendment was rejected.

Mr. Pacheco moved that the bill be amended in Section \_\_\_\_:—

SECTION \_\_\_\_\_. Provided, that the provisions of section nineteen A of chapter seventy-eight of the General Laws or any other general or special law to the contrary, for the fiscal year 2010 state aid to public libraries program, the board of library commissioners shall consider that Wareham has met the standard of minimum hours of service as set forth in section nineteen B of chapter seventy-eight of the General Laws and defined in section 4.01(3) of chapter 605 of the Code of Massachusetts regulations; and provided further, that the library must demonstrate compliance with the minimum hours open requirement in fiscal year 2010 by December 15, 2009, and must successfully complete the annual certification process of the board in fiscal year 2010.

The amendment was rejected.

Mr. Brown moved that the bill be amended in Section X by inserting the following new Section:—

SECTION XX. Notwithstanding any general or special law to the contrary, the cities and towns of the Commonwealth, in accordance with the provisions of chapter 44 respecting the appropriation and expenditure of municipal funds, may appropriate and expend for any lawful purpose all or any portion of the payments of currency said city or town may receive pursuant to Section 9 of Chapter 40A of the General Laws; provided that any expended funds shall be repaid by the city or town for use pursuant to Section 9 of Chapter 40A within 5 years of the effective date of this act; provided further that this section shall expire one year after the effective date of this act.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik and Brown moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. Section 3A of chapter 60 of the general laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 29 through 33 inclusive, the words “The collector in a city or town may, with the approval of the board of selectmen, or mayor, as the case may be, include in the envelope in which property tax bills are to be mailed nonpolitical municipal informational material so long as the mailing of such material so included does not cause an increase in the postage required for the mailing of the tax bill”, and inserting in place thereof the following:—

“The commissioner may, upon local approval, approve bills or notices in electronic form provided that such electronic bills or notices meet the standards set forth in subclause (a) of this section. Approval of electronic notices shall include those proposed by voluntary programs established with approval of the mayor or selectmen and shall be limited to initial notices or bills. No political subdivision of the Commonwealth may force or compel residents to take part in an electronic billing system.

(c) The collector in a city or town may, with approval of the board of selectmen, or mayor, as the case may be, include in the envelope or electronic message in which the property tax bills are sent.”

The amendment was rejected.

Messrs. Tarr and Brown moved that the bill be amended by inserting, after Section X, the following new Sections:—

“SECTION XX. Section 9 of chapter 40N is hereby amended by adding the following subsection:

(g) A commission operating within a municipality which has adopted the provisions of section 3F of chapter 60 may coordinate the billing of current expenses with the local taxing authority, provided that such charges shall be listed separately and distinctly from the portion of the bill constituting tax assessment.

SECTION YY. Notwithstanding the provisions of section 21C of chapter 59, or any other general or special law to the contrary, the amount of water, sewer, and solid waste fees added to a property tax bill shall not be included within the city or town's levy limit.



SECTION ZZ. Chapter 60 of the General Laws is hereby amended by inserting, after section 3E, the following section:—  
Section 3F. Any city or town which has created a municipal water and sewer system under chapter 40N may, by vote of its town meeting, town council, or city council with the approval of the mayor where required by law, add all costs, as defined in section 39J of chapter 40, associated with water and sewer usage onto residential, industrial, or commercial property tax bill; provided, however, that the additional fees shall be listed separately and distinctly from the portion of the bill constituting tax assessment. After debate, the amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. Notwithstanding any general or special law to the contrary, in any system which conducts an actuarial valuation as of January 1, 2009, the actuary may establish appropriations in fiscal years 2010 to 2012, inclusive, in accordance with the following: in fiscal year 2010 an appropriation may be established that is less than the appropriation made in fiscal year 2009 but at least ninety percent of the appropriation made in fiscal year 2009; in fiscal year 2011 an appropriation may be established that is less than the appropriation made in fiscal year 2009 but at least ninety — five percent of the appropriation made in fiscal year 2009; and in fiscal year 2012 an appropriation may be established that is equal to the appropriation made in fiscal year 2009.”  
The amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. (1) Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended, after line 36 by inserting the following:—

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

(2) Section 2 of Chapter 30B of the General Laws, as so appearing, is hereby amended, after line 90 by inserting the following:—  
‘Reverse auction’, a competitive online solicitation process for supplies and services in which vendors compete against each other online in real time in an open and interactive environment.

(3) Chapter 30B of the General Laws, as so appearing, is hereby amended by adding after Section 6 the following new section:—  
‘6A. (a) A chief procurement officer may enter into procurement contracts in the amount of \$25,000 or more utilizing reverse auctions for the acquisition of supplies and services. The reverse auction process shall include a specification of an opening date and time when real-time electronic bids may be accepted, and provide that the procedure shall remain open until the designated closing date and time.

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

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

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes past six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 — nays 31) [Yeas and Nays No. 57]:

YEAS.

Brown, Scott P. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R.  
Knapik, Michael R. Tucker, Susan C. — 7.  
Morrissey, Michael W.

NAYS.

Baddour, Steven A. Joyce, Brian A.  
Berry, Frederick E. Kennedy, Thomas P.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Montigny, Mark C.  
Candaras, Gale D. Moore, Michael O.  
Chandler, Harriette L. Moore, Richard T.  
Chang-Diaz, Sonia O’Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.

Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Walsh, Marian — 31.  
Jehlen, Patricia D.

ABSENT OR NOT VOTING.  
McGee, Thomas M. — 1.

The yeas and nays having been completed at eleven minutes past six o'clock P.M., the amendment was rejected.  
Mr. Hedlund moved that the bill be amended by inserting, after Section 96, the following new Section:—

“SECTION \_\_.

SECTION 1: All counties not abolished under MGL 32A must conduct a study by Sept. 30, 2009 quantifying the cost of all direct and necessary services provided to the municipalities within it. This study shall exclude all services provided overseeing the county registry of deeds, county house of corrections, and county sheriff's office. Upon completing this study, it shall be reviewed by the Office of the State Auditor. If the Office of the State Auditor determines that the total cost of all direct and necessary services provided by the county does not exceed the total amount of annual municipal assessments to be collected by the county in Fiscal Year 2010, the county shall immediately prepare a plan to begin the abolition of county government as outlined in MGL 32A.

SECTION 2: County advisory boards, as defined in MGL 35, section 28B, (a), shall work with the Secretary of the Executive Office of Administration & Finance, or his or her designee, prior to the transfer of all real property and assets owned by the county, to draft a Memorandum of Understanding to provide rights of first refusal to the municipality which the real property or asset is located in.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. (a) Section 22D of Chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is amended by striking out in line 25 the figure ‘2028’ and inserting in place thereof the following figure:— 2030”.

(b) The Secretary of Administration and Finance, in consultation with the Department of Revenue, the Massachusetts Municipal Association, and organized labor organizations representing municipal employees in the Commonwealth, shall study the schedule for the full funding of municipal pension funds, codified at Section 22D of Chapter 32 of the General Laws. The Secretary shall consider, but not be limited to, whether the state of the economy and the projected state of the economy in future years provides adequate reason to amend Section 22D of Chapter 32 to reflect the capability of municipalities to provide requisite funding to pension funds while maintaining acceptable levels of services to their citizens. The Secretary shall report the results of said study to the clerks of the House and Senate no later than December 1, 2009.

(c) Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to paragraph (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth's Pension Liability Fund established by section 22 of said chapter 32. The amounts transferred pursuant to said paragraph (1) of said section 22C of said chapter 32 shall meet the Commonwealth's obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees' and the state teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the Commonwealth has assumed on behalf of any retirement system other than the state employees' or state teachers' retirement systems and also including the Commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the secretary of the executive office for administration and finance with the house and senate committees on ways and means and the joint committee on public service in advance of this distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education's optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to paragraph (1) of section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund, established by subdivision (8) of section 22 of said chapter 32, for the purpose of reducing the unfunded pension liability of the Commonwealth.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

“Section XX. Notwithstanding section 23 of chapter 59 of the General Laws, or any other special or general law, any city or town may amortize over the 3 fiscal years 2010, 2011, and 2012, in equal installments or more rapidly, an amount of its fiscal year 2009 revenue deficit resulting from expenditures related to snow and ice removal. The local appropriating authority as defined in section 21C of chapter 59 of the General Laws shall adopt a deficit amortization schedule before the setting of the 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.”

The amendment was rejected.

Mr. Hedlund moved that the bill be amended by inserting, after Section 96, the following new section:—

“SECTION \_\_. The Inspector General shall establish a special commission for the purpose of recovering all excess profits owed to host communities as outlined in MGL 40B. The Inspector General shall have the ability to convey to this commission all investigatory powers as outlined in MGL 12A, Section 9.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes before seven o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 37 — nays 1) [Yeas and Nays No. 58]:

YEAS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. Knapik, Michael R.  
Brewer, Stephen M. Menard, Joan M.  
Brown, Scott P. Montigny, Mark C.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O’Leary, Robert A.  
Creem, Cynthia Stone Panagiotakos, Steven C.  
Donnelly, Kenneth J. Petruccelli, Anthony  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B.. Spilka, Karen E.  
Fargo, Susan C. Tarr, Bruce E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tisei, Richard R.  
Hart, John A., Jr. Tolman, Steven A.  
Hedlund, Robert L. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian — 37.  
Joyce, Brian A.  
NAY.  
Pacheco, Marc R. — 1.

ABSENT OR NOT VOTING.

McGee, Thomas M. — 1.

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

Mr. Pacheco asked unanimous consent that no action having been taken on the amendment; but objection was made thereto by Mr. Brown.

Mr. Pacheco then moved to reconsider the vote by which the Senate had adopted the amendment; and, after debate this motion prevailed.

The recurring question on adoption of the amendment was then considered; and the amendment was rejected.

Mr. Panagiotakos asked unanimous consent that no action having been taken on the amendment; and this motion prevailed.

Subsequently, there being no objection, the amendment was withdrawn, on motion of Mr. Hedlund.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. Notwithstanding any general or special law to the contrary, the Governor shall, through the Secretary of Administration and Finance, develop a report detailing all action undertaken by the Executive Branch in Fiscal Year 2009, and those planned to be undertaken in 2010, to reduce the costs of employee compensation. Said report shall also include an itemization of any and all staffing reductions, furlough and salary wage reductions in addition to any salary and wage increases and any increases in staffing levels from 2008 to 2009 to those projected for 2010.

Said report shall be filed with the clerks of the House and Senate and the House and Senate Committees on Ways and Means and posted electronically on the official website of the Commonwealth not later than three months following the passage of this act.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before eight o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 59]:

YEAS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. Knapik, Michael R.  
Brewer, Stephen M. Menard, Joan M.  
Brown, Scott P. Montigny, Mark C.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O’Leary, Robert A.

Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petruccelli, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tisei, Richard R.  
Hedlund, Robert L. Tolman, Steven A.  
Jehlen, Patricia D. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 38.

NAYS — 0.  
ABSENT OR NOT VOTING.  
McGee, Thomas M. — 1.

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

#### **PAPER FROM THE HOUSE.**

##### *Engrossed Bill.*

An engrossed Bill establishing a sick leave bank for Sheila Ferreira, an employee of the Department of the Trial Court (see Senate, No. 2046) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation on May 21, 2009.

##### *Recess in Memory of Former Representative Francis J. Bevilacqua.*

The Senator from Essex, Mr. Baddour, requested that when the Senate adjourns today, it adjourn in memory of former State Representative Francis J. Bevilacqua.

Former Representative Francis J. (Bevi) Bevilacqua died on Sunday, May 16th at the age of 85. Born in Haverhill on August 12, 1923, he was the son of the late Vincenzo and Maria (Simonella) Bevilacqua. He was a life-long resident of the city of Haverhill and a World War II Veteran who served in the United States Army. After the war he was employed by 20th Century Bakery and later became a supervisor. He also owned Country & Town Realty and Insurance Co.

Representative Bevilacqua served in the House of Representatives from 1959 to 1981. He was an emeritus member of the Democratic City Committee and Democratic State Committee. He was a member of the Electoral College in 1964.

Representative Bevilacqua is survived by his wife Agnes, 4 sons, Rick, James and his wife Dianne, Francis and his wife Gabrielle, and Michael and his wife Tamra, a daughter, Linda and her husband Daniel, 11 grandchildren and many nieces and nephews.

Accordingly, as a mark of respect to the memory of Former Representative Francis J. Bevilacqua, at eighteen minutes before eight o'clock P.M., on motion of Ms. Menard, the Senate recessed to meet again tomorrow at ten o'clock A.M.

Thursday, May 21, 2009.  
[being the legislative session of  
Tuesday, May 19, 2009.]

Met at seven minutes past ten o'clock A.M.

#### Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—  
Resolutions (filed by Mr. Joyce) “congratulating William M. Griffin on the occasion of his retirement as principal for the Canton Public Schools.”

#### Orders of the Day.

The Orders of the Day were considered as follows:—

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was read a second time, the main question being on ordering the bill to a third

reading.

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

SECTION X. Section 24 of Chapter 10 of the General Laws is hereby amended by striking out the second sentence of Paragraph (a) and inserting in place thereof the following:— The commission is hereby authorized to enter into agreements with one or more states or other jurisdictions, hereinafter referred to as a group, for the purpose of creating and maintaining multi-jurisdictional lottery games; provided however, that a group agreement shall not include the state lottery games created pursuant to section twenty-four; provided further, that nothing in this section and nothing in a group agreement shall authorize the commission to make expenditures that are not consistent with restrictions on expenditures by the commission provided in any other general or special law. Each group shall determine the types of lotteries to be conducted, the prices of tickets or shares, the manner of selecting the winning tickets or shares, the manner of payment of prizes to the holders of winning tickets or shares and the frequency of the drawings or selection of winning tickets or shares.

After remarks, the amendment was adopted.

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

Ms. Creem moved that the bill be amended in section X by adding the following new Section:—

Section XX. Section 321, Definitions, of chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words “mineral water” in paragraph 2 the following:— “flavored and unflavored water, spring water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks,”.

Pending the question on adoption of the amendment, Mr. Tarr moved that the pending amendment (Creem) be amended by striking out the wording and inserting in place thereof the following wording:—

“SECTION XX. (a) Section 321, Definitions, of chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the words ‘mineral water’ in paragraph 2 the following:— ‘flavored and unflavored water, spring water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks,’.

(b) Chapter 29 of the General Laws is hereby amended by inserting after section 2Z the following section:—

‘Section 2Z½. There shall be established and set up on the books of the Commonwealth a separate fund to be known as the Extraordinary Sewer Cost Fund. The fund shall consist of all amounts credited to the fund and any income derived from the investment of amounts credited to the fund. Amounts credited to the fund shall be available to provide assistance to municipalities that have undertaken any sewer project in which construction has been initiated and for which completion has been scheduled in Fiscal Year 2005 or thereafter in which the total cost is greater than \$8,000 per capita on a per resident basis as determined by the most recent United States census or any municipality with a sewer system that experiences extraordinary rate increases due to a mandate pursuant to environmental laws and regulations.’

SECTION YY. Notwithstanding any special or general law to the contrary, 5 percent of any additional revenues realized by changes to Chapter 321 of Section 94 of the General Laws in the FY2010 General Appropriations Act shall be deposited in the Extraordinary Sewer Cost Fund.”

The amendment was rejected.

Mr. Hedlund moved that the amendment (Creem) be amended by inserting after the words “isotonic drinks,” the following:— “any fruit-based juice that contains less than 100 percent fruit juice, and any vegetable-based juice that contains less than 100 percent vegetable juice.”.

The amendment was rejected.

The pending amendment (Creem) was then rejected.

Messrs. McGee, Joyce, Donnelly and Richard T. Moore moved that the bill be amended by inserting after Section \_\_. the following new section:—

SECTION \_\_. Notwithstanding any general or special law to the contrary, the amounts transferred pursuant to paragraph (1) of section 22C of chapter 32 of the General Laws shall be made available for the Commonwealth’s Pension Liability Fund established by section 22 of said chapter 32. The amounts transferred pursuant to said paragraph (1) of said section 22C of said chapter 32 shall meet the Commonwealth’s obligations pursuant to said section 22C of said chapter 32, including retirement benefits payable by the state employees’ and the state teachers’ retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized cost-of-living adjustments pursuant to said section 102 of said chapter 32 and for the costs of increased survivor benefits pursuant to chapter 389 of the acts of 1984. The state board of retirement and each city, town, county and district shall verify these costs, subject to the rules adopted by the treasurer. The treasurer may make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired teachers, including any other obligations which the Commonwealth has assumed on behalf of any retirement system other than the state employees’ or state teachers’ retirement systems and also including the Commonwealth’s share of the amounts to be transferred pursuant to section 22B of said chapter 32 and the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the General Laws. All payments for the purposes described in this section shall be made only pursuant to distribution of monies from the fund, and any distribution and the payments for which distributions are required shall be detailed in a written report filed quarterly by the secretary of the executive office for administration and finance with the house and senate committees on ways and means and the joint committee on public service in advance of this distribution. Distributions shall not be made in advance of the date on which a payment is actually to be made. The state board of retirement may expend an amount for the purposes of the board of higher education’s optional retirement program pursuant to section 40 of chapter 15A of the General Laws. To the extent that the amount transferred pursuant to paragraph (1) of section 22C of said chapter 32 exceeds the amount necessary to adequately fund the annual pension

obligations, the excess amount shall be credited to the Pension Reserves Investment Trust Fund, established by subdivision (8) of section 22 of said chapter 32, for the purpose of reducing the unfunded pension liability of the Commonwealth.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 0337-0002, by adding at the end thereof the following: “provided, that \$77,478 shall be expended for the Franklin/Hampshire CASA program, including the Northampton, Greenfield, Orange, and Ware District Courts”; and in said item, by striking the figure “\$10,881,680” and inserting in place thereof the figure “\$10,959,158”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, by inserting after item 0330-3337 the following item:— “0330-0441 For permanency mediation services in the probate and juvenile court 540,000”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, by inserting after item 0330-0300 the following item:— “0330-0410 For alternative dispute resolutions services provided by the Mediation and Training Collaborative of Franklin County in Greenfield 50,000”.

The amendment was rejected.

Ms. Tucker moved that the bill be amended, in section 2, in item 0337-0002 by inserting after the word “department” the following:—

“; provided further, that \$100,000 shall be expended for the CASA program in the Lawrence Juvenile Court.”

The amendment was rejected.

Messrs. Tolman and Galluccio moved that the bill be amended, in section 2, in item 0321-0001, by striking out the figure “\$402,657” and inserting in place thereof the following figure:— “\$527,657”.

The amendment was rejected.

Messrs. Buoniconti and Knapik moved that the bill be amended, in section 2, in item 8910-2222, in line 2, by striking out “\$320,000” and inserting in place thereof “\$1,000,000” and in line 3 striking out “provided that \$312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the general fund before the retention by department of any of these reimbursements” and in said item by striking out the figures “\$320,000” and inserting in place thereof the figures “\$1,000,000”.

The amendment was rejected.

Messrs. Buoniconti and Knapik moved that the bill be amended, in section 2, in item 8910-1000, by striking out the figures “\$1,528,677” and inserting in place thereof the figures “\$1,778,675”.

The amendment was rejected.

Ms. Creem, Mr. Hart, Ms. Flanagan, Mr. Eldridge, Ms. Jehlen and Mr. McGee moved that the bill be amended, in section 2, in item 0321-2000, by striking out the figures “\$707,599” and inserting in place thereof the figures “\$813,797”

The amendment was rejected.

Mr. Petrucci moved that the bill be amended, in section 2, in item 0333-0002, by adding at the end thereof the following: “; provided further, that not less than \$255,398 shall be expended for the Suffolk Probate Community Access Program of community outreach and education and that said program shall be targeted at low income persons who experience educational and language barriers to court access and that said program shall be administered by the Register of Probate of Suffolk County.”

The amendment was rejected.

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

SECTION X. Chapter 221 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after Section 6O the following new section:—

Section 6Q. The clerk of the superior court department for civil business for the county of Norfolk or his designee shall have and perform the duties of the clerk pertaining to equity and lottery proceedings sought in the superior court department when the court is sitting in Dedham, and shall receive from said county, in addition to the salary paid to him as a clerk or of the designee, a sum equivalent to five per cent of the salary of the clerk or of the designee.

The amendment was rejected.

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

SECTION X: Notwithstanding any general or special law to the contrary, Payments previously disbursed by a city or town to a police officer in fiscal year 2009 under Section 108L of Chapter 41, the police career incentive pay program also known as the “Quinn Bill”, shall not be recouped from the police officer by the city or town in either fiscal year 2009 or 2010 where the city or town receives a reduced reimbursement or no reimbursement from the state for the payments.

The amendment was rejected.

Ms. Creem and Mr. Morrissey moved that the bill be amended, in section 2, by inserting after item 0320-0010 the following item:—

0320-0017 For the costs in fiscal year 2010 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the supreme judicial court that are covered by the collective bargaining agreements between the supreme judicial court and the Office and Professional Employees International Union Local 6(AFL-CIO), professional and clerical units and personnel of the supreme judicial court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2010 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bar-

gaining unit of the supreme judicial court 434,193.

The amendment was rejected.

Ms. Creem and Mr. Morrissey moved that the bill be amended, in section 2, by inserting after item 0330-0300 the following item:—

0330-0338 For the costs in fiscal year 2010 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the trial court that are covered by the collective bargaining agreements between the trial court of the Commonwealth and the Office and Professional Employees International Union Local 6(AFL-CIO), professional and clerical units and personnel of the trial court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2010 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the trial court 17,502,001.

The amendment was rejected.

Ms. Creem and Mr. Morrissey moved that the bill be amended, in section 2, by adding the following new item:—

0322-0200 For the costs in fiscal year 2010 of salary increases, benefit adjustments and other employee economic benefits authorized for employees of the appeals court that are covered by the collective bargaining agreements between the appeals court of the Commonwealth and the Office and Professional Employees International Union Local 6(AFL-CIO), professional and clerical units and personnel of the appeals court employed in confidential positions who would otherwise be covered by said agreements in effect for fiscal year 2010 and to meet the costs of providing equal salary adjustments and other economic benefits to employees who are not otherwise classified in any such collective bargaining unit of the appeals court 622,024.

The amendment was rejected.

Ms. Creem moved that the bill be amended striking out section 83 and inserting in place thereof the following section:—

SECTION XX. Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2010, transfer funds from any item of appropriation within the trial court to any other item of appropriation within the trial court. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following:

- (1) the amount of money transferred from 1 item of appropriation to another;
- (2) the reason for the transfer; and
- (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

The amendment was rejected.

Mr. Tisei moves to amend the bill as follows: “section 2 of chapter 218 of the general laws is hereby repealed.”

The amendment was rejected.

Ms. Creem and Mr. Galluccio moved that the bill be amended, in section 2, in item 0333-0002 by adding at the end thereof the following language:— “including \$199,000 for the Middlesex Probate and family court family clinic”; and by striking the figure “\$19,673,841” and inserting in place thereof the figure “\$19,972,841”.

The amendment was rejected.

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

“SECTION \_\_. Notwithstanding any special or general law to the contrary there shall hereby be established a court consolidation and efficiency commission. The commission shall consider what, if any, courts of the Commonwealth can be consolidated, eliminated or expanded so that justice may be more efficiently served to the citizens of the Commonwealth. Not later than February 1, 2010 the commission shall issue their recommendations along with any draft legislation necessary to implement said recommendations. The commission shall consist of the chief justice of the supreme judicial court, or her designee, who shall also serve as co-chair; the secretary of administration and finance, or her designee, who shall also serve as co-chair; the chief justice of the appeals court, or his designee; the chief justice for administration and management of the trial court, or his designee; the chief justice of the probate court, or his designee; the chief justice of the juvenile court, or his designee; two persons to be appointed by the president of the senate; one person to be appointed by the minority leader of the senate; two persons to be appointed by the speaker of the house of representatives; one person to be appointed by the minority leader of the house of representatives; three persons to be appointed by the governor.

The plan for reorganization filed by the commission shall have the effect of a reorganization plan filed by the governor under article XXVII of the constitution of the Commonwealth and shall be referred to an appropriate committee, to be determined by the clerks of the senate and the house of representatives, with the approval of the president and speaker, which committee shall not later than thirty days after the date of the commission’s presentation of said plan hold a public hearing thereon and shall not later than ten days after such hearing report that it approves or disapproves such plan and such reorganization plan shall have the force of law upon expiration of the sixty calendar days next following its presentation by the governor to the General Court, unless disapproved by a majority vote of the members of either of the two branches of the General Court present and voting, the General Court not having been prorogued within such sixty days.

After its presentation by the commission to the General Court, no such reorganization plan shall be subject to amendment by the General Court.”

The amendment was rejected.

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

“SECTION \_\_\_. Notwithstanding any general or special law to the contrary, the administrative office of the trial court shall study the feasibility and costs associated with relocating its office to state-owned property. The administrative office of the trial court shall report its findings, together with a comprehensive listing of all state-owned facilities identified, investigated and physically inspected to the chairs of the house and senate committees on ways and means and the chairs of the joint committee on the judiciary no later than October 1, 2009.”

The amendment was rejected.

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

SECTION XX. Chapter 7 of the General Laws is hereby amended by inserting after Section 4P the following section:—

Section 4Q. (a) The commissioner shall require that each department, commission, board, office, institution, division or other agency within the executive department of the government of the Commonwealth that provides free or discounted costs of public assistance, goods and services to applicants based on federal poverty level using any monies appropriated from the general fund, including but limited to free or discounted costs of housing, food, heating oil, tuition, medical care, clothing, legal assistance, and transportation, to determine whether an applicant or, for goods or services that benefit an entire household, an applicant's household, has any discretionary income as determined by a Lifestyle Analysis Factor questionnaire as an additional condition of eligibility for such assistance, goods and services.

(b) Any applicant who has discretionary income identified in the Lifestyle Analysis Factor questionnaire shall be required to pay a portion of such income each month to the department, commission, board, office, institution, division or agency to offset the costs of such assistance, goods or services as described in this section.

(c) The commissioner shall publish a model Lifestyle Analysis Factor questionnaire for the purpose of this section, which shall require at least the following information from each applicant age 18 or older to be answered under the penalties of perjury:

(1) Whether the applicant lives alone or with other household members and the names and ages of such household members and the address of the household;

(2) whether the applicant owns any real property and, if so, the location and value of the property net of any outstanding mortgage debt and the amount of the monthly mortgage payment;

(3) whether the applicant owns or leases any motor vehicles less than four years old and, if so, vehicle identification number and the value of the vehicles net of any outstanding loans and the amount of monthly loan payments;

(4) whether the applicant owns or leases more than one motor vehicle;

(5) whether the applicant owns any boats, off-road vehicles or recreational vehicles of any kind and, if so, the types, value net of loans and monthly loan payments for such vehicles;

(6) whether cable or satellite television service is provided at the location of the household and, if so, the monthly cost of the service and how much the applicant contributes each month to that cost;

(7) whether the applicant in the past two years been convicted, fined or admitted to sufficient facts concerning the possession of any controlled substance and, if so, the date and location for each offense and how much the applicant paid to obtain the controlled substance;

(8) whether the applicant has any open or pending warrants for his arrest at the time of the application;

(9) whether the applicant smokes cigarettes and, if so, how many packs per day and how much the applicant spends each month to purchase cigarettes;

(10) whether the applicant has a mobile phone or pager and, if so, how much the applicant spends monthly for mobile phone or pager services;

(11) whether internet service is provided at the location of the household and, if so, the monthly cost of the service and how much the applicant contributes each month to that cost;

(12) whether the applicant has any credit cards and, if so, the credit card provider, account number, current balance and maximum available credit remaining;

(13) whether the applicant owns any stocks or mutual funds and, if so, the identification of the person or company holding such stocks or funds and the current value thereof; and such other information regarding spending and monthly costs incurred by the applicant as the commissioner may determine.

(d) Each applicant age 18 or over shall be required to pay the department, commission, board, office, institution, division or other agency reimbursement based on his discretionary income and spending as follows:

(1) for applicants who own their primary residence, an amount equal to 5 percent of the difference between the assessed value and the outstanding mortgage loans on the property each month;

(2) for applicants who own real property in addition to their primary residence, an amount equal to 10 percent of the difference between the assessed value and the outstanding mortgage loans on the property each month;

(3) for applicants who own or lease any motor vehicle less than four years old, the amount of \$50 each month; for applicants who own or lease more than one motor vehicle, \$100 for each such vehicle each month;

(4) for applicants who own any boat, off-road vehicle or recreational vehicle, an amount equal to the retail value of such vehicle as determined by the registrar of motor vehicles or for boats by the department of environmental management or their successor agencies;

(5) for applicants or their households who subscribe to television or cable services, the difference between basic non-high definition service and the actual monthly cost of services for such household each month;

(6) for applicants who have been convicted, fined or admitted to possession of any controlled substance in the past two years, the amount of \$200;



- (7) for applicants who smoke cigarettes, \$10 each month or one-half the actual monthly expenditure by the applicant to purchase cigarettes, whichever is greater;
- (8) for applicants who subscribe to mobile telephone or pager services, an amount equal to the difference between the least expensive monthly service available from their mobile phone or pager provider and the amount actually spent by the applicant each month;
- (9) for applicants or their households who subscribe to internet service, the difference between the cost of the least expensive dial up service and the actual monthly cost of services for such household each month;
- (10) for applicants who have credit cards, an amount equal to 10 percent of any available credit in excess of \$5,000 each month;
- (11) for applicants who own stocks or mutual funds, an amount equal to the value of such stocks or mutual funds.
- (e) Applicants may resubmit updated Lifestyle Analysis Factors questionnaires to update any changed circumstances at any time.
- (f) The Lifestyle Analysis Factors questionnaire shall include consent forms by the applicant to allow verification of spending and asset data with banks, credit card companies, other state agencies including the registry of motor vehicles, utility companies including telephone, internet and television service providers, and criminal records for outstanding warrants.
- (g) No applicant with outstanding arrest warrants in Massachusetts shall be eligible for taxpayer-funded free or discount assistance, goods or services while such warrants are pending.
- (h) Any applicant who wishes to demonstrate he is unable to pay the amount of the monthly reimbursement or any portion thereof may file an appeal with the Division of Administrative Law Appeals which may hear the matter de novo for determination of the applicant's actual ability to pay and in which the applicant would bear the burden of proof.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in Section 2, by inserting after item 0611-1000 the following item:—

“0611-551 For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws 30,300,000”.

The amendment was rejected.

Messrs. Donnelly, Brewer, Downing, McGee, Michael Moore, Eldridge, Ms. Chandler, Messrs. Timilty and McGee and Ms. Candaras moved that the bill be amended, in section 2, in item 1410-0250, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:— “\$2,827,430”.

The amendment was rejected.

Messrs. Donnelly, Brewer, McGee, Downing, Michael Moore, Montigny, Ms. Chandler, Ms. Spilka, Messrs. Timilty, McGee, and Ms. Candaras moved that the bill be amended, in section 2, in item 1410-0012, by striking out the figure “\$1,481,985” and inserting in place thereof the following figure:— “\$2,389,748”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund, Brown and Montigny moved that the bill be amended by inserting, after section X, the following new section:—

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

Entity — whether for-profit or not for profit,

a corporation

an association

a partnership

a limited liability corporation

a limited liability partnership

a sole proprietorship

any other legal business entity

a political subdivision of the Commonwealth

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

1. State expenditure — an expenditure of state funds including grants, sub-grants, loans, awards, cooperative agreements, financial assistance, contracts, subcontracts, purchase order, task orders and delivery orders, and excluding transactions below \$5,000.

2. Searchable website — a website which allows the public to:

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

b. Ascertain through a single search the total amount of state funding awarded to an entity by fiscal year, and

c. Download information, including the results of searches.

3. Website — a searchable website which includes for each state expenditure:

a. The name of the receiving entity

b. The amount of the expenditure

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

d. The location of the entity receiving the expenditure and the primary location of performance pursuant to the expenditure, including the city, state, country and legislative district

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

f. Any other relevant information specified by the Operational Services Division.

(b) The Secretary of Administration and Finance, the Comptroller, the Treasurer and the Operational Services Division are

hereby authorized and directed to develop a single searchable website, accessible by the public without cost, to enable the public to research and examine state expenditures as defined herein. Said website shall be designed so as to maximize utility, minimize cost and promote accessibility of information, and shall build upon resources currently existing, including, but not limited to, the "EASI" website, so-called, administered by the Executive Office of Administration and Finance, and the Comm-Pass system, so-called, administered by the Operational Services Division of the Executive Office of Administration and Finance.

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

Said website shall seek to provide information for Fiscal Year 2010 and subsequent years.

A plan for the development and implementation of said website, together with any estimates for funding required and other legislative recommendations, shall be filed with the clerks of the House and Senate not later than November 31, 2009.

The amendment was rejected.

Messrs. Morrissey, Pacheco and McGee moved that the bill be amended, in section 2, in item 7002-0101 the following item:—"7002-1500 For expenses related to and for a contract with the Massachusetts Service Alliance to operate the Commonwealth corps program 450,000."

The amendment was rejected.

Mr. Tisei moves to amend the bill in section 90 by striking out "August 1, 2010" and inserting in place thereof the following words: September 15, 2010.

The amendment was rejected.

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

"SECTION \_\_. Section 6D of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting in line 31 after 'Fund' the following:—

; provided, specific details of the Commonwealth's operating expenditures shall be made available to the general public in a conspicuous manner on the Commonwealth's official website. Specific details shall include, but not be limited to, program spending, employee compensation and expenses, pension and insurance-related expenditures, administrative expenses, and equipment purchases."

The amendment was rejected.

Messrs. Tisei and Montigny moved that the bill be amended by inserting, after section \_\_. the following new section:—

"SECTION \_\_. Chapter 63 of the acts of 2007 is hereby amended by striking out section 16 and inserting in place thereof the following sections:—

Section 16. Section 15 shall take effect as of January 1, 2006.

Section 17. Except as otherwise specified, the remainder of this act shall be effective for tax years beginning on or after January 1, 2007.

Section 18. Section 17 of this act is hereby repealed.

Section 19. Section 18 shall take effect as of January 1, 2010."

The amendment was rejected.

Messrs. Tisei and Montigny moved that the bill be amended by inserting, after Section \_\_, the following new Section:—

"SECTION \_\_. Notwithstanding any special or general law to the contrary the division of capital asset management shall upon the expiration of any lease between the Commonwealth and any private entity that provides office space by any agency of the Commonwealth pursue any and all options to maximize the use of state owned or controlled office space by placing said agency in state owned facilities; provided that if no suitable state owned facility is available the division may privately contract for space with private entities; provided further that no contract shall be entered into with a private entity situated within the city of Boston if suitable space exists in any other municipality at a lower cost per square foot."

The amendment was rejected.

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

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

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

The amendment was rejected.

Mr. Petrucci moved that the bill be amended, in section 2, in item 2810-0100, by striking the figures "\$46,558,361" and inserting in place thereof the figures "\$48,175,400".

The amendment was rejected.

Mr. Petrucci moved that the bill be amended, in section 2, by inserting after item 2310-0200 the following item:

"2310-0300 For the operation of the natural heritage and endangered species program 125,000".

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 2810-0100 by inserting after the words "entities from this item" the

following words:— “; provided further, that \$297,000 shall be expended for the James Michael Curley Recreation Center in the city of Boston”.

The amendment was rejected.

Mr. Petrucci moved that the bill be amended in section X, by inserting thereof the following new section:—

SECTION X. Section 20(a) of chapter 25 of the General Laws is amended by striking out “0.5” and inserting in place thereof “1.0”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 2800-0501 by inserting after the words “fully maintained” by inserting the following words:— “; provided further that, that not less than \$1,000,000 shall be expended for personnel for the metropolitan beaches commission, as recommended by the Beaches We Can Be Proud of Report which was prepared for the metropolitan beaches commission”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2, in item 2330-0100 by inserting after the language, “provided, that funds shall be expended on a recreational fisheries program to be reimbursed by federal funds;” the following:— “; provided further, that not less than \$45,000 shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and Barnstable County.”

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 2800-0501 by adding at the end thereof the following:— “provided further, that no less than \$50,000 shall be expended for the cleanup of pilayella algae on the Nahant Beach Reservation”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended to create section 99: “Section 104 of Chapter 182 of the Acts of 2008 is hereby amended in the third paragraph of subsection (a) by striking the words “General Fund” and inserting in place thereof the following:—

“Blue Hills Reservation Trust Fund in accordance with Section 34C of Chapter 92 of the General Laws”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 2810-0100 by inserting at the end thereof the following:— “provided that no less than \$55,000 shall be expended for the maintenance of Red Rock Park on Lynn Shore Drive, in the city of Lynn.”

The amendment was rejected.

Mr. Joyce moved that the bill be amended to create section 100: “Section 105 of Chapter 182 of the Acts of 2008 is hereby amended in the third paragraph of subsection (a) by striking the words “General Fund” and inserting in place thereof the following:—

“Blue Hills Reservation Trust Fund in accordance with Section 34C of Chapter 92 of the General Laws”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended, in section 2, in item 2511-0100, by adding the following: Provided further, that \$50,000 shall be expended on the YouthGROW program.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by adding at the end thereof the following new section:— Section 94 of chapter 32 of the General Laws is hereby amended by inserting after the words “or of the public works building police”, in the first paragraph, the following new words:— or of the police force of the Office of Environmental Law Enforcement.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 7004-0099 by inserting at the end thereof the following:— “provided further that no less than \$200,000 be expended for The ‘X’ Main Street Corporation in Springfield”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 7004-0101 by adding at the end thereof the following: “provided further, that the Massachusetts Coalition for the Homeless’ First Stop Homelessness Prevention Initiative shall receive not less than the same amount of funding as in fiscal year 2009”; and in said item, by striking out the figures “\$82,612,510” and inserting in place thereof the figures “\$82,862,510”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended, in section 2, in item 7006-0067 striking the figure “\$58,751” in every instance and inserting in place thereof the following figure: “\$406,018”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “advertising services” the following:— “; provided further, that not less than \$500,000 shall be expended for Sail Boston 2009 to reimburse the City of Boston for costs incurred for public safety and clean-up.”

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 7003-0702 “For the Latino After-School Initiative (LASI) Youth Development Project 150,000”.

The amendment was rejected.

Messrs. Eldridge and Petruccelli moved that the bill be amended, in section 2, by striking out item 7004-0101 and inserting in place thereof the following new item:

7004-0101 For certain expenses of the emergency assistance program as follows: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes, Hampden and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers; and (vi) voucher shelters; provided, that in fiscal year 2010, the department of housing and community development shall initially apply the regulations of the department of transitional assistance applicable to the emergency assistance program as in effect on June 30, 2009, except to the extent that such regulations are inconsistent with any provision of this item; provided further, that eligibility shall be limited to families with income at or below 130 per cent of the federal poverty level; provided, however, that any family whose income exceeds 130 per cent of the federal poverty level while the family is receiving assistance funded by this item shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 130 per cent level was exceeded; provided further, that the department shall establish reasonable requirements for such families to escrow some or all of the portion of their income; provided further, that any such escrowed funds shall be exempt from otherwise applicable asset limits; provided further, that the family may withdraw the amount placed in escrow upon transition to permanent housing or losing eligibility for shelter services; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this item unless explicitly authorized; provided further, that eligible households shall be placed in shelters as close as possible to their home community unless a household requests otherwise; provided further, that if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date unless the household requests otherwise; provided further, that eligibility for shelter by an otherwise eligible family shall not be impaired by prior receipt of any non-shelter benefit; provided further, that the department shall make every effort to ensure that children receiving services from this item shall continue attending school in the community in which they lived prior to receiving services funded from this item; provided further, that notwithstanding any other general or special law to the contrary, the department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department; provided further, that shelter benefits received under the preceding proviso shall not render a family ineligible under any regulation providing that a family who previously received shelter is ineligible for shelter benefits for a period of 12 months; provided further, that families receiving such shelter benefits who are found not to be eligible for continuing shelter benefits shall be eligible for aid pending a timely appeal pursuant to section 30(F) of chapter 23B of the General Laws; provided further, that the department shall not impose unreasonable requirements for third-party verification and shall accept verifications from the family whenever reasonable; provided further, that no family shall have shelter benefits terminated for failure to meet any savings requirement if failure to meet said requirement is because of the family's expenditures for nutrition, health or other expenses necessary to satisfy the family's basic needs that would not otherwise be met; provided further, that no family shall have shelter benefits terminated for failure to accept the first offer of housing if acceptance of such offer would require a member of the family to lose paid employment or access to adult education or training; provided further, that in promulgating, amending or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated in this item; provided further, that notwithstanding any general or special law to the contrary, 60 days before promulgating any such eligibility or benefit changes, the undersecretary shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of housing and economic development that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that all of this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to or shall be construed as giving rise to any enforceable right or entitlement to services in excess of the amounts appropriated by this item; provided further, that nothing in the preceding provisos shall authorize the department to alter eligibility criteria or benefit levels except to the extent that such changes are needed to avoid a deficiency in this item; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the emergency assistance family shelter program; and provided further, that the report shall contain the same data required in item 4403-2120 of section 2 of chapter 139 of the acts of 2006 and in addition shall contain data describing all services funded through this item to prevent homelessness or re-house homeless families, the number of families receiving each of said services, the amount of expenditures on each type of service, and the stability of the housing of each household receiving such services periodically while the services are being provided and for one year after the services end, including whether the household continues to be housed in the same or a different unit, the percentage of household income that is being paid for rent, whether the household has its own unit or is living with another household, and the total number of household members living together and the number of bedrooms in the unit in which they reside 91,605,510.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, by inserting after the item 7003-0701 the following item:—

“xxxx-xxxx For grants to be administered by the department of workforce development; provided further that not less than 150,000 shall be expended for the International Institute to provide long-term case management and employment training for highly skilled legal immigrants 150,000”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 7003-0702, by adding the following:—  
“provided further that not less than \$105,000 shall be expended to the E-Team Machinist Program in the city of Lynn”.

The amendment was rejected.

Ms. Tucker moves that the bill be amended, in section 2, in item 7004-9024, by striking out the figure “\$27,997,061” and inserting in place thereof the following figure:— “\$29,997,061”; and that the bill be further amended, in Section 2, in item 0640-0010, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:— “\$0”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words “advertising services” the following:— “; provided further, that not less than \$500,000 shall be expended for Sail Boston 2009”.

The amendment was rejected.

Ms. Menard moved that the bill be amended, in section 2, by inserting after item 7003-0701 the following item:  
“7003-0705 For the South Eastern Economic Development Corporation in the counties of Barnstable, Bristol, Dukes, Nantucket, Norfolk and Plymouth 200,000”.

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended by striking section 71 and inserting thereof the following section:  
“SECTION 71 Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of administration and finance, shall transfer \$5,000,000 from the General Fund to the Massachusetts Life Sciences Investment Fund, established by section 6 of chapter 231 of the General Laws, no later than June 30, 2010.”; and in Section 74 by striking subsection (d).

The amendment was rejected.

Mr. Michael O. Moore moved that the bill be amended, in section 2, in item 7007-0900, by adding the following; provided further not less than \$25,000 shall be expended to the Worcester Business Education Fund.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 7003-0701, by striking out the figure “\$5,000,000” and inserting in place thereof the figure “\$21,000,000”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 7003-0701, by inserting after the words “General Laws;” the following:— “provided that the commissioner of the department of unemployment assistance shall adjust the so-called workforce training contribution amount on each employer as required by paragraph (a) of said section 14L of said chapter 151A so that the total amount of said contribution shall be sufficient to raise no more than the amount appropriated herein;”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 7002-0101, by inserting at the end thereof the following:  
“and provided further, that not less than \$200,000 shall be expended for the Western Mass Enterprise Fund”; and in said item, by striking the figure “\$207,696” and inserting in place thereof the figure “\$407,696”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 7007-0900, by inserting at the add thereof the following:  
“and provided further, that not less than \$80,000 shall be expended for the Pioneer Valley Tourist Center”; and in said item, by striking the figure “\$1,204,286” and inserting in place thereof the figure “\$1,284,286”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 7004-0101, by inserting at the end thereof the following:—  
“and provided further, that not less than \$25,000 shall be expended for education, advocacy and case management services by Casa Latina, located in the City of Northampton”; and in said item, by striking the figure “\$82,612,510” and inserting in place thereof the figure “\$82,637,510”.

The amendment was rejected.

Ms. Chandler, Ms. Tucker and Mr. Donnelly moved that the bill amended, in section 2, by striking out item 7006-0011 and inserting in place thereof the following item: —

7006-0011 For the costs incurred by the division of banks associated with licensure of loan originators pursuant to chapter 255F of the General Laws; provided, that the division may expend revenues in an amount not to exceed \$5,000,000 from the revenue received from administrative fees associated with said licensure fees and from civil administrative penalties pursuant to said chapter 255F; provided further, that the division may expend from such revenue an amount to be determined by the commissioner of banks as grants for the operation of a pilot program for best lending practices, first-time homeowner counseling for non-traditional loans and 10 or more foreclosure education centers pursuant to section 16 of chapter 206 of the acts of 2007 and that the grants shall be awarded through a competitive application process under criteria created by the division and that no funds shall be expended from this item in the AA object class for the compensation of state employees for such program; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the commissioner may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate, as

reported in the state accounting system. 5,000,000.

The amendment was rejected.

Ms. Chandler, Mr. Eldridge and Ms. Spilka moved that the bill amended, in section 2, by inserting after item 7002-0101 the

following item:

7003-0605 For the operation and maintenance of the Massachusetts Manufacturing Extension Partnership for the purpose of maintaining and promoting manufacturing as an integral part of the Massachusetts economy and for programs designed to assist small and mid-sized manufacturing companies 850,000.

The amendment was rejected.

Messrs. Michael O. Moore and Montigny and Ms. Spilka moved that the bill be amended, in section 2, in item 7003-0334 by adding the following; "For the operation of the office of small business and entrepreneurship and for grants to community development corporations, community development financial institutions or non-profit community based organizations for the purpose of providing technical assistance or training programs to businesses with 20 employees or fewer." and inserting in place thereof the following figure: \$710,086.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 7006-0040 by inserting at the end thereof the following words:— "; and provided further, that the division shall maintain and staff an office in the city of Springfield".

The amendment was rejected.

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

"Section XX. Notwithstanding any general or special law or regulation to the contrary, the Department of Capital Asset Management is hereby authorized and directed to engage by October 1, 2009 a professional real estate services firm to conduct a review on its behalf of the Commonwealth's owned and leased real estate asset portfolio to

- a) identify poorly performing or underutilized assets;
- b) identify leases that are above market or owned assets with excessive operating costs;
- c) identify other areas for cost reduction within the real estate portfolio;
- d) identify opportunities for improving the operating efficiency of the government through the real estate assets;
- e) identify potential asset disposition opportunities to raise revenue for the Commonwealth; and
- f) improve the overall management of the Commonwealth's leased and owned assets. This review shall be complete and a report submitted to the Speaker of the House, the Senate President and the House and Senate Committees on Ways and Means by March 1, 2010."

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "rehabilitation program" the following:— "; provided further, that not less than \$47,500 shall be expended to the Boston Housing Authority for a program to provide certain tenant services for the West Broadway Task Force in the South Boston section of the city of Boston".

The amendment was rejected.

Mr. Hart moved that the bill be amended, in Section 2, in item 7003-0701 by inserting after the words "result of training" the following:— "; provided further, that not less than \$100,000 shall be expended to provide employment, training and job placement by Year Up, Inc. of Boston"

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7003-0701 by inserting after the words "result of training" the following:— "; provided further, that not less than \$100,000 shall be expended for Women's Career Mentoring Program and the Women's Union Woman to Woman Program".

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, by inserting after item 7004-0102 the following item:—

"7004-2475 For the homeownership opportunity affordable housing program; provided, that all sums appropriated shall be used to write down interest rates on soft second mortgage loans for low and moderate-income first-time home buyers 2,500,000."

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7007-0900, by inserting after the words "advertising services" the following:— "; provided further, that not less than \$25,000 shall be expended for the Louis D. Brown Peace Institute".

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7004-0099, by inserting after the words "rehabilitation program" the following:— "; provided further, that not less than \$50,000 shall be expended for the Safe Neighborhood Initiative Pilot Program in the Grove Hall area of Roxbury and Dorchester in the city of Boston".

The amendment was rejected.

Mr. Morrissey moved that the bill be amended in section 74 by striking out the figure "\$20,000,000" in line 4, and inserting in place thereof the following figure:— \$10,000,000.

The amendment was rejected.

Messrs. Morrissey and McGee moved that the bill be amended by adding at the end thereof the following new section:— SECTION X. Subsection (h) of section 5 of chapter 128A, as appearing in the 2008 Official Edition, is hereby amended by inserting in the third paragraph after the word "amount" the following:— "equal to forty percent"; and further amended at the end of the third paragraph by striking out the word "Fund" and inserting in place thereof the following:— "Fund, effective January 1, 2009."

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702 by inserting at the end thereof the following:—

“provided further that no less than \$100,000 shall be expended for the Lower Pioneer Valley Educational Collaborative”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 7003-0702 by inserting at the end thereof the following:—  
“provided further that no less than \$250,000 be expended for the Massachusetts Career Development Institute”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 7007-0900 by inserting at the end thereof the following:—  
“provided further that not less than \$100,000 be expended for the Spirit of Springfield”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 4590-0015 by inserting at the end thereof the following:—  
“provided further that no less than \$200,000 be expended for the Urban League of Greater Springfield, Inc., to implement the Parent Empowerment Zone (PEZ) Program designed to give parents increased capacity, information and support to effectively meet the needs of their children, family and themselves.”

The amendment was rejected.

Mr. Rosenberg moved that the bill amended, in section 2, in item 7061-0012, by adding at the end thereof the following: “; and provided further, that the department of elementary and secondary education shall expend not less than \$500,000 to identify, analyze and certify promising and best practices in public and approved special educational programs that can prevent or ameliorate either neurodevelopmental problems or other deficits leading to learning deficiencies or behavior problems that result in high cost Individual Education Plans; provided further, that a portion of these available funds shall be expended to provide grants for training, dissemination and applications of research identified as promising and best practices; and provided further, that a report on said practices shall be provided to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education not later than March 31, 2009”; and in said item, by striking out the figures “\$105,113,160” and inserting in place thereof the figures “\$105,613,160”.

The amendment was rejected.

Mr. Brown moved that the bill amended, in section 2, in item 7066-0000, by adding at the end thereof the following:— “provided further that the department shall conduct a review of all employees with an annual salary of \$125,000 and above within the public institutions of higher education that have been hired over the last 4 fiscal years and what percentage of state appropriation is used for payment of said salaries. The department shall present this report to the House and Senate Committees on Ways and Means and the Joint Committee on Higher Education no later than December 31, 2009.”

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 7505-0100, by adding at the end thereof the following: “and provided further, that \$135,000 shall be expended for the costs of the department for the relocation, operation, and lease of additional space to house library stacks, health services personnel and maintenance personnel during the period of the asbestos abatement and facility reconstruction projects to the main campus building” and in said item, by striking out the figure “\$8,062,547” and inserting in place thereof the figure:— “\$8,197,547”.

The amendment was rejected.

Mr. Rosenberg, Ms. Tucker, Messrs. Montigny and Hart moved that the bill be amended, in section 2, by inserting after item 7061-9626 the following item:—

“7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be responsible for administering a competitive statewide grant program for public and private agencies to start or expand youth mentoring programs according to current best practices and for purposes including advancing academic performance, self-esteem, social competence and workforce development; provided, that the department of elementary and secondary education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every \$1 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the impact of grants, expenditure of funds and the amount and source of matching funds raised to the department of elementary and secondary education 712,500”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 5920-3010, by inserting at the end thereof the following:—  
“and provided further, that not less than \$30,000 shall be allocated to Whole Children, Inc. of Hadley”; and in said item, by striking the figure “\$4,123,387” and inserting in place thereof the figure “\$4,153,387”.

The amendment was rejected.

Mr. Tolman moves to amend the bill in section 2, by striking out item 7010-0005 and inserting in place thereof the following item:—

“7010-0005 For the operation of the department of elementary and secondary education; provided that not later than November 17, 2009, the department shall submit a progress report to the secretary of administration and finance, the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on education on efforts by the department to further define and advance the strategic vision of the department, along with a detailed implementation plan for realizing that vision 13,400,821.

The amendment was rejected.

Messrs. Tarr and Brown moved that the bill be amended, in section 2, in item 7010-0033, by inserting after the words “Reading

Recovery program;” the following words:— “provided, that the Bay State Reading Institute program shall be administered under contract to Middlesex Community College in programmatic collaboration with Framingham State College and Fitchburg State College;”.

The amendment was rejected.

Mr. Hart, Ms. Tucker, Messrs. Kennedy and Galluccio, Ms. Chang-Diaz, Mr. Tolman, Ms. Spilka, Messrs. Montigny and McGee moved that the bill be amended, in section 2, by inserting after item 7010-1022 the following new item—

“7027-0019 For school-to-career connecting activities; provided, that notwithstanding any general or special law to the contrary, the board of elementary and secondary education, in cooperation with the department of workforce development and the state workforce investment board, may establish and support a public-private partnership to link high school students with economic and learning opportunities on the job as part of the school-to-work transition program; provided further, that such program may include the award of matching grants to workforce investment boards or other local public-private partnerships involving local community job commitments and work site learning opportunities for students; provided further, that the grants shall require at least a 200 per cent match in wages for the students from private sector participants; provided further, that the program shall include, but not be limited to, a provision that business leaders commit resources to pay salaries, to provide mentoring and instruction on the job and to work closely with teachers; provided further, that public funds shall assume the costs of connecting schools and businesses to ensure that students serve productively on the job; and provided further, that no funds shall be expended for personnel costs 3,700,519”.

The amendment was rejected.

Messrs. Hart and McGee moved that the bill be amended, in section 2, in item 7004-0101, by inserting after the words “acts of 2008” with the following:— “; provided further, that not less than \$637,500 shall be directed to One Family Inc. for the purpose of administering and sponsoring a scholarship program for the higher education of heads-of-household for homeless families with children under the age of 18, or who are at-risk of homelessness as determined by the federal poverty level or who have experienced homelessness within the previous 12 months; provided further, that said funds shall be expended for scholarships and assistance with living expenses at accredited institutions of higher learning in the Commonwealth; provided further, that each scholarship shall be matched dollar-for-dollar by One Family Inc.; and provided further, that the scholarship recipients shall be monitored and tracked for their progress and that the results shall be reported to the Commonwealth on a biannual basis through the department of higher education and the department of housing and community development.

The amendment was rejected.

Messrs. Morrissey and Tarr moved that the bill be amended by adding the following new section:—

SECTION X. Notwithstanding the provisions of section 23 of Chapter 59 all Fiscal Year 2010 amounts appropriated to the local School systems shall carry forward to the next year. For the purposes of calculating net school spending and minimum required contribution under so called “Education Reform” any carry forward shall be considered expended.

The amendment was rejected.

Mr. O’Leary, Ms. Tucker, Ms. Jehlen, Messrs. Brewer and Michael Moore, Ms. Chang-Diaz, Messrs. Joyce, Timilty and McGee moved that the bill be amended, in section 2, in item 7061-0008 by striking the figure “\$3,869,847,585” and inserting in place thereof the following:— “\$3,948,824,061” and moved further that the bill be amended in Section 3 by striking the following sentence: “For fiscal year 2010, when calculating the foundation budget for each district, the fiscal year 2009 Chapter 70 aid shall be valued at 98% of fiscal year 2009 aid as outlined in section 3 of chapter 182 of the acts of 2008.”

The amendment was rejected.

Mr. O’Leary, Ms. Tucker, Messrs. McGee and Michael Moore moved that the bill be amended, in section 2, by inserting after item 7010-0022 the following item:—

7027-0016 For matching grants for various school-to-work programs; provided, that the board of elementary and secondary education shall establish guidelines for such programs in consultation with the department of workforce development; provided further, that any funds distributed from this item to cities, towns or regional school districts shall be deposited with the treasurer of the city, town, or regional school district and held in a separate account and shall be expended by the school committee without further appropriation, notwithstanding any general or special laws to the contrary; provided further, that each grant awarded herein shall be matched by the recipient from local, federal, or private funds; provided further, that the board of elementary and secondary education may determine the percentage match required on an individual grant basis; provided further, that the department of elementary and secondary education shall administer said grants in a manner that gives priority to those grant applicants with established state-wide partnerships comprised of school districts, business partners, educators, higher education institutions, mentors and volunteers and which employ regional or national models; provided that said applicants also meet at least 1 of the following criteria: 1) Targeted to at-risk students unlikely to graduate from high school, 2) Employ hands on credit worthy curriculum with experiential programs that teach the key concepts of work readiness, entrepreneurship and financial literacy, 3) Have demonstrated success and the ability to track and document programmatic outcomes and statistics, as well as provide 12 months of follow-up academic and placement services, 4) Targets at risk students entering post-secondary education or training 1,500,000”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after section X, the following new section:—



“SECTION XX. Chapter 71B of the General Laws as so appearing is hereby amended by inserting after Section 5A the following new section:—

Section 5B. Special education standard tuition and rates for services provided through approved private day or residential schools set by the Operational Services Division shall take effective on July 1 of each fiscal year.”

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 7066-0025, by inserting after the words “acts of 2008” with the following:— “; provided further, that not less than \$350,000 shall be made available to provide financial assistance for residents enrolled at public higher education institutions to participate in the Washington Center-Massachusetts Initiative Academic Internship program”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, by inserting after item 7100-0300 the following item:

“7100-0500 For the operation of the department of higher education’s Commonwealth College Honors program at the University of Massachusetts at Amherst 3,190,184”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, by striking line items 7061-9010 and 7061-9020 and inserting in place thereof the following line item:—

“7061-9010 For fiscal year 2010 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for Commonwealth charter schools, as calculated under subsections (nn) and (oo) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding the provisions of subsection (nn) of section 89 of chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the Commonwealth charter school tuition rate for fiscal year 2009 shall be \$893; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89, the department shall fully reimburse the cost of said per pupil capital needs component and shall pro-rate the tuition reimbursements calculated under said subsection (oo). 79,751,579.”;

and by inserting, after section \_\_, the following new section:—

“SECTION \_\_.Section 89 of Chapter 71 of the Massachusetts General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out the third and fourth sentences in subsection (i) and inserting in place thereof the following three sentences: (i) In any fiscal year, a public school district’s total charter school tuition payment to the Commonwealth charter schools shall not exceed 9 per cent of said district’s net school spending; provided, however, that a public school district’s total charter tuition payment to Commonwealth charter schools may equal 20 percent of said district’s net school spending if the board determines the MCAS scores for a school district place said district in the lowest ten percent of all statewide MCAS test performance scores for two consecutive years .The board shall not approve additional applications for any new charter schools in these designated school districts if the district’s MCAS test scores rise above the bottom ten percent of all statewide MCAS scores for any 2 consecutive years after said determination is made by the board.

The commonwealth shall incur charter school tuition payments for siblings attending Commonwealth charter schools to the extent that their attendance would otherwise cause said school district’s charter tuition payments to exceed 9 percent of said school district’s net school spending.”

The amendment was rejected.

Mr. Kennedy, Ms. Menard, Messrs. Tolman and McGee moved that the bill be amended, in Section 2, in item 7027-1004 by inserting after the figure “\$397,937,” the following section:— not less than 50,000 shall be expended for My Turn, Inc. for the purpose of school to work activities, connecting to college activities and youth workforce development activities.

The amendment was rejected.

Ms. Creem and Mr. Pacheco moved that the bill be amended, in section 2, in item 7061-9600, by striking out the words “that funds shall be distributed” and inserting in place thereof the following words:— “that funds may be distributed”; and by striking out the words “that funds shall be allocated” and inserting in place thereof the following words:— “that funds may be allocated”; and by adding at the end thereof the following:— “and provided further, that for the purpose of this item, appropriated funds may be expended through August 31, 2010”; and in said item, by striking out the figure “\$721,000” and inserting in place thereof the figure “\$956,000”.

The amendment was rejected.

Mr. Timilty moved that the bill amended, in section 2, in item 8900-0001 by inserting at the end thereof the following:— “provided further, that the department shall expend not less than \$500,000 to the municipality hosting the facility at Cedar Junction;”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 8910-8800, by striking out the figure “\$85,442,734” and inserting in place thereof the following figure:— “\$86,305,792”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 8910-8810, by striking both instances of “\$8,000,000” and inserting in each place thereof “\$10,000,000”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 0340-0100 by inserting after the figure “\$37,500” the following words:—

“; provided further, that not more than \$125,000 shall be expended for a North Dorchester Safe Neighborhood Initiative in Suffolk County”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 8100-0000, by inserting after the words “that office” the following:— “; provided further, that any community that was selected to receive earmarked funds for directed patrols in fiscal year 2009 shall receive 100 per cent of the amount so earmarked in fiscal year 2010”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended, in section 2, in item 8000-0000 by striking out the figure “\$1,988,884” and inserting in place thereof the following new figure:— “\$2,119,938”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended in sections 36, 37, 41, 44, 62, and 63 by inserting at the end thereof the following sentence:— “Regardless of the possible civil or criminal penalty, police officers have the right of arrest.”

The amendment was rejected.

Messrs. Tarr and Brown moved that the bill be amended by inserting, after section X, the following new section:—

“SECTION XX. Notwithstanding any general or special law to the contrary, the Quinn Bill shall be phased out over the next five years.”

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 8950-0001, by striking the figure “\$18,572,321” and inserting in place thereof the figure “\$17,582,149”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. Notwithstanding any general or special law to the contrary, the department of highways and the department of conservation and recreation may, for the purposes of accommodating timing discrepancies between the available appropriation in items 6030-7201, 6010-0002 and 2820-2000 of section 2 of this act and expenditures associated with snow and ice control, including the purchase of materials and equipment and the payment of third party vendors, incur liabilities and expenses and the state comptroller may certify for payment invoices in excess of the appropriation in an amount not to exceed \$50,000,000, but any such payment that would result in a deficiency shall be pre-approved by the secretary of administration and finance, in consultation with the secretary of transportation and public works and the state comptroller.”

The amendment was rejected.

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

“SECTION \_\_. Section 45 of chapter 246 of the acts of 2002 is hereby repealed.”

And further moved that the bill be further amended by inserting, after Section \_\_, the following new Section:—

“SECTION \_\_. The Massachusetts Turnpike Authority and the Massachusetts Port Authority or any successor agencies thereto are hereby prohibited from implementing any residential discount program.”

The amendment was rejected.

Messrs. Baddour, Brewer, Buoniconti, Brown and Morrissey moved that the bill amended, in section 2, in item 4401-1000, by inserting after “Young Parents Program” the following:— provided further, that notwithstanding any general or special law the contrary, the Department of Transitional Assistance shall not expend funds from this item for the Car Ownership Program.

The amendment was rejected.

Mr. Downing moved that the bill be amended by inserting, after Section 96, the following new section:—

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

Class V: Facilities that:

(a) are non-profit

(b) have 100 or fewer licensed beds

(c) were established and licensed in Massachusetts prior to the enactment of the Health Insurance for the Aged Act, Pub. L. 89-97, Title I, 79 Stat. 290, and the Medicaid Act, Pub. 89-97, Title I section 121(a), 79 Stat. 343, on July 30, 1965; and

(d) are located in Berkshire County

(e) do not participate in the Medicaid program”

The amendment was rejected.

Mr. Rosenberg, Ms. Candaras, Ms. Spilka and Mr. McGee moved that the bill amended, in section 2, in item 4800-0038 by inserting at the end thereof the following: “; and provided further, that not less than \$43,900,000 shall be expended on family support, stabilization, and unification”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 4800-1400, by adding at the end thereof the following: “and provided further, that not less than \$140,000 shall be expended for the MSPCC Franklin County Supervised Visitation Program”; and in said item, by striking the figure “\$20,827,410” and inserting in place thereof the following figure:— “\$20,967,410”

The amendment was rejected.

Messrs. Buoniconti, Berry and McGee moved that the bill be amended in Section XX by inserting the following new section:—

“SECTION XX Notwithstanding any general or special law to the contrary, the comptroller, in consultation with the secretary of health and human services, shall develop a schedule for transferring not less than \$25,000,000 from the General Fund to the

Essential Community Provider Trust Fund, established in section 2 PPP of chapter 29 of the General Laws, for the purpose of making expenditures as described in this section in fiscal year 2010. The secretary shall authorize expenditures from the fund without further appropriation to improve and enhance the ability of hospitals and community health centers to serve populations in need, more efficiently and effectively, including, but not limited to, the ability to provide community-based care, clinical support, care coordination services, disease management services, primary care services and pharmacy management services. The office shall consider applications from acute hospitals, non-acute hospitals, and community health centers; provided, however, that the office shall publicize the existence of the program to eligible providers. The eligibility criteria for providers to receive funds shall include, but not be limited to, the following:

- (i) financial performance measures including negative operating margins, insufficient cash flow, technical bond default and the uncertain ability to cover long-term obligations, as well as potential for loss of critical community services;
- (ii) the percentage of patients with mental or substance abuse disorders served by a provider;
- (iii) the numbers of patients served by a provider who are chronically ill, elderly, or disabled, provided that in the case of a community health center, that preference be given to the provision of a program of all-inclusive care for the elderly;
- (iv) the payer mix of the provider, with preference given to acute hospitals where a minimum of 63 per cent of the acute hospital's gross patient service revenue is attributable to Title XVIII and Title XIX of the federal Social Security Act or other governmental payors, including reimbursements from the Health Safety Net Trust Fund;
- (v) the percentage of total annual operating revenue that received funding in fiscal years 2005 and 2006 from the Distressed Provider Expendable Trust Fund comprised for the provider;
- (vi) the percentage of total annual operating revenue that received funding in fiscal year 2008 from the Essential Community Provider Trust Fund, established in section 2 PPP of chapter 29 of the General Laws;
- (vii) the cultural and linguistic challenges presented by the populations served by the provider;
- (viii) a documented critical need for investment in information technology such as computerized physician order entry systems but without access to capital to finance such investments; and
- (ix) the provision by a community health center of 24 hour emergency services. The secretary may further authorize distributions on an emergency basis to acute hospitals, non-acute hospitals and community health centers facing extreme financial distress or closure upon petition from the provider. The emergency funds shall be distributed by the secretary within 14 days of petition by a provider that is determined to be facing extreme financial distress or closure at an amount determined by the secretary. The executive office of health and human services shall structure expenditures under this section to maximize allowable federal reimbursement under Title XIX. The secretary of health and human services shall file with the house and senate committees on ways and means on or before September 15, 2009, a distribution plan for the funds, and the extent to which expenditures qualify for federal financial participation. The maximum expenditure from this fund shall not exceed \$37,500,000. Any additional funds shall be deposited in the General Fund.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, in item 4800-1400, by inserting at the end thereof the following:—  
“and provided further, that not less than \$90,000 shall be expended for the Western Mass Women’s Initiative Survivor’s Project”;  
and in said item, by striking the figure “\$20,827,410” and inserting in place thereof the figure “\$20,917,410”.

The amendment was rejected.

Ms. Chandler and Mr. Montigny moved that the bill amended, in section 2, in item 4512-0500, by striking out the figure “\$1,424,477” and inserting in place thereof the following figure:— “\$2,108,143”.

The amendment was rejected.

Ms. Chandler, Messrs. McGee, Montigny, Galluccio, Hart, Eldridge, Ms. Walsh and Ms. Jehlen moved that the bill be amended, in section 2, in item 4003-0122, by striking out the figure “\$250,000” and inserting in place thereof the following figure:—  
“\$500,000”.

The amendment was rejected.

Ms. Chandler moved that the bill amended, in section 2, in item 4590-0250, by adding at the end thereof the following: “provided that \$50,000 be expended for the community health services through the school-based health center at the Helen A. Bowditch Health Center at Elm park School in the City of Worcester”; and in said item, by striking out the figures “\$13,422,121” and inserting in place thereof the figures, “\$13,472,121”.

The amendment was rejected.

Ms. Chandler moved that the bill be amended, in section 2, in item 4000-0300 by adding at the end thereof the following: “provided further, that acute care hospital rates of payment from the Commonwealth Care and the Medicaid Managed Care Plans, shall be subject to negotiation between those hospitals and the health plans; provided further, that the Commonwealth Care and Medicaid Managed Care Plan rates for acute care hospitals shall not be promulgated by regulation nor stipulated in the MassHealth Request For Applications (RFA).”

The amendment was rejected.

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

“SECTION X Notwithstanding any general or special law to the contrary, in hospital fiscal year 2010, an acute hospital’s liability to the Health Safety Net Trust Fund, as defined in Chapter 118 G, shall be equal to the product of (1) the ratio of its private sector charges to all acute hospitals’ private sector charges and

(2) \$140,000,000; provided further, the amount transferred to the Commonwealth Care Trust Fund from the Health Safety Net Trust Fund pursuant to section 57 of Chapter 302 of the Acts of 2008 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for purposes of fiscal year 2010 payments to acute care hospitals.”

The amendment was rejected.

Messrs. Galluccio and Petrucelli moved that the bill be amended, in section 2, in item 4800-1400, by inserting at the end thereof the following:— “; provided further that not less than \$150,000 shall be expended for a domestic violence prevention program called ‘Teens-At-Risk’, operated by Portal To Hope for the communities of Everett, Lynn, Malden, Medford and Winthrop without the need of approval by the commissioner of the department public health.”

The amendment was rejected.

Messrs. Buoniconti, Michael Moore, Eldridge and McGee moved that the bill be amended, in section 2, in item 4000-0500 by inserting at the end thereof the following:— “provided further that the Executive Office of Health and Human Services shall make provisions to ensure that all funding from the American Recovery and Reinvestment Act of 2009, or other rate increases, directed to providers participating in the MassHealth program is proportionally allocated by membership through all managed care organizations under contract with the executive office.”

The amendment was rejected.

Messrs. Hedlund, Brown, Knapik, Tarr and Tisei moved that the bill be amended by inserting, after section 96, the following new section: —

“SECTION \_\_ Section 172 of chapter 6 of the General Laws is amended by inserting the following new section 172J as follows:—

Notwithstanding any other provision of law, any person seeking employment or a position as a regular volunteer or trainee to provide services for, or, on behalf of the Department of Developmental Services or its vendor agency programs where such employment or position involves potential unsupervised contact with individuals with mental retardation shall be required to have a national criminal background check prior to assuming said employment or position. Said criminal background check will be determined by using the Integrated Automated Fingerprint Identification System maintained by the Federal Bureau of Investigation’s Criminal Justice Information Services Division.

It shall be the responsibility of the Commonwealth to ensure that said criminal background checks are processed for review prior to such time that an individual seeking employment or a position as a volunteer or trainee assumes said employment or position.

Any person who willfully requests, obtains or seeks to obtain criminal offender record information or the equivalent from other jurisdictions under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information or the equivalent from other jurisdictions to any agency or person except in accordance with the provisions of sections one hundred and sixty-eight to one hundred and seventy-five, inclusive, or any member, officer, employee or agency of the board or any participating agency, or any person connected with any authorized research program, who willfully falsifies criminal offender record information, or the equivalent from other jurisdictions, or any records relating thereto, shall be in violation of this provision.

The Criminal History Systems Board, the Disabled Persons Protection Commission, and the State Police shall cooperate and supervise the participation by all Department of Developmental Services providers in any interstate system for the exchange of criminal offender record information or the equivalent from other jurisdictions and shall be responsible to assure the consistency of such participation including redacting information so that criminal offender record information or the equivalent from other jurisdictions is limited to convictions and open cases, and, that juvenile records are not made available.

Any provider of services to individuals pursuant to a contract with the Department that hires, retains or supervises an employee, volunteer or trainee whom the provider knows or should know, will potentially come into unsupervised contact with such individuals, and, because of a criminal conviction or pending criminal charge of a nature that would pose a unacceptable risk of physical harm to or financial exploitation of such individuals shall be in violation of this provision. The hiring authority shall use, when making a determination of unacceptable risk, the guidelines as provided by existing Department of Developmental Services regulations.

The Board shall afford an individual who may be wrongly associated with a record or whose record may contain errors, the opportunity to contest the accuracy of an out-of-state record. Each individual shall have the right to inspect, and if practicable, copy, criminal offender record information or the equivalent from other jurisdictions which refers to him. If an individual believes such information to be inaccurate or incomplete, the Criminal Systems History Board shall notify the state whose record is contested and assist the individual in following the process for correcting inaccuracies in that state, as well as notify the agency to whom the record was disseminated that the record is being contested and that no adverse action can be taken by that agency pending a resolution of the dispute. This matter should be resolved as soon as practicable but no later than 30 days after notification. Agencies at which criminal offender records or the equivalent from other jurisdictions are sought to be inspected shall prescribe reasonable hours and places of inspection, and shall impose such additional restrictions as may be approved by the board, as are reasonably necessary both to assure the record’s security and to verify the identities of those who seek to inspect them”.

The amendment was rejected.

Ms. Creem moved that the bill be amended, in section 2, in item 4512-0200, by inserting the words, “provided further, that not less than \$75,000 shall be provided to statewide program ‘The Second Step, Inc.’ in the city of Newton for the provision of substance abuse prevention and education programs to the survivors of domestic violence”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 4110-3010, by striking the figure “\$2,061,837” and inserting in place thereof the following figure: — “\$3,045,455”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after section X, the following new

section:—

“SECTION X. Chapter 32B of the General Laws is hereby amended by adding the following new section:—

‘Section 20. Effective July 1, 2009, a governmental unit is authorized to include, as part of the health plans (HMOs, PPOs, indemnity plans) that it offers to its employees and retirees, co-payments, deductibles and tiered provider network co-payments (or other plan design features) that are no greater in dollar amount than the highest co-payments, deductibles and tiered provider network co-payments (or other plan design features) provided in any of the same class (HMOs, PPOs, indemnity plans) of health plans offered by the Group Insurance Commission pursuant to chapter 32A of the General Laws. For purposes of this section, a “Point of Service” plan offered by a governmental unit shall be considered to fall within the PPO class.

The above authorized dollar amounts for co-payments, deductibles and tiered provider network co-payments (or other plan design features) may be increased whenever the Group Insurance Commission increases the dollar amount of co-payments and/or deductibles and/or tiered provider network co-payments (or other plan design features) on the health plans that it offers.

A governmental unit may include in its health plans co-payments, deductibles and tiered provider network co-payments (or other plan design features) up to the above-referenced amounts without bargaining pursuant to Chapter 150E of the General Laws concerning the decision to do so or the impact of the decision.

Nothing herein shall prohibit a governmental unit from including in its health plans higher co-payments, deductibles or tiered provider network co-payments (or other plan design features) than those authorized by the preceding paragraphs of this section; but such high co-payments, deductibles or tiered provider network co-payments (or other plan design features) may be included only after the governmental unit has satisfied and bargaining obligations pursuant to Chapter 150E of the General Laws.”

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$159,750 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district court and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$37,500 shall be expended for the Tynan Community Center’s Adolescence Wellness Program in the South Boston section of the city of Boston”.

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and drug abuse in the South Boston section of the city of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4120-4000 by inserting after the word “services” the following:— “; provided further, that not less than \$50,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 9110-1800, by inserting after the word “homeless elders” the following:— “; provided further that no less than \$25,000 be expended for the Tuttle House facility in Dorchester,”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$249,425 shall be expended for Latinas y Ninos and Casa Esperanza”.

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$159,750 shall be expended for a contract with Gavin Foundation, Inc., to provide a Total Immersion program in conjunction with the probation departments of the South Boston division of the district court and other district courts and that the funding shall be expended for the maintenance of a training program by the Gavin Foundation for a statewide Total Immersion program”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$37,500 shall be expended for the Tynan Community Center’s Adolescence Wellness Program in the South Boston section of the city of Boston”.

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$155,000 shall be expended for the maintenance and operation of the Intensive Outpatient Program at the South Boston Collaborative for the purposes of responding to adolescent suicide clusters and

drug abuse in the South Boston section of the city of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4120-4000 by inserting after the word “services” the following:— “; provided further, that not less than \$50,000 shall be expended for the Joseph F. Timilty Adult Day Health and Memory Loss Center”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 9110-1800, by inserting after the word “homeless elders” the following:— “; provided further that no less than \$25,000 be expended for the Tuttle House facility in Dorchester;”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$298,000 shall be expended for alternative schools for students aged 14 to 16, inclusive, who are placed before the court on child in need of services petitions in region 6”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$249,425 shall be expended for Latinas y Ninos and Casa Esperanza”.

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$1,149,750 shall be expended to the Gavin Foundation for a male adolescent residential facility for substance abuse and rehabilitation services and an adjoining female adolescent residential facility for substance abuse and rehabilitation services, both operated by the Cushing House located in the South Boston section of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4000-0880, by inserting after the words “prior fiscal years” the following:— “; provided further, that not less than \$50,000 shall be expended for the Adolescent Education program of the South Boston Neighborhood House in the South Boston section of the city of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$25,000 shall be expended for the Exodus Outreach Recovery Program”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$75,000 shall be expended for a contract with Julie’s Family Learning program in the South Boston section of the city of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 9110-1800, by inserting after the words “homeless elders” the following:— “; provided further that not less than \$50,000 shall be expended for the Kit Clark Homeless/Housing Program to provide support for homeless and recently housed older adults”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in Section 2, in item 4800-0038, by inserting after the words “Young Parent Support Program” the following:— “; provided further, that not less than \$128,500 shall be expended for the Laboure Center in South Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in Section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$933,000 shall be expended for the Volunteers of America Rebound Youth Residential Recovery Program at Long Island Hospital in the city of Boston for substance abuse and rehabilitation services to youths with addictions”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in Section 2, in item 4512-0200, by inserting after the word “clients” the following:— “; provided further, that not less than \$35,000 shall be expended for the Adolescent Education program of the South Boston Neighborhood House in the South Boston section of the city of Boston”.

The amendment was rejected.

Mr. Hart and Mr. Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following words:— “; provided further, that not less than \$100,000 shall be expended for The Gavin Foundation, Inc. to provide drug and alcohol abuse prevention education through the Speakers for Hope Program,”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following words:— “; provided further, that not less than \$79,000 shall be expended for the Haitian Multi-Service Center in the Dorchester section of the city of Boston”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4590-0250, by inserting after the words “department of education” the following:— “ provided further, that not less than \$50,000 shall be expended to the H.E.L.P. program so-called, for black males health”.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “ provided further, that not less than \$25,000 shall be expended for the Louis D. Brown Peace Institute for homicide victims’ family support services and anti-violence advocacy programs”.

The amendment was rejected.

Messrs. Hart and Tolman moved that the bill be amended, in section 2, in item 4512-0200, by inserting after the word “clients” the following:— “ provided further, not less than \$60,000 shall be expended for Phoenix House, for the purposes of maintaining and operating an independent 18-bed woman’s homeless and sober-living facility in the Dorchester neighborhood of Boston, for females with alcohol and chemical dependency”.

The amendment was rejected.

Messrs. Brewer and Petrucci moved that the bill be amended in section X by inserting:—

“Notwithstanding the provisions of any general law, rule, or regulation to the contrary, a health benefit plan that provides coverage for cancer chemotherapy treatment must provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications is not allowed to achieve compliance with this provision”.

The amendment was rejected.

Mr. Tolman moved that the bill be amended, in section 2, in item 5920-3010, by inserting after the word “Spectrum Disorder Waiver;” the following:— “; and provided further, that not less than \$50,000 shall be allocated to the Asperger’s Association of New England to provide support services to individuals with high functioning autism or Asperger’s syndrome”.

The amendment was rejected.

Ms. Creem moved that the bill be amended, in section 2, in item 4513-1000 by adding the following: “and, provided further that \$450,000 shall be expended for the Massachusetts birth defect monitoring program”; and in said item by striking out the figure “\$4,755,623” and inserting thereof the figures “\$5,205,623”.

The amendment was rejected.

Ms. Candaras, Ms. Tucker, Ms. Flanagan, Messrs. Pacheco, Eldridge, Timilty, Kennedy, Ms. Spilka, Messrs. Montigny, Hart, Ms. Fargo, Mr. McGee and Ms. Creem moved that the bill be amended, in section 2, in item 5920-3000 by striking the figure “\$23,521,184” and inserting in place thereof the figure “\$45,000,000”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in section 2, in item 4125-0105 by striking the figure “\$165,000” and inserting in place thereof the figure “\$372,000”.

The amendment was rejected.

Ms. Candaras, Mr. Kennedy, Ms. Spilka and Mr. Montigny and Ms. Fargo moved that the bill be amended, in section 2, by inserting after item 1599-3856, the following item:—

“1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to personnel earning less than \$40,000 in annual compensation who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs; provided, that home care workers shall be eligible for funding from this appropriation; provided further, that the secretary of administration and finance may allocate the funds appropriated in this item to the departments in order to implement this initiative; provided further, that the executive office of health and human services shall condition the expenditure of appropriation upon assurances that the funds shall be used solely for the purposes of equal percentage adjustments to wages, compensation or salary; provided further, that not later than January 15, 2010, the executive office of health and human services shall submit to the house and senate committees on ways and means a report delineating the number of employees, by job title and average salary, receiving the adjustment in fiscal year 2010 and the average percentage adjustment funded herein; provided further, that the report shall also include, for each contract scheduled to receive any allocation from this item in each such department, the total payroll expenditures in each contract for the categories of personnel scheduled to receive the adjustments; provided further, that no funds from this item shall be allocated to special education programs under chapter 71B of the General Laws, contracts for early education and care services or programs for which payment rates are negotiated and paid as class rates as established by the division of health care finance and policy; provided further, that no funds shall be allocated from this item to contracts funded exclusively by federal grants as delineated in section 2D; provided further, that the total fiscal year 2010 costs of salary adjustments and any other associated employee costs authorized thereunder shall not exceed \$23,000,000; provided further, that the executive office health and human services shall submit an allocation schedule to the house and senate committees on ways and means not less than 30 days after disbursement of funds; and provided further, that the annualized cost of the adjustments in fiscal year 2011 shall not exceed the amount appropriated herein 23,000,000.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in section 2, in item 4000-0500 by inserting after the words “stated herein” the following:— “provided further, that not less than \$9,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units;”.

The amendment was rejected.

Ms. Jehlen and Mr. McGee moved that the bill be amended, in section 2, by inserting after item 4000-0600 the following:—

“4000-0650 For community-based services for elderly and disabled individuals under age 65 provided under the Community

First initiative or for costs necessary to prepare for or implement the initiative, provided that if the Executive Office of Health and Human Services does not obtain the necessary approvals from the Centers for Medicare and Medicaid Services to implement the initiative by April 1, 2010, any remaining funds that will go unused for the Community First initiative in fiscal year 10 shall be transferred to the 4000-0600 account to serve elder and disabled individuals 21,000,000”.

The amendment was rejected.

Ms. Candaras and Mr. Buoniconti moved that the bill be amended, in section 2, in item 4000-0112 by inserting at the end thereof:— “provided further that not less than \$100,000 be expended on Square One in Springfield”

The amendment was rejected.

Ms. Candaras and Mr. Montigny moved that the bill be amended, in section 2, by inserting after item 4512-0200 the following item:—

4512-0201 For substance abuse step-down recovery services, otherwise known as level B beds and services, and other critical recovery services with severely reduced capacity; provided, that no funds shall be expended in the AA object class; and provided further, that the department shall submit quarterly to the house and senate committees on ways and means a report on the number of individuals served by the step-down recovery services program 5,000,000.

The amendment was rejected.

Mr. Morrissey moved that the bill be amended, in section 2, in item 5046-0000, by striking the figure “\$368,329,611”, and inserting in its place the following:— “\$368,409,611”.

The amendment was rejected.

Mr. O’Leary moved that the bill be amended, in section 2, in item 4120-6000 by inserting after the words, “clients receiving head insured services, the following:— “;and provided further, that not less than \$50,000 shall be expended for the Cape Cod Head Injury Program”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 4800-0038, by adding the following:— “provided further, that not less than \$75,000 shall be expended for the purpose of providing case management services for the Amity Transitional Housing Program in the City of Lynn”.

The amendment was rejected.

Mr. Timilty moved that the bill be amended, in section 2, in item 5920-2025 by inserting the following:— “provided that not less than \$200,000 shall be expended on a contract with Work, Inc. for enhanced or expanded services and employment opportunities for citizens with disabilities”.

The amendment was rejected.

Mr. Knapik moved that the bill be amended in item 4190-1100 by inserting after the words “state accounting system” the following:— “, prior appropriation continued”.

The amendment was rejected.

Mr. Knapik moved that the bill be amended in section 2 by striking out the following:—

“4190-0200 The Soldiers’ Home in Holyoke may expend not more than \$25,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents and an amount not to exceed \$5,000 from revenues received from the licensing of the property for placement of aerial antennas; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services 30,000”;

and inserting in place thereof the following:—

“4190-0200 The Soldiers’ Home in Holyoke may expend not more than \$30,000 from fees collected from veterans in its care for the purposes of providing television and telephone services to residents; provided, that fees from the use of telephones and televisions shall only be expended for payments to vendors for said services 30,000”

and by adding the following new item:—

“4190-0101 For the Soldiers’ Home in Holyoke which may expend for its operation an amount not to exceed \$10,000 from the licensing of the property for placement of aerial antennas 10,000”.

The amendment was rejected.

Mr. Rosenberg moved that the bill be amended, in section 2, by inserting after item 9110-0100 the following item:

“xxxx-xxxx For vendor payments to rest homes; provided, that the executive office shall coordinate with the department of transitional assistance to ensure that payments from line items 4405-2000 and 4408-1000 are made to residents of rest homes; and provided, that the executive office shall expended not less than \$3,300,000 for rate increase to rest homes in coordination with the division of health care finance and policy 3,300,000”.

The amendment was rejected.

Ms. Creem, Ms. Tucker, Mr. McGee, Ms. Fargo and Mr. Petrucci moved that the bill be amended, in section 2, in item 4510-0810, by striking the figure: “\$3,507,700”;

and inserting in place thereof the following: “\$3,623,068”.

The amendment was rejected.



Mr. McGee moved that the bill be amended, in section 2, in item 4530-9000 by adding the following:— “provided further, that no less than \$15,000 shall be provided to Girls, Inc. of Lynn for teen pregnancy prevention”.

The amendment was rejected.

Ms. Flanagan, Ms. Menard, Messrs. Galluccio and Eldridge moved that the bill be amended, in section 2, in item 4513-1000 by striking the word, “funds” and inserting in place thereof the following: “not less than \$5,000,000”; and by deleting the figure of “\$4,775,623” and inserting in place thereof the figure, “\$5,000,000”.

The amendment was rejected.

Messrs. Hedlund, Brown, Knapik, Tarr and Tisei moved that the bill be amended, in section 2, in item 5920-2025, by striking out the figure “\$91,988,888” and inserting in place thereof the following figure:— “\$93,988,888”; and, in section 2, in item 0640-0010, by striking out the figure “\$2,000,000” and inserting in place thereof the following figure:— “\$0”.

The amendment was rejected.

Mr. Kennedy, Ms. Fargo and Mr. Hart moved that the bill be amended, in section 2, in item 4590-1503 by inserting the following: —

4590-1506 For a grant program to be administered by the department of public health to support the establishment of a comprehensive youth violence prevention program; provided, that the commissioner of public health shall distribute grant funds through a competitive grant program that gives preference to applications that: (a) serve communities that have been identified by the department as being high risk communities for youth violence; (b) demonstrate multi-disciplinary collaboration, including youth serving community organizations, state agencies, local law enforcement, medical and public health professionals, and faith-based organizations; (c) utilize a youth development framework that includes addressing out-of-school time activities, mentoring, leadership training, employment readiness training, conflict resolution, education support, family support services and financial literacy; (d) provide positive programming during, but not limited to, the hours of 2 pm and 10 pm; and (e) demonstrate the ability to work with the department staff to conduct comprehensive evaluations of program development and implementation activities; provided further, that no grants shall be awarded to law enforcement agencies 3,500,000.

The amendment was rejected.

Ms. Chandler, Messrs. Montigny and Pacheco moved that the bill be amended, in section 2, in item 4512-0500, by adding at the end thereof the following: “Provided further that not less than \$1,274,477 shall be expended for dental health services for persons with developmental disabilities, in community and residential facilities in Amherst, Taunton, Palmer, Shrewsbury, Baldwinville, Waltham, Hawthorne, and Wrentham. “

The amendment was rejected.

Ms. Menard and Mr. Brewer moved that the bill be amended, in section 2, by inserting after 4000-0050 the following item: “4000-0112 For matching grants to the YMCAs of Massachusetts 225,000”.

The amendment was rejected.

Messrs. Hedlund, Brown, Knapik, Tarr and Tisei moved that the bill be amended, in section 2, in item 5911-2000, by striking out the figure “\$13,537,324” and inserting in place thereof the following figure:— “\$14,137,324”; and, in section 2, in item 4512-0225, by striking out the figure “\$1,000,000” and inserting in place thereof the following figure:— “\$400,000”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after section X, the following new section:—

“SECTION XX. The Secretary of Administration and Finance and the Secretary of Health and Human services are hereby authorized and directed to evaluate the feasibility of contracting for recycling durable medical equipment purchased and issued by the Commonwealth through any and all of its medical assistance programs.

Said evaluation shall include but not be limited to a request for qualifications and/or proposals for entities capable of developing, implementing and operating a system of recycling whereby an inventory of such equipment is developed and managed so as to maximize the quality of service delivery to equipment recipients and to minimize costs and losses attributable to waste, fraud and/or abuse”.

The amendment was rejected.

Mr. Kennedy moved that the bill be amended, in section 2, in item 4120-4000 in line 1, by inserting after the figure “\$11,946,137,” the following:— provided that not less than \$30,000 shall be expended for the Massachusetts Rehabilitation Commission Independent Living Account — the L.I.F.E Living Independently for Equality, Inc. of Brockton \$11,976,137.

The amendment was rejected.

Ms. Menard moved that the bill be amended, in section 2, in item 4512-0200, by adding at the end thereof the following: “provided further, that not less than \$200,000 shall be expended for an opiate addiction medication assisted treatment re-entry pilot study in Bristol County”; and in said item, by striking out the figures \$63,526,397” and inserting in place thereof the figures “\$63,726,397”.

The amendment was rejected.

Ms. Candaras, Messrs. Eldridge and McGee moved that the bill be amended, in section 2, in item 4403-2000 by striking the figure “\$308,076,608” and inserting in place thereof “\$310,473,915”.

The amendment was rejected.

Mr. Buoniconti moved that the bill be amended, in section 2, in item 4512-0200, by inserting at the end thereof the following

words:— “provided further that not less than \$125,000 shall be expended for northern educational services in the city of Springfield”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 1410-0250, by adding at the end thereof, “provided further, that not less than \$190,000 shall be expended for a contract with Habitat P.L.U.S. in the city of Lynn”.

The amendment was rejected.

Messrs. Michael O. Moore, and Galluccio moved that the bill be amended, in section 2, in item 4000-0500, by adding the following language: “provided further, that EOHHS to promote patient continuity of care and access to cost-effective health care services shall require acute care hospitals, as a condition of participating in the Medicaid program, to accept Medicaid fee-for-service rates of reimbursement for out-of-network care delivered to MassHealth and Commonwealth Care members enrolled in a Medicaid managed care organization that does not have a contract with said hospital”.

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in section 2, in item 5911-2000, by adding the following: “; provided further, that not less than \$100,000 shall be expended for services to the developmentally disabled provided by Grow Associates, Inc. in the town of Avon”.

The amendment was rejected.

Messrs. McGee and Galluccio moved that the bill be amended, in section 2, in item 4513-1000 by adding the following:— “provided further, that \$200,000 shall be expended for elder health and outreach program in Saugus”; and by striking the figure “\$4,755,623” and inserting in place thereof the figure “\$4,955,623”.

The amendment was rejected.

Mr. Kennedy moved that the bill be amended, in section 2, in item 4800-0038 by inserting after the word “provided,” the following:— Further, that the department shall not reduce the amount allocated to a program listed in this item as appearing in section 2 of chapter 182 of the acts of 2008 by more than 25 per cent in fiscal year 2010 \$303,204,549.

The amendment was rejected.

Messrs. McGee and Galluccio moved that the bill be amended, in section 2, in item 4512-0200, by adding at the end thereof the following:— “provided further, that not less than \$15,000 shall be expended for the Words not Weapons mentoring project in the town of Saugus”

The amendment was rejected.

Mr. McGee moved that the bill be amended in section 2, in item 4512-0200, by inserting the following:— “provided further, that not less than \$37,500 shall be expended for the Melrose Youth Opiate Prevention program”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 8400-0016, by striking out the figures “\$190,303” and inserting in place thereof “\$252,607”.

The amendment was rejected.

Ms. Creem moved that the bill be amended, in section 2, in line item 4110-3010, Massachusetts Commission for the Blind Vocational Rehabilitation, by striking out the figure \$2,061,837 and insert in place thereof the figure \$3,045,455.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in section 2, in item 1410-0012, by adding at the end “provided further that \$106,102 be expended for North Shore Veterans Counseling Services”.

The amendment was rejected.

Messrs. Michael O. Moore and Galluccio moved that the bill be amended in section 2 by adding at the end of Line Item 4000-0500 the following new language: “provided further that the executive office in carrying out this line item shall incorporate no greater than \$30 million in total savings attributable to the MCO program”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 4100-0060, by striking the figure “\$17,449,078” and inserting in place there of the figure “\$12,836,110”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 4100-0060, by striking the figure “\$17,449,078” and inserting in place there of the figure “\$12,836,110”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in section 2, in item 5930-1000, by inserting after the words “For the facility operations program for the mentally retarded”, the words “; provided further, that the department shall take no action to reduce the client population of any state residential-based facility for the mentally retarded, including intensive individual supports, for the purpose of closing said state institutions, and no steps shall be taken to close said institutions through attrition, layoffs or any other means until a study of any such reduction or closing shall be completed, and the General Court shall have approved by law any such reductions or closing; provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs, benefits and quality of maintaining said institutions and shall identify alternative methods of providing the services currently provided by said institutions, and said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December 1, 2011.”

The amendment was rejected.

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

SECTION X. Notwithstanding any general or special law to the contrary, the office of the state comptroller shall continue to

process all payroll deductions in effect prior to July 1, 2009 for members of the state police commissioned officers association of Massachusetts, Inc and shall make one aggregate deposit into the designated state police commissioned officers association of Massachusetts treasury account.

The amendment was rejected.

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

SECTION XX. The fifteenth paragraph of section 8 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following sentence:— The registrar shall place on any application for an original license or application for renewal of license a section for the applicant to voluntarily indicate an electronic mail address. If the applicant fills out said section, the register may send a required notice of expiration of license by electronic mail to the applicant.

The amendment was rejected.

Mr. Montigny moved that the bill be amended, in section 2, in item 7007-0900, by adding at the end thereof the following:—

“provided further, that not less than \$200,000 shall be expended for the Zeiterion Performing Arts Center “; and in said item, by striking out the figures “\$6,483,636” and inserting in place thereof the figures “\$6,683,636”.

The amendment was rejected.

Messrs. O’Leary, Knapik, Timilty, Brown, Galluccio and Ms. Candaras moved that the bill be amended by adding at the end thereof the following new section:

SECTION XX. Clause (a) of subsection B of section 3 of chapter 62 of the general laws, as appearing in the 2006 official edition, is hereby amended by inserting, after subclause (15) the following new subclause:—

(16) Amounts up \$5,000 annually, or \$10,000 annually for married persons filing jointly, contributed to a qualified tuition program under section 529 of the code established pursuant to chapter 15C of the general laws or other savings program established by chapter 15C of the general laws.

The amendment was rejected.

Mr. Montigny moved that the bill be amended, in section 2, in item 1599-7104 by adding the following:—

“1599-7104 For a reserve for the facilities costs associated with the college of visual and performing arts at the University of Massachusetts at Dartmouth; provided, that funds may be expended for Bristol Community College 2,700,000”.

The amendment was rejected.

Ms. Fargo moved that the bill be amended, in section 2, in item 4510-0710 by striking out the figure “\$9,297,610” and inserting in place thereof the following figure:— “\$11,959,869”.

The amendment was rejected.

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

The amendment was rejected.

Ms. Fargo and Mr. Montigny moved that the bill be amended, in section 2, in item 4000-0300 after the words “Chapter 118E of the General Laws;” the following words:— “provided further, for the operation of the Office of Health Equity within the Executive Office of Health and Human services; provided further, that subject to appropriation the Executive Office of Health and Human Services may employ such additional staff and consultants or as it may deem necessary; provided further; the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions, and replicate successful programs across the state; provided further, the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities;”.

The amendment was rejected.

Ms. Fargo and Ms. Jehlen moved that the bill be amended, in section 2, in item 4000-0600, by inserting after the words “providing kosher food;” the following:— “provided further, that notwithstanding any general or special law to the contrary, not less than \$5,000,000 shall be expended from this item for the purpose of maintaining at \$72.80 per month the personal needs allowance for individuals residing in nursing homes and rest homes who are eligible for MassHealth, Emergency Aid to the Elderly Disabled and Children program or Supplemental Security Income;”.

The amendment was rejected.

Mr. Montigny moved that the bill be amended, in section 2, in item 4510-0710 the following item:—

“4510-0720 For a scholarship program for certified nurses’ aide and direct care worker training; provided, that recipients of the scholarship shall commit to working in the Commonwealth for 2 years following certification; provided further, that no funds shall be expended in the AA object class; provided further, that the scholarships shall cover the full cost of tuition to an approved certified nurses’ aide or long-term care direct worker training program, including approved programs providing for cross-training; provided further, that funds shall also be available to provide adult basic education and English as a second language training for applicants otherwise meeting criteria for the scholarships, as well as pilot training programs using enhanced curricula designed to support increased retention; provided further, that the department shall, in consultation with the nursing home industry, consumer groups, the department of labor and workforce development, the Commonwealth Corporation, training providers and other appropriate state and local agencies, conduct outreach regarding the availability of such scholarships; provided further, that the department shall consult with the scholarship program advisory council and the extended care career ladder initiative to review and recommend new training requirements for certified nurses’ aides, home health aides and home care

workers to improve the quality of the direct care workforce and the quality of care provided in all long-term care settings by developing skill standards, supporting the transition from training to work, improving retention, promoting portability, recognizing career advancement curricula and addressing language and education barriers; and provided further, that costs for outreach activities shall not exceed 5 per cent of the amount appropriated in this item and administrative costs of the program shall not exceed 5 per cent of the amount appropriated in this item 250,000”.

The amendment was rejected.

Mr. Montigny moved that the bill be amended, in section 2, in item 7004-0101, by adding at the end thereof the following:—  
“provided further, that not less than \$250,000 shall be expended for Market Ministries emergency homeless shelter in New Bedford”; and in said item, by striking out the figures “\$82,612,510” and inserting in place thereof the figures “\$82,862,510”.  
The amendment was rejected.

Mr. Montigny moved that the bill be amended, in section 2, in item 7002-0101 the following item:—

“7003-0604 For the career ladder grant program in long-term care established under section 410 of chapter 159 of the acts of 2000; provided, that grants shall be available for certified nurses’ aides, home health aides, homemakers and other entry level workers in long-term care; provided further, that the grants may include training for English for speakers of other languages and other language and adult basic education programs to improve quality of care and improve direct care worker access to and participation in career ladder training; provided further, that the length of such grants shall not exceed 3 years; provided further, that notwithstanding section 410 of chapter 159 of the acts of 2000, grants may be awarded on a competitive basis to long-term care labor management workforce partnerships, nursing homes, home care organizations or consortiums of nursing homes and/or home care organizations; provided further, that the Commonwealth Corporation shall submit quarterly reports to the house and senate committees on ways and means on such grant program including, but not limited to, the number of grants awarded, the amount of each grant, a description of the career ladder programs, changes in care-giving and workplace practices that have occurred and their impact on quality of care and worker retention and the certificates, degrees or professional status attained by each participating employee; provided further, that the administrative and program management costs for the implementation of the grant program shall not exceed 4 per cent of the amount appropriated in this item; and provided further, that each grant may include funding for technical assistance and evaluation 1,500,000”.

The amendment was rejected.

Messrs. O’Leary, Pacheco, Eldridge, Ms. Tucker and Mr. Donnelly moved that the bill be amended by adding at the end thereof the following new section:

SECTION XX The General Laws, as appearing in the 2006 official edition, are hereby amended by striking out chapter 180A in its entirety and replacing it with the following chapter:—

Chapter 180A.

Uniform Prudent Management of Institutional Funds.

Section 1. Definitions. The following words as used in this chapter shall have the following meanings unless a different meaning is clearly apparent from the language or context:—

- (1) “Charitable purpose” means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.
- (2) “Endowment fund” means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. The term does not include assets that an institution designates as an endowment fund for its own use.
- (3) “Gift instrument” means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.
- (4) “Institution” means:
  - (A) a person, other than an individual, organized and operated exclusively for charitable purposes;
  - (B) a government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or
  - (C) a trust that had both charitable and non charitable interests, after all non charitable interests have terminated.
- (5) “Institutional fund” means a fund held by an institution exclusively for charitable purposes or a fund held by trustee for a charitable community trust.

The term does not include:

- (A) program-related assets;
- (B) a fund held for an institution by a trustee that is not an institution, other than a fund which is held for a charitable community trust; or
- (C) a fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.
- (6) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (7) “Program-related asset” means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.
- (8) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is

retrievable in perceivable form.

Section 2. Standard of conduct in managing and investing institutional fund.

(A) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(B) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(C) In managing and investing an institutional fund, an institution:

(1) may incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(2) shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(D) An institution may pool two or more institutional funds for purposes of management and investment.

(E) Except as otherwise provided by a gift instrument, the following rules apply:

(1) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(a) general economic conditions;

(b) the possible effect of inflation or deflation;

(c) the expected tax consequences, if any, of investment decisions or strategies;

(d) the role that each investment or course of action plays within the overall investment portfolio of the fund;

(e) the expected total return from income and the appreciation of investments;

(f) other resources of the institution;

(g) the needs of the institution and the fund to make distributions and to preserve capital; and

(h) an asset's special relationship or special value, if any, to the charitable purposes of the institution.

(2) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the fund and to the institution.

(3) Except as otherwise provided by law other than this chapter, an institution may invest in any kind of property or type of investment consistent with this section.

(4) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(5) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(6) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

Section 3. Appropriation for expenditure or accumulation of endowment fund.

(A) Subject to the intent of a donor expressed in the gift instrument and to subsection (D), an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

(1) the duration and preservation of the endowment fund;

(2) the purposes of the institution and the endowment fund;

(3) general economic conditions;

(4) the possible effect of inflation or deflation;

(5) the expected total return from income and the appreciation of investments;

(6) other resources of the institution; and

(7) the investment policy of the institution.

(B) To limit the authority to appropriate for expenditure or accumulate under subsection (A), a gift instrument must specifically state the limitation.

(C) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income", "interest", "dividends", or "rents, issues, or profits", or "to preserve the principal intact", or words of similar import:

(1) create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and

(2) do not, standing alone, limit the authority to appropriate for expenditure or accumulate under subsection (A).

(D) The appropriation for expenditure in any year of an amount greater than seven percent of the fair market value of an endowment fund, calculated on the basis of market values determined at least quarterly and averaged over a period of not less than three years immediately preceding the year in which the appropriation for expenditure is made, creates a rebuttable presumption of imprudence. For an endowment fund in existence for fewer than three years, the fair market value of the endowment fund must be calculated for the period the endowment fund has been in existence. This subsection does not:

- (1) apply to an appropriation for expenditure permitted under law other than this chapter or by the gift instrument; or
- (2) create a presumption of prudence for an appropriation for expenditure of an amount less than or equal to seven percent of the fair market value of the endowment fund.

#### Section 4. Delegation of management and investment functions.

(A) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

- (1) selecting an agent;
- (2) establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and
- (3) periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(B) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(C) An institution that complies with subsection (A) is not liable for the decisions or actions of an agent to which the function was delegated.

(D) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(E) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law of this state other than this chapter.

#### Section 5. Release or modification of restrictions on management, investment or purpose.

(A) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(B) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The attorney general shall be made a party to any such application and resulting proceeding. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(C) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The attorney general shall be made a party to any such application and resulting proceeding.

(D) The supreme judicial court may by rule or order provide that any application otherwise subject to court approval pursuant to subsections (B) and (C) above, may be approved by the attorney general if the value of the fund is not greater than such amount as the court may provide or in such other situations as the court may so provide.

#### Section 6. Reviewing compliance.

Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

#### Section 7. Application to existing institutional funds.

This chapter applies to institutional funds existing on or established after June 30, 2009. As applied to institutional funds existing on June 30, 2009 this chapter governs only decisions made or actions taken on or after that date.

#### Section 8. Relation to the electronic signatures in global and national commerce act.

This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103 of that act, 15 U.S.C. Section 7003(b).

#### Section 9. Uniformity of application and construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

The amendment was rejected.

Messrs. Montigny and McGee moved that the bill be amended, in section 2, in item 0330-0300, by adding at the end thereof the following:—

“provided further, that not less than \$100,000 shall be expended for the changing lives through literature program”; and in said item, by striking out the figures “\$188,762,543” and inserting in place thereof the figures “\$188,862,543”.

The amendment was rejected.

Mr. Montigny and Ms. Creem moved that the bill be amended, in section 2, in item 7061-0011 the following item:

“7061-0011 For a reserve to: (1) meet extraordinary increases in the minimum required local contribution of a municipality pursuant to the requirements of section 3 of this act; provided, that a municipality seeking funds hereunder shall apply for a waiver from the department of revenue pursuant to section 40 of this act; provided further, that the commissioner shall issue a finding concerning such waiver applications within 30 days of the receipt thereof, after consulting with the commissioner of

elementary and secondary education regarding the merits of such application; (2) assist regional school districts which, prior to fiscal year 2010, have assessed member towns using the provisions of their regional agreement, and which, in fiscal year 2010, will assess member towns using the required contributions calculated pursuant to said section 3; (3) assist towns impacted by stresses in the commercial agricultural, fishing or lobster industry whose required local contribution exceeds 75 per cent of their foundation budget; (4) assist towns negatively impacted by shortfalls in federal impact aid for the education of children in families employed by the federal government on military reservations located within the town's limits; provided, that any grants provided under this item shall be expended by a school committee without further appropriation; provided further, that not less than \$250,000 from this item shall be awarded to a qualifying community that hosts a Veterans Administration Hospital; (5) assist regional school districts in rural areas which meet each of the following: (a) they have fewer than 30 full-time enrollment students per square mile; and (b) they have experienced more than 7 per cent enrollment decline between fiscal year 2004 and fiscal year 2009; provided further, that preference shall be given to those districts that have joined the group insurance commission before July 1, 2009; (6) meet extraordinary increases of greater than 10 per cent in a municipality's total required contribution in municipalities whose target required local contribution exceeds 70 per cent of their foundation budget; provided, that not less than \$500,000 shall be used for this purpose; (7) assist towns in which in excess of one-third of the total land mass of the town is owned and controlled by the Commonwealth and which receive payment in lieu of taxes on less than 25 per cent of said land; (8) assist operating districts in which the chapter 70 aid, so-called, distributed in fiscal year 2010 is less than the chapter 70 aid distributed in fiscal year 2002; and (9) assist towns which host a campus of the University of Massachusetts, but which have a target aid percentage of only 17.5 per cent; provided further, that any grants provided to school districts from this item shall be expended by a school committee without further appropriation; provided further, that the department shall make not less than 80 per cent of the awards from this item no later than October 15, 2009; and provided further, that no funds distributed from this item shall be considered prior year chapter 70 aid nor shall they be used in the calculation of the minimum required local contribution for fiscal year 2011 6,000,000".

The amendment was rejected.

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

SECTION 91. Notwithstanding any general or special law to the contrary, any position of employment with the Commonwealth that has been vacant for the past 4 or more years shall not be filled until July 1 2012.

The amendment was rejected.

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

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

Ms. Menard and Messrs. Brewer, Timilty and Tisei moved that the bill be amended in Section X as follows:

"Notwithstanding the provisions of any general or special law to the contrary any purchasing authority who purchases on behalf of the Commonwealth, any of its subdivisions or authorities, or any of its municipalities, may, as a result of the present depressed economic climate, renew or renegotiate any contract with any vendor who presently possesses a valid binding contract with said governmental entity, if the vendor is willing to renew such contract at or below the pricing terms of the present contract, for a period not to exceed three years. Any other purchasing authority on behalf of the Commonwealth, any of its subdivisions or authorities, or any of its municipalities, may also take advantage of this cost saving program by being able to purchase from those vendors who presently possess contracts for the same or similar services, with the before mentioned governmental entities, at or below the same contract terms as is presently in effect for a period not to exceed three years.

All purchasing agents on behalf of the Commonwealth, any of its subdivisions or authorities, or any of its municipalities are directed to make capital investments that result in the greatest benefits with the least cost, and to institute a program of routine and scheduled maintenance on any and all of its equipment, facilities, and/or any service expansion, if such action is more cost effective, or produces quantifiable savings, than investing in new capital investments. Prior to investing in capital expenditures each of the purchasing authorities referred to above shall produce an analysis which demonstrates the cost effectiveness of capital investment versus maintenance.

For the purpose of facilitating the cost savings benefit of this section for any purchasing authority who wishes to participate in this program the Operational Services Division shall issue a temporary statewide contract number to any vendor who presently holds a contract with the Commonwealth, any of its subdivisions or authorities, or any of its municipalities commencing on July 1, 2009.

Nothing contained herein shall allow any otherwise valid contract of any of the parties referred to herein to be terminated prior to any cancellation of that contract by its terms, unless agreed to by the parties therein.

This section shall expire on June 30, 2012."

The amendment was adopted.

Ms. Menard moved that the bill be amended in Section 80, clause b, by inserting after the word "factor" before the word "may", the following words:— "or whose FY08 actual local contributions were lower than the amounts calculated in the "one-time adjustment" used in the FY10 chapter 70 formula,".

The amendment was adopted.

Mr. Downing moved that the bill be amended, in Section 2, in item 0340-1100, by inserting the following: "provided further, that 150,000 shall be expended for the operation and management of the Berkshire County Drug Task Force".

The amendment was adopted.

Messrs. Buoniconti, Knapik and Michael O. Moore moved that the bill be amended by adding the following section:—

“SECTION \_\_\_\_ a) Section 6E of chapter 221, as appearing the 2006 Official Edition, is hereby amended by striking, in line 1, the words ‘The justices of the superior court’ and inserting in place thereof the followings:— The clerk of courts for the county of Worcester;

b) Section 6F of chapter 221, as appearing the 2006 Official Edition, is hereby amended by striking, in line 1, the words ‘The justices of the superior court’ and inserting in place thereof the followings:— The clerk of courts for the county of Worcester;

c) Section 6K of chapter 221, as appearing the 2006 Official Edition, is hereby amended by striking, in line 1, the words ‘The justices of the superior court’ and inserting in place thereof the followings:— The clerk of courts for the county of Hampden;

d) Section 6L of chapter 221, as appearing the 2006 Official Edition, is hereby amended by striking, in line 1, the words ‘The justices of the superior court’ and inserting in place thereof the followings:— The clerk of courts for the county of Hampden.”  
The amendment was adopted.

Ms. Creem moved that the bill amended in Section X by inserting the following new section:—

“SECTION X. Section 23D of Chapter 217 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the words ‘Middlesex, 6 assistant judicial case managers’ and in its place insert the words ‘Middlesex, 8 assistant judicial case managers’.”

The amendment was adopted.

Ms. Creem and Mr. McGee moved that the bill be amended in Section 57 by striking out said Section and inserting in place thereof the following:—

“SECTION 57. Section 12 of chapter 211D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following 2 sentences:—

Bills shall be submitted to the committee within 90 days after the conclusion of a case; but if the case is pending at the end of the fiscal year, within 90 days after the end of the fiscal year. Bills submitted after that date shall not be processed for payment; but the chief counsel may authorize the payment of such bills either in whole or in part, upon a determination that the delay in submission was due to extraordinary circumstances beyond the control of the attorney.”

The amendment was adopted.

Ms. Creem moved that the bill be amended in Section 64 by striking out said section and inserting in place thereof the following section:—

“SECTION 64. Section 87A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the figure ‘\$20’ and inserting in place thereof the figure:— \$60.” ; and said section 87A, as so appearing, is hereby further amended by striking out, in line 56, the figure “\$1” and inserting in place thereof the figure:— \$5.

The amendment was adopted.

Ms. Menard and Mr. Montigny moved that the bill be amended, in Section 2, in item 4513-1130, by adding at the end thereof the following: “and provided further, that monies may be expended for the classroom based domestic violence prevention education program administered in item 0340-0900 in fiscal year 2009”.

The amendment was adopted.

Ms. Creem moved that the bill be amended in section 61, by striking out lines 9 to 49 and inserting in place thereof the following:—

“for the entry of a petition for the probate of a will, for administration of the estate of a person deceased intestate, for administration of goods not already administered, with the will annexed or otherwise, of a petition under section 35 or 36 of chapter 209 by a husband or wife for authority to convey land as if sole, for change of name, for leave to carry on the business of the deceased and for the appointment of a special administrator, trustee, receiver of the estate of an absentee, or conservator except when the conservator petition is filed concurrently with a petition for removal, resignation, or termination of a conservator, \$150;

for the entry of a petition to partition, \$255;

for filing a representation of insolvency, \$150;

for the entry of a petition: for leave to lease real estate; for specific performance; for leave to mortgage real estate; for release of dower or courtesy; for letters to a foreign guardian; petition for leave to compromise; and for leave to pay debts, except when the petitioner or accountant certifies that the estate does not exceed 1,000 in value, \$75;

for filing of a complaint in equity, except such as relates to separate support, adoption, or the custody or support of minors, \$240;

for filing of a complaint in equity related to separate support or the custody or support of minors, \$100;

for the entry of a general petition except such as relates to adoption or custody or support of minors, \$150;

for the entry of a petition for removal of a fiduciary, \$100;

for the amendment of record except such as relates to separate support, adoption or the custody or support of minors, for discharge of surety, for care of burial lot and for erection of a monument, \$60 each;

for new bond and for new inventory, \$75 each;

for filing a statement of voluntary administration, \$100;

for the petition or application for allowance of an account where the gross value accounted for in Schedule A of the account is \$1,000 or less, no fee; where the gross value is more than \$1,000 but not more than \$10,000, \$75 a year; provided, however, that the fees shall not exceed \$170 regardless of the time covered by the account; where the gross value is \$10,000 or more than \$10,000 but not more than \$100,000, \$100 for each year or major fraction thereof covered by the account; where the gross value is more than \$100,000 but not more than \$500,000, \$150 for each year or major fraction thereof covered by the account; where the gross value is more than 500,000 but not more than \$1,000,000, \$200 for each year or major fraction thereof covered by the



account; where the gross value is more than \$1,000,000, \$400 for each year or major fraction thereof covered by the account; for the petition or application for sale of real or personal estate where the gross value accounted for is \$100,000 or less, \$100; where the gross value is more than 100,000 but not more than \$250,000, \$250; where the gross value is more than \$250,000 but not more than \$500,000, \$500; where the gross value is more than \$500,000 but not more than \$1,000,000, \$750; where said gross value is over \$1,000,000, \$1000;

for filing a motion for change of name, \$100;

for filing a motion for the framing of jury issues, \$140;

for filing a will for safekeeping, \$75; provided, that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn;

for filing a bond, \$50;

for issuance of an injunction, \$150;

for issuance of a temporary restraining order, \$100;

for entry of an action for the modification of a judgment relative to all non-child related issues, \$150;”

The amendment was adopted.

Messrs. Berry, McGee, Buoniconti, Downing, Walsh, Montigny and Timilty, Ms. Tucker, Mr. Galluccio, Ms. Spilka and Mr. Eldridge moved that the bill be amended, in Section 2, by striking out in line item 0340-8908, the figure “\$1,053,440” and inserting in place thereof the figure:— “\$1,246,779”.

The amendment was adopted.

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

“SECTION \_\_ Chapter 524 of the acts of 2008 is hereby amended by adding the following section:—

Section 2. This act shall take effect on July 1, 2010.

SECTION \_\_. This act shall take effect as of July 1, 2010; provided, however, that nothing in this act shall affect the validity of any action taken pursuant to chapter 524 of the acts of 2008 between April 15, 2009 and the passage of this act.”

The amendment was adopted.

Messrs. Donnelly and Tolman moved that the bill be amended by inserting the following new section:—

“SECTION XX. Section 17G of chapter 180, as appearing in the 2006 Official Edition, is hereby amended by inserting after word ‘employed’, in line 5, the following words:— ‘or which may be specified by a collective bargaining agreement with the PCA Quality Homecare Workforce Council.’”

The amendment was adopted.

Messrs. Donnelly, Brewer and McGee moved that the bill be amended by inserting the following new section:—

“SECTION XX: Chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 44 the following section:

Section 44½. Notwithstanding any general or special law to the contrary, no state or municipal government entity shall terminate the employment of any veteran for at least 30 days upon the return of said veteran from overseas duty.”

The amendment was adopted.

Mr. Tisei moved that the bill be amended, in Section 2, in item 0810-0013, by striking out the figure “\$600,000” and inserting in the place thereof the figure “\$650,000.”

The amendment was adopted.

Messrs. Hart and Michael O. Moore moved that the bill be amended by inserting at the end the following new section:—

“SECTION X. Notwithstanding any general or special law to the contrary, the department of environmental protection shall authorize the transfer of \$4,000,000 previously appropriated or loans repaid as a result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996, as inserted by section 72 of chapter 204 of the acts of 1996, to the lead paint abatement program established by section 197E of chapter 111 of the General Laws.”

The amendment was adopted.

Mr. Joyce moved that the bill be amended to create Section 97:

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

Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall give priority to a proposal submitted by the town of Canton or by a nonprofit organization within the town of Canton which complies with the requirements of this section. The division of capital asset management and maintenance shall provide the town of Canton with not less than 45 days to determine whether the town shall submit a proposal before soliciting proposals under subsection (b); and provided further, that if the town of Canton executes a lease of the golf course under this section it shall not assign or otherwise transfer the lease to a third party.

SECTION 2. The third paragraph of said subsection (a) of said section 103 of said chapter 182 is hereby amended by striking out the words “General Fund” and inserting in place thereof the following words:— Blue Hills Reservation Trust Fund in accordance

with section 34C of chapter 92 of the General Laws.

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

If no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2009, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract including, but not limited to:

- (1) a comprehensive list of all recreational facilities operated by the responsive bidder or offeror in the last 4 years;
- (2) other facilities management or experience of the responsive bidder or offeror;
- (3) a senior citizens' and children's discount program;
- (4) reservation policies;
- (5) proposed reasonable rates that to ensure continued public access;
- (6) required financial audits;
- (7) policies to encourage use of the golf course by persons of all races and nationalities;
- (8) safety and security plans;
- (9) seasonal opening and closing dates;
- (10) hours of operation;
- (11) holiday recognition;
- (12) grievance processes;
- (13) clubhouse license;
- (14) a provision that the facility shall be maintained as a 36-hole public golf course;
- (15) a provision that the lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that the lessee may construct facilities with the written approval of the commissioner of conservation and recreation and the majority vote of the board of selectmen in the town of Canton; and
- (16) a host community agreement between the designated operator and the town of Canton. Any increase in fees, including fees for season passes or club memberships, and any increase in charges for greens' fees or golf cart or club rentals shall be approved in writing by the commissioner of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider, without limitation:
  - (i) any capital investment made by the contractor or lessee;
  - (ii) the fees and charges at other public golf courses within reasonable proximity; and
  - (iii) the length of time since the last fee increase."

The amendment was adopted.

Ms. Spilka moved that the bill be amended, in Section 2, in item 7003-0701 by inserting after the words "increased incomes as a result of training" the following: "provided further that funds shall be awarded to workforce boards designated by the department as a 'high performing workforce boards', so called, to support nationally recognized teacher externship programs which collaborate with businesses in the science, technology, engineering and mathematics industry sectors and provide workplace placement and training of elementary and secondary teachers to increase and accelerate the development of a skilled workforce;".

The amendment was adopted.

Mr. Berry moved that the bill be amended, in Section 2, in item 7004-0101, by inserting the following words after "2006":—"provided further that any program that received funds from line item 4403-2120 in chapter 182 of the acts of 2008 shall receive funds in fiscal year 2010."

The amendment was adopted.

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

"SECTION \_\_\_\_ .The executive offices of housing and economic development, labor and workforce development, and education shall collaborate to develop a technology based state wide economic development strategy in order to provide the foundation for new economic growth in all the regions across the Commonwealth. Said strategy shall include a plan for workforce training and development, increased capital access for small businesses, research support and encouragement of the commercialization of emerging technologies, and incentives to foster entrepreneurship."

The amendment was adopted.

Mr. McGee moved that the bill be amended, in Section 2, in item 7002-0201, by striking out the figure "\$252,850" and inserting in place thereof the following figure :— "\$452,850".

The amendment was adopted.

Messrs. McGee and Morrissey moved that the bill be amended by inserting, after Section X, the following new section: —

SECTION \_\_. Section 2(b) of chapter 32A of the General Laws, as most recently amended by section 16 of chapter 130 of the acts of 2008, is hereby amended by inserting, in the first sentence, after the words 'the Massachusetts Life Sciences Center', the following words:— Commonwealth corporation, economic stabilization trust,."

The amendment was adopted.

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

"SECTION \_\_ Section 46 of chapter 151A of the General Laws, as most recently amended by chapter 194 of the acts of 2007, is hereby further amended by adding the following subsection:— (j)(1) The commissioner may provide the United States Census Bureau with information for use by the Census Bureau in the Longitudinal Household – Employer Dynamics System pursuant to a written agreement between the United States Census Bureau and the commissioner. The confidentiality of such information

shall be protected by this section and title thirteen of the United States Code. (2) The commissioner may provide the Bureau of Labor Statistics with information for the purpose of carrying out its responsibilities and duties under chapter one of title twenty-nine of the United States Code pursuant to a written agreement between the Bureau of Labor Statistics and the commissioner. The confidentiality of such information shall be protected by this section and title twenty-nine of the United States Code.”

The amendment was adopted.

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

“SECTION X .Subsection (c) of chapter 307 of the acts of 2008 is hereby amended by adding after clause (6) the following new clause:

(7) to make grants to the Massachusetts Technology Transfer Center, established by section 45 of chapter 75 of the general laws, to fund activities that facilitate the transfer of technology from the Commonwealth’s research institutions to the Commonwealth’s clean energy industries, for productive use by such industries and to make targeted investments in proof of concept funding for emerging technologies;” and by striking the figure “(7)” and inserting in place thereof the figure “(8)” The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 73, by striking subsection (i).

The amendment was adopted.

Messrs. Hart and McGee moved that the bill be amended by inserting at the end the following new section:—

“SECTION X. Chapter 23 of the General Laws is hereby amended by striking out Section 11W and inserting in place thereof the following section:—

Section 11W. The deputy director shall require each apprentice entering into a written agreement pursuant to this chapter to submit an application to the division for an apprentice identification card. Said application shall be accompanied by a 35 dollar fee paid by the apprentice or the program sponsor, together with photographic prints as required by the deputy director. The apprentice identification card shall expire one year from the date of issue.

The apprentice shall submit an application to the Division for an updated apprentice identification card. Said application shall be accompanied by a fee of \$35 paid by the apprentice or the program sponsor. The funds shall be received by the state treasurer on behalf of the Commonwealth and deposited in a special trust account for the division and may be expended, without further appropriation, under the direction of the deputy director. An apprentice identification card shall contain the photograph of the apprentice; the apprentice registration number or such other number as the deputy director requires; the date on which the apprentice identification card expires; the name and business address of the appropriate apprenticeship committee or single employer sponsor; the steps of progression and related dates applicable to the apprentice; and the projected date on which the apprentice is projected to complete the apprenticeship. As a condition of apprenticeship, the apprentice shall keep the apprentice identification card on his person during all hours of employment during the apprenticeship.”

The amendment was adopted.

Messrs. Morrissey and McGee moved that the bill be amended, in section 2, in item 7002-0500 by striking out the figures “\$18,640,541” and inserting in place thereof the figures:— “\$20,758,502”.

The amendment was adopted.

Messrs. Galluccio and Montigny moved that the bill be amended, in section 2, in item 7010-0005, by adding to the end thereof the following:— “; provided further that the department, in collaboration with the commission on gay and lesbian youth established by section 67 of chapter 3 of the General Laws, may allocate funds for programming to ensure public schools’ compliance with the board of elementary and secondary education’s recommendations, which take into account the commission’s recommendations, for the support and safety of gay and lesbian students and the implementation of related suicide and violence prevention efforts and reduction of health disparities for GLBT youth.”

The amendment was adopted.

Ms. Candaras moved that the bill be amended by inserting after section 95 the following new section:—

“SECTION 96: Subsection (d) of section 6 of chapter 70B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking the words ‘city or town’ in the first sentence and inserting in place thereof the following:— city, town or regional school district.”

The amendment was adopted.

Ms. Menard and Mr. Montigny moved that the bill be amended, in section 2, in item 7061-9611 by adding at the end thereof the following:— “provided further, that funds may be expended to continue mentoring initiatives that combat the chronic dropout of at-risk youths that were funded in item 7030-1003 in Chapter 182 of the Acts of 2008, Section 2”.

The amendment was adopted.

Mr. O’Leary moved that the bill amended, in section 2, in item 7504-0100 by adding after the words, “in addition to the amount allocated herein,” the following: — “; provided, that funding may be expended for the operation of the environmental technology, education and job training partnership;”.

The amendment was adopted.

Ms. Menard and Mr. Galluccio moved that the bill be amended in section 2, in item 7066-0000 , by striking out the words “and payments to the New England Board of Higher Education” and inserting in place thereof the following words:— “ and its annual assessment to the New England Board of Higher Education;”.

The amendment was adopted.

Messrs. Eldridge and Joyce and Ms. Creem moved that the bill be amended in section 2, in item 7010-0005 by adding at the end thereof the following:— “; provided further that the department shall ensure that hearings and mediations are conducted by hearing officers and mediators who are regular state employees of an independent Bureau of Special Education Appeals and that

said hearing officers and mediators shall perform only those functions which are consistent with their duties and responsibilities as impartial and knowledgeable special education hearing officers and mediators in compliance with 20 U.S.C. § 1415(e)-(f), and said Bureau's hearing officers and mediators shall be initially the persons who, on April 15, 2009, were serving as hearing officers and mediators in the current Bureau;"

The amendment was adopted.

Mr. Eldridge and Ms. Flanagan move that the bill be amended, in Section 2, by inserting after item 7035-0006 the following item:—

"7035-XXXX For one time grants to cities and towns to support transition costs associated with the creation of new regional academic school districts; provided that the application for said grants shall be due by August 1, 2009 and the award of the grant shall be to 3 or more towns having independent, local K-12 school districts voting, by December 31, 2009, to form a new K-12 academic region consisting of no less than 2,500 students; provided, further, that said grants shall be expended over fiscal years 2010 and 2011 to assist with the costs associated with the transition from independent districts to one regional district 400,000".

The amendment was adopted.

Messrs. Downing and O'Leary moved that the bill be amended by inserting after section 96, the following new section:—

"SECTION XX. Chapter 6 of the General Laws is hereby amended by inserting after section 172I the following section:—  
Section 172J. Notwithstanding section 172 or any other general or special law or rule or regulation to the contrary, any children's camp or school that plans to employ or accept as a volunteer for a climbing wall or challenge course program, a person who is or has previously been the subject of a record check pursuant to sections 172G, 172H or 172I or section 38R of chapter 71 shall not be required to conduct, within a twelve month period, a second record check by reason of such person's employment or volunteering for a climbing wall or challenge course program. Such camp or school may either simultaneously submit to the criminal history systems board applications for both record checks, or use the information obtained within the prior twelve months under sections 172G, 172H or 172I or section 38R of chapter 71 for the purpose of the climbing wall or challenge course program. If the camp or school submits simultaneous applications, the criminal history systems board shall conduct the most comprehensive record check required by either application, and the results of such record check shall satisfy the camp or school's obligations to request record information with respect to both job functions. The camp or school may also disseminate information obtained under this section to the department of public safety. The criminal history systems board shall assess the camp or school no more than a single fee for simultaneous requests filed pursuant to this section. Information obtained pursuant to this section shall not be disseminated for any purpose other than to further the protection of children."

The amendment was adopted.

Mr. Galluccio moved that the bill be amended by inserting, after Section X, by the following new sections:—

"SECTION XX. Section 35 of chapter 85 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 28 and 29, the words "two hundred dollars" and inserting in place thereof the following figure:— \$500.

SECTION XX. Said section 35 of said chapter 85, as so appearing, is hereby amended by adding the following 2 paragraphs:—  
Any person that operates a vehicle carrying any article or material identified in section 9 of chapter 148, the weight of which, with its load, exceeds the maximum weight authorized under this section or section 34, unless such vehicle is being operated in accordance with the terms of a special permit issued under section 30 or 30A, shall be punished by a fine of not more than \$1000.

Any person that violates this section or section 34 shall be deemed to have committed a moving violation for the purposes of determining surcharges on motor vehicle premiums under section 113B of chapter 175.

SECTION XX. Section 20 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, after the third paragraph, the following paragraph:—

Any person who violates section 17 while operating a commercial motor vehicle, as defined in section 1 of chapter 90F, while such vehicle is transporting any article or material identified in section 9 of chapter 148, shall be punished by a fine of not more than \$1,000 for the first offense, not less than \$1,000 nor more than \$2,000 for a second offense committed in any 12 month period, and not less than \$2,000 nor more than \$3,000 for a third or subsequent offense committed in any 12 month period. Prosecutions commenced under this paragraph shall not be placed on file nor continued without a finding."

The amendment was adopted.

Messrs. Tolman and Joyce moved that the bill be amended in section 2, in item 8324-0000, by inserting after the words "fire risks caused by smoking;" the following: "provided further, that not less than \$1,750,000 shall be provided for the Boston Fire Department training academy; provided further, that \$100,000 shall be expended to Norfolk County to maintain and improve services of the Norfolk County Regional Fire & Rescue Dispatch Center; provided further, that \$500,000 shall be provided for the Boston, Cambridge and Everett Fire Department Hazardous Material Response Teams; provided further, that not less than \$100,000 shall be expended for critical incident stress intervention for the fire departments of the cities, towns and the fire districts of the Commonwealth, including but not limited to consultant services, training, equipment and supplies;"; and in said item by striking out the figure: "\$11,863,693" and inserting in place thereof the figure: "\$14,313,693".

The amendment was adopted.

Ms. Candaras moved that the bill be amended, in Section 2, in item 8910-1000 by striking the figure "\$1,594,460" and inserting in place thereof the figure "\$1,844,458".

The amendment was adopted.

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

SECTION X: Notwithstanding any general or special law to the contrary, any and all vendors, providers or sub-contractors doing business with or at the Boston Convention and Exhibition Center, irrespective of state of incorporation or initiation of travel, shall file with the Convention Authority a certificate that the entity is doing business in the Commonwealth and is in compliance with all regulatory and public safety laws including but not limited to registration with the state secretary, the department of revenue, the division of public utilities where appropriate, the division of insurance and the division of industrial accident. Filing made in compliance with this section shall be deemed to be public record”.

The amendment was adopted.

Mr. Michael O. Moore, Ms. Flanagan, Ms. Fargo, Messrs. Kennedy and Tisei, Ms. Chandler and Messrs. Tarr, Galluccio and McGee moved that the bill be amended in section 2, in item 5930-1000 “provided further, that prior to closing state intermittent care facilities for the mentally retarded, as part of the Community Services Expansion and Facilities Restructuring Plan, the executive office of administration and finance shall submit a report to the house and senate committees on ways and means and the joint committee on children, families, and persons with disabilities; provided further, that the report shall examine the prospective costs and benefits of maintaining the facilities, the quality of care in the facilities and in alternative community-based settings, and alternative methods of providing the services currently provided by the facilities; provided further, that the report shall include options for the retention of the skilled workforce; and provided further, that the secretary of administration and finance shall submit the findings and recommendations of the report within 90 days of the passage of this act.”

Mr. Brewer moved that the amendment be further amended by striking out the words “state intermittent care facilities for the mentally retarded” and inserting in place thereof the following:— “the Monson Developmental Center, the Templeton Developmental Center and the Glavin Regional Center”.

The further amendment (Brewer) was adopted.

The pending amendment (Michael O. Moore, et al), as amended (Brewer) was then adopted.

Messrs. Buoniconti and Morrissey moved that the bill be amended, in section 2, in item 4580-1000 by striking out the phrase “and provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the method of calculating a proportional contribution and procedures for payment of the contribution to the general fund” and inserting in place thereof the words “provided further, that the division of health care finance and policy, in consultation with the department, shall specify by regulation the surcharge to be applied on total claims associated with preventive visits for children and adolescents paid on an annual basis by all insurers as defined under chapter 176O of the general laws and procedures for payment of the contribution to the general fund; and provided further, that such proportional contributions shall be based on an amount necessary to fund such vaccines and no amount greater than that which the state would pay shall be required to be paid by insurers”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended in section 76 by deleting the following sentence:—

“This authorization shall expire on June 30, 2010.”

The amendment was adopted.

Ms. Candaras, Ms. Flanagan, Mr. Eldridge, Ms. Creem and Mr. McGee moved that the bill be amended in section 2, in item 4800-0015 in line 7, by inserting after the word “recommendations” the following:— “provided further, that if placement of a child with someone other than a parent becomes necessary, the department shall place the highest priority on identifying a family resource within the child’s kinship or family circle and shall provide services and support to partner with the family resource in meeting the child’s needs;”; and in line 49 , by inserting after the word “home” the following:— “and provided further that the report shall also contain, for each area office, the number of kinship guardianship subsidies that it provided for the calendar quarters ending on March 31, 2009 and June 30, 2009, the number of kinship guardianship subsidies provided in the month covered by the report, and the number of kinship guardianship subsidies provided in that month for which federal reimbursement was received; and provided further, that the report shall also contain, for each area office, the total spending on services other than case management services provided to families for the purposes of keeping a child with his or her parents or reunifying the child with his or her parents, spending by type of such service, and the unduplicated number of families that receive such services; and provided further, that the report shall also contain for each area office, the total number of families in the month residing in shelter paid for by the department, a list of where the families are sheltered, the total cost and average cost per family of such shelters, and a description of how the department determines who does or does not qualify for shelter; and provided further, that the report shall include, for each area office, broken down by type of service, the number of requests for voluntary services, whether the request was approved or denied, the reasons for denying the service, and what if any referrals were made for services by other agencies or entities;”.

The amendment was adopted.

Ms. Jehlen and Mr. Montigny moved that the bill be amended in section 2, in item 4000-0640 by inserting after the word “purposes” the following:— “provided further, that funds shall be expended in an amount not less than that appropriated in fiscal year 2009 for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the facility on medical and non-medical leaves of absence;”.

The amendment was adopted.

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

“SECTION\_\_ Notwithstanding any general or special law to the contrary, there is hereby established a Special Commission to examine the financial circumstances of private, nonprofit hospitals that are licensed by the Department of Public Health as chronic and rehabilitation hospitals in the Commonwealth and that treat either adult and pediatric or both patients. The Special

Commission shall focus particularly on the adequacy of rates of payment under the Medicaid program to allow for the long-term financial sustainability of such hospitals in order to continue their provision of high quality health care services to publicly aided patients. The Special Commission shall consist of the Speaker of the House of Representatives or his designee, the Senate President or her designee, the Secretary of Health and Human Services or her designee, and four members appointed by the Governor, one of whom shall be appointed from recommendations of the Massachusetts Hospital Association, two of whom shall be representatives of one or more health care systems that include two or more separately licensed nonprofit chronic and rehabilitation hospitals in the Commonwealth and one of whom shall be a person with expertise in health economics and with an understanding of the finances of nonprofit chronic and rehabilitation hospitals. Said special commission shall submit a final report to the House and Senate Committees on Ways and Means and to the Governor by no later than October 31, 2009. The final report shall contain the Special Commission's analysis, findings and recommendations for legislative, regulatory or administrative actions, including with regard to changes in the methodologies used under the Medicaid program to pay for the services of nonprofit licensed chronic and rehabilitation hospitals in the Commonwealth."

The amendment was adopted.

Messrs. Eldridge and Kennedy moved that the bill be amended in section 2, in item 4513-1130, by striking item 4513-1130 in its entirety and inserting in place thereof:—

"4513-1130 For domestic violence and sexual assault prevention and victim services, including batterers' intervention and services for immigrants and refugees; provided, that funds shall be expended for rape prevention and victim services, including the statewide Spanish language hotline; and provided further, that funds shall be expended for statewide suicide and violence prevention outreach to gay and lesbian youth, and the public health model of community engagement and intervention services for crisis housing for sexual violence and intimate partner violence in the GLBT community 5,058,264".

The amendment was adopted.

Ms. Spilka moved that the bill be amended in section 2, by striking out, in item 4403-2000, the words "provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and shall revise the standards as necessary to align with those criteria by January 1, 2010;" and inserting in the place thereof the following:— "provided further, that the department shall review its disability standards to determine the extent to which they reflect the current medical and vocational criteria and report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on the results of that review before any changes to the standards are proposed;"

The amendment was adopted.

Messrs. Eldridge and Montigny moved that the bill be amended in section 2, in item 9110-9002 in line 5, by inserting after "secretary" the following:— "provided further, that funding shall be expended for provider training and outreach for LGBT elders and caregivers".

The amendment was adopted.

Ms. Candaras moved that the bill be amended in section 2, in item 5930-1000 by inserting at the end thereof the following:— "; and provided further, that at least three months prior to closing each of the aforementioned ICF/MRs, the Secretary of Housing and Economic Development or his designee and the Commissioner of the Division of Capital Asset Management or his designee shall together meet with local officials and produce a plan for the timely demolition of buildings, remediation of hazardous materials, and future use or uses of the property, including disposition by the Commonwealth for redevelopment or conservation if appropriate".

The amendment was adopted.

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

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

"SECTION XX. The General Laws are hereby amended by inserting after chapter 128C the following chapter:—

Chapter 128D.

The Massachusetts Gaming Control Act.

Section 1. General Provisions.

(a) This chapter shall be known and may be cited as the "Massachusetts Gaming Control Act."

(b) No applicant for a license or other affirmative approval within the scope of this chapter has any property or other right to a license or to the granting of the approval sought. Any license issued or other approval granted pursuant to this chapter is a fully revocable privilege, and no holder acquires any vested right therein or thereunder.

(c) Nothing in this chapter shall preclude any city or town in the Commonwealth from prohibiting gaming, from imposing any local controls or conditions upon gaming, from inspecting premises to enforce applicable laws, or from imposing any fee or tax otherwise authorized, provided any prohibition, control, condition, inspection, tax, or fee is not inconsistent with this act, or the laws of the United States.

(d) In the event of any conflict between the provisions of this chapter and the provisions of any other general or special law, or local ordinance, the provisions of this chapter shall prevail.

Section 2. Definitions.

The following words as used in this chapter shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Affiliate," any person that a licensee or applicant directly or indirectly controls or in which an applicant or licensee possesses an interest. For the purposes of this definition, "controls" means either (i) directly or indirectly holding more than ten percent

- (10%) of voting membership rights or voting stock or partnership interests, or (ii) that a majority of the directors, general partners, trustees, or members of an entity's governing body are representative of, or are directly or indirectly controlled by, the licensee or applicant. For the purposes of this definition, "possesses an interest in" means either (i) directly or indirectly holding more than (5%) of voting membership rights or voting stock, or
- (ii) that at least twenty-five percent (25%) of the directors, general partners, trustees, or members of an entity's governing body are representatives of, or are directly or indirectly controlled by, the licensee or applicant;
- (b) "Applicant," a person who has applied for a gaming license, work permit, or approval of any act or transaction pursuant to this chapter;
- (c) "Bureau," the state gaming control bureau established by this act;
- (d) "Commission," the Massachusetts gaming control commission;
- (e) "Controlled game," or "controlled gaming," any game of chance, or skill, or both, played for currency, check, credit, or any other thing of value, and including electronic gaming devices and games classified as class II or class III gaming under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., but excluding:
- (1) The game of bingo conducted pursuant to chapter two hundred and seventy-one;
  - (2) Parimutuel wagering on horse and dog races, whether live or simulcast, authorized under G.L. c. 128A and G.L. c. 128C;
  - (3) Any lottery game conducted by the state lottery commission, in accordance with G.L. c. 10, § 24.
  - (4) Games played with cards in private homes or residences in which no person makes money for operating the game, except as a player.
- (f) "Electronic Gaming Device," means any game of chance mechanical, electronic or otherwise featuring coin drop and payout as well as printed tabulations, whereby the software of the device predetermines the presence or lack of a winning combination and payout; also microprocessor-controlled electronic devices that allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency or by the use of a credit and awards game credits, cash, tokens, replays or a written statement of the player's accumulated credits, which written statements are redeemable for cash; and including slot machines, video lottery terminals and video facsimile machines of any type;
- (g) "Establishment," any building, room, place or other indoor or outdoor premises where any controlled gaming occurs, including all public and non-public areas of any such establishment;
- (h) "Executive Director," the executive director of the bureau;
- (i) "Gaming," to deal, operate, carry on, conduct, maintain, or expose for play any controlled gaming;
- (j) "Gaming equipment," any equipment, device, object or contrivance, or machine, whether mechanical, electromechanical, or electronic, which is specifically designed or manufactured for use in the operation of gaming;
- (k) "Gaming license," or "license," any license or work permit issued by the commission under this chapter that authorizes the person named therein to engage or participate in controlled gaming or to operate electronic gaming devices, including work permits and licenses issued to gaming establishments, to gaming suppliers, to parties in interest, and to officers and directors of licensed persons or entities;
- (l) "Gaming operation," one or more controlled game that is operated, carried on, conducted, maintained, offered or exposed for play;
- (m) "Gaming establishment," any establishment licensed to conduct a gaming operation in the Commonwealth under this chapter;
- (n) "Gaming services" means providing services or goods to any licensed gaming establishment directly in conjunction with the operation of gaming, including security services, training activities, promotional services, printing or manufacture of betting tickets and manufacture, distribution, maintenance, testing or repair of electronic gaming devices, or any person who furnishes goods or services pursuant to which the person receives payments based on earnings, profits or net receipts from gaming;
- (o) "Holding company," any corporation, firm, partnership, trust, or other entity that, directly or indirectly, owns, has the power or right to control, or holds with power to vote, all or any part of the partnership interests or outstanding voting securities of a corporation or any other business entity that holds or applies for a gaming license. In addition, a holding company indirectly has, holds, or owns any power or right mentioned herein if it does so through any interest in a subsidiary or affiliate or successive subsidiaries or affiliates, however many of these subsidiaries or affiliates may intervene between the holding company and the corporate licenses or applicant;
- (p) "Intermediary company," any corporation, firm, partnership, trust, or other entity, other than a natural person, that is both of the following:
- (1) A subsidiary with respect to a holding company, and
  - (2) A holding company with respect to a corporation or limited partnership or other entity that holds or applies for gaming license;
- (q) "Licensed operator," any operating entity that conducts a controlled gaming operation within a gaming establishment pursuant to a license or licenses issued under this Act.
- (r) "Licensed premises," the premises upon which is located a gaming establishment pursuant to a license issued to a licensed operator;
- (s) "Licensee," any person or party holding, or purporting to hold, a valid gaming license under this chapter;
- (t) "Net gaming revenue," the total, prior to the deduction of any operating, capital or other expenses whatsoever, of all gaming revenue retained by any gaming establishment licensed under this chapter derived from the conduct of any controlled game;
- (u) "Operating entity," any person who conducts a gaming operation;
- (v) "Party in interest," any corporation, firm, partnership, trust, or other entity or person with any direct or indirect pecuniary

interest in a licensed gaming establishment, or a person who owns any interest in the premises of a licensed gaming establishment, or land upon which such premises is licensed, whether he leases the property directly or through an affiliate;

(w) "Person" or "party," a natural person, corporation, partnership, limited partnership, trustee, holding company, joint venture, association, or any business entity;

(x) "Racing meeting licensee," the running horse racing meeting licensee in Suffolk County, harness horse racing meeting licensee in Norfolk County, and dog racing meeting licensees in Suffolk and Bristol Counties licensed by the State Racing Commission pursuant to G.L. c. 128A, as amended, to conduct parimutuel racing during calendar year 2009, or their respective assigns; provided, however, that the two dog racing meeting licensees in Bristol County shall be deemed one for all purposes of this act; and, further, excluding any licensees of racing meetings held or conducted in connection with a state or county fair.

(y) "Substantial party in interest," any person holding a greater than one percent (1%) direct or indirect pecuniary interest, whether as owner, mortgagee or otherwise, in an operating entity, premises, or any other licensee or applicant;

(z) "Work permit," any permit issued by the commission authorizing the holder to be employed as an employee in a licensed gaming establishment.

### Section 3. Gaming Control Commission; Composition, Powers & Duties.

(a) There shall be established a Massachusetts gaming control commission consisting of five members. Each member shall be a citizen of the United States and a resident of the Commonwealth. No officer or official of any political party, nor any person who was formerly a licensee or an unlicensed employee of a gaming licensee within the five years prior to any appointment shall be eligible for appointment to the commission. No person actively engaging or having a direct pecuniary interest in gaming activities shall be a member of the Commission. Not more than three members of the Commission shall be of the same major political party affiliation. The governor shall appoint one member of the Commission and designate one member to serve as chairman of the Commission. The attorney general of the Commonwealth shall appoint one member of the Commission. The auditor of the Commonwealth shall appoint one member of the Commission. The Secretary of State shall appoint one member of the Commission.

(b) The term of office of each member of the Commission shall be five years except that, of the members initially appointed, one shall be appointed by the governor for a term of five years, one shall be appointed by the attorney general for a term of four years, one shall be appointed by the governor for a term of three years, one shall be appointed by the auditor for a term of two years, and one shall be appointed by the Secretary of State for a term of one year. After the initial term the term of office for each member of the Commission is five years, provided that no member shall serve more than two consecutive terms of five year periods. Any vacancies shall be filled by the original appointing authority within sixty days of the occurrence of such vacancy.

Any appointee shall continue in office beyond the expiration date of his term until the appointment of a successor but in no event longer than six months. Any Commissioner may be removed by his appointing authority for just cause, and shall be suspended, without pay, upon indictment for any felony. Any person so suspended shall be removed upon conviction. Any person so suspended and later acquitted of any such felony shall be reinstated to the commission upon such acquittal, with full back pay.

(c) The commission members shall devote that time and attention to the business of the commission as is necessary to discharge their duties; provided, however, the chairman shall devote his or her full time during normal business hours to the business of the commission. The members of the commission shall be compensated for work performed for the commission at ninety thousand dollars per annum, with the chairman receiving ten thousand dollars per annum in additional compensation. Commission members shall be reimbursed for travel and other expenses necessarily incurred in the performance of official duties. Before entering upon the duties of the office each member shall swear that he is not pecuniarily interested in, or doing business with, any person holding a gaming license and shall submit to his appointing authority and to the state ethics commission a statement of financial interest required by chapter two hundred sixty-eight B of the General Laws.

(d) Except as otherwise provided herein, meetings of the commission shall be subject to the provisions of section eleven A and eleven A and one-half of chapter thirty A of the General Laws. A majority of the membership of the commission shall constitute a quorum of the commission. A public record of every vote shall be maintained at the commission's general office.

(e) The commission shall conduct hearings in accordance with the provisions of chapter thirty A, provided, however, that clause three of section eleven of chapter thirty A shall not apply. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers, or things, at or prior to any hearing as is necessary to enable the commission to discharge its duties, and may administer oaths or affirmations as necessary in connection therewith.

The commission may petition the superior court for an order requiring compliance with any subpoena at issue.

(f) The commission may retain legal, investigative, clerical and other assistance as may be necessary.

(g) The commission may require any person to apply for a license as provided in this chapter and approve or disapprove any such application or other transactions, events, and processes as provided in this chapter. Any application to receive any license under this chapter shall constitute a request for a determination of the applicant's general character, integrity, and ability to participate or engage in, or be associated with, gaming.

(h) The commission shall make an annual report of its activities to the General Court by March 31, for the prior calendar year.

(i) The commission may grant or deny any application for a license or approval; may limit, condition, restrict, suspend, or revoke any license or approval for any cause deemed reasonable by commission, consistent with this chapter or any general or special law. The commission may, in its discretion, issue a probationary gaming license. No gaming license may be assigned either in whole or in part.

(j) As provided in commission regulations, the commission may impose a fine or penalty or interest on such fine or penalty, upon any gaming licensee, for violation of this chapter. The commission may approve or disapprove transactions, and events as



provided in this chapter, take actions reasonably designed to ensure that no unsuitable persons are associated with controlled gaming, and take actions reasonably designed to ensure that gaming activities take place only in suitable premises.

(k) The commission shall, pursuant to sections two and three of chapter thirty A of the general laws, promulgate regulations necessary to carry out the powers and the provisions of this chapter, and specifically shall promulgate regulations as to the following matters:

(1) the licensing of gaming establishments, including regulations relating to the types of establishments, application process, background checks, license fees, bonding requirements, and revocation and suspension of licenses;

(2) the licensing of gaming suppliers, including regulations relating to the application process, background checks, license fees, bonding requirements, and revocations and suspension of licenses;

(3) the licensing of parties in interest, including regulations relating to the application process, background checks, license fees, bonding requirements, and revocation and suspension of licenses;

(4) the issuance of one or more classes of work permits, including regulations relating to the application process, background checks, fees, and revocation and suspension of work permits;

(5) the licensing of all officers and directors of any entity which holds or applies for a license under this chapter, including regulations relating to application process, background checks, licensee fees, and revocation and suspension of licenses; and regulations requiring that, if in the judgment of the commission the public interest will be served by requiring any of the individual stockholders, key executives, agents or other employees of any entity which holds or applies for a license under this chapter to be licensed, such individuals apply for a license under this paragraph;

(6) the monitoring of licensees to ensure compliance with this chapter and the regulations promulgated thereunder;

(7) the presentation and/or display of all licenses and work permits;

(8) the registration of non-gaming suppliers;

(9) the method for collecting any fines, fees, penalties and interest imposed by the commission;

(10) the method and standards of operation of licensed gaming establishments including, but not limited to, games, the type and manner of gaming, wagering limitations, odds, and hours of operation; provided, however, the commission shall not restrict the number of hours of operation of any licensed gaming establishment to fewer hours than of any competing gaming facilities with controlled gaming;

(11) the manufacturing, distribution, sale, testing, servicing, and inspection of gaming equipment, including requirements for the identification and licensing of same;

(12) any limitations on mortgage security interests and agreements relating to the property of licensed gaming establishments;

(13) any limitations on transfers of interests in licenses;

(14) advertising by licensed gaming establishments; provided, however, licensees shall have the right to conduct reasonable advertising consistent with that of competing gaming facilities;

(15) the manner in which winnings, compensation from games, and gaming devices must be compiled and reported by licensees, provided, further, electronic gaming devices shall return as winnings a minimum of eighty-five percent of all sums wagered.

(16) standards for protection of the health, safety, and security of the public at licensed gaming establishments;

(17) the minimum procedures to be adopted by each licensed gaming establishment to exercise effective supervisory and management control over its fiscal affairs, including the requirement of an annual audit undertaken in accordance with generally accepted accounting principles, and the requirement that quarterly reports be provided by licensed gaming establishments to the commission no more than 30 days after the close of each quarter;

(18) the persons to be excluded or ejected from licensed gaming establishments, including the type of conduct prohibited; and

(19) the distribution of funds for the treatment of compulsive behavior. The Commission shall refer all regulations to both the Attorney General and to the Undersecretary of Consumer Affairs and Business Regulation, who shall either approve or disapprove of the proposed regulations within 30 days. No regulation promulgated by the Commission shall take effect without the approval of both the Attorney General and the Undersecretary of Consumer Affairs and Business Regulation.

(l) Not more than 180 days after the passage of this act, the Commission shall make a recommendation to the legislature regarding a proposed percentage of net gaming revenues that each licensee shall pay to the state in compliance with subsection (a) of section 5 of this chapter. The Commission shall hold at least one public hearing before issuing said recommendation, and shall consider in its deliberations the percentages of net gaming revenues paid by gaming establishments in other states; provided, that the recommendation issued by the Commission shall in no case be lower than either the mean or median of the percentage paid by gaming establishments in other states, nor higher than 45 percent of net gaming revenues.

(m) In emergencies, the commission may, without complying with sections two or three of chapter thirty A of the general laws, summarily adopt, amend, or repeal any regulation, if, at the time, the commission makes a finding that such action is necessary for the preservation of the public peace, health, safety, morals, good order, or general welfare, together with a statement of the facts constituting the emergency; provided, however, all such emergency actions shall expire after ninety days.

(n) Each operating license shall be issued for a term of ten years.

(o) Any failure of a licensee to comply with this chapter or any regulation of the commission or the bureau may, at the discretion of the commission, result in the immediate suspension or revocation of the license.

(p) A gaming establishment license issued pursuant to this chapter must be posted by the licensee and kept posted at all times in a conspicuous place in the area where gaming is conducted in the establishment for which the license is issued until it is replaced by a succeeding license.

(q) Any person who has had his application for a license denied or revoked, or is otherwise not in compliance with any requirements hereunder, shall not retain his interest in the premises or any entity seeking or holding a license under this chapter

beyond that period prescribed by the commission; and shall not accept more for his interest than he paid for it or the market value on the date of the denial or revocation of the license or occurrence of non-compliance (not including the prospective value of said license), whatever is higher.

(r) The voluntary surrender of a license by a licensee does not become effective until accepted in a manner to be provided in the regulations of the commission. The surrender of a license does not relieve the former licensee of any fees, penalties, fines, taxes or interest due.

(s) No person shall transfer a direct or indirect pecuniary interest in a licensed operating entity or premises, or enter into an option contract or other agreement providing for such transfer in the future, without having notified the commission. No person shall transfer a greater than five percent (5%) direct or indirect pecuniary interest in a licensed operating entity or premises without the issuance by the commission to the transferee of an operating license or an affirmative statement that the transferee has met the operating license standards, as the commission may require.

(t) The commission shall monitor the conduct of all licensees and other persons having a material involvement, directly or indirectly, with a licensee for the purpose of ensuring that licenses are not issued to, or held by, and there is no direct or indirect material involvement with a licensee by unqualified, disqualified, or unsuitable persons.

(u) No commission member or person employed by the commission shall solicit or accept employment from a licensee, or represent any person or party other than the Commonwealth before or against the commission for a period of three years from the termination of his office or employment with the commission.

(v) The commission may investigate fraud, deceit, misrepresentation or violations by any licensee under this chapter, or the occurrence of any such activity involving any licensee. If the commission has reasonable basis to believe that any licensee has been or is engaged in criminal behavior or that criminal activity is occurring within or involving any licensed gaming establishment, the commission shall report same to the district attorney of the county within which the gaming establishment is located and make available to said district attorney all relevant information on such activity. The commission shall apply to the department of public safety for the assignment of a complement of police officers to the commission on a regular basis and said department shall assign such complement to the commission. The commission shall assign such police officers to guard and protect the lives and safety of the public and property at any such gaming establishment, and to perform any such other duties which may be required by said commission in order to maintain fair and honest gaming establishment. The police officers so assigned shall, except in the case of an emergency, while on duty at any such establishment be subject to the operational authority of the commission; provided, however, that such assignment or reassignment shall not in any way impair any rights to which any officer may be entitled. The commission shall from funds available pay to the department of public safety the cost of the salaries of the police officers so assigned from funds appropriated to the commission. All assignment and reassignments to the commission, except as the commissioner of public safety shall determine that an emergency exists or its threatened, shall be subject to the approval of the gaming control commission. Nothing herein shall prevent licensees from applying to the state police if they have jurisdiction in the area where gaming establishment is located, or to the police department of a city or town wherein the gaming establishment is located, in order that such police agency may furnish a police detail for safety or traffic purposes at any gaming establishment authorized by this chapter. The total cost for any such police detail shall be a sum equal to the salaries of the police officers comprising such detail, plus a sum to cover the administrative expenses incurred by the department of each such police officer.

(w) The commission, as it deems appropriate, may ask a district attorney to file a civil lawsuit to restrain a violation of this chapter or enforce any provision thereof. An action brought against a person pursuant to this chapter does not preclude any other criminal or civil proceeding as may be authorized by law.

(x) Any person aggrieved by a determination by the commission to issue, deny, modify, revoke or suspend any license or approval, or to issue any order under the provisions of this chapter, may request an adjudicatory hearing before the commission under the provisions of chapter thirty A. Any such determination shall contain a notice of this right to request a hearing and may specify a time limit, not to exceed twenty-one days, within which said person shall request said hearing. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the commission shall within a reasonable time act upon a request in accordance with the provisions of chapter thirty A. A person aggrieved by a final decision in an adjudicatory hearing held under the provisions of this section may obtain judicial review thereof pursuant to the provisions of chapter thirty A.

#### Section 4. State Gaming Control Bureau; Composition, Powers and Duties.

(a) There shall be established a state gaming control bureau within the executive office of administration and finance.

(b) The secretary of administration and finance shall appoint the executive director of the bureau for a term of five years. The executive director shall not serve more than two consecutive terms. The executive director shall employ such professional, technical, and clerical assistants and employees as necessary, subject to appropriation; provided, however, such assistants and employees shall not be subject to G.L. c. 31 or G.L. c. 30, § 9(A). The department of public safety and division of state police shall assign to the Division such full and adequate numbers of investigators as the executive director shall reasonably require to carry out the purposes of this chapter.

(c) The powers and duties of the bureau shall include, but not be limited to, the following:

(1) To visit, investigate, and place accountants, technicians, and any other personnel, without prior notice or approval of any party as it may deem necessary, in the office, gaming area, or other place of business of any licensee under this chapter;

(2) To require that the books and financial or other records or statements of any licensee be kept in a manner that the commission or the bureau deems proper;

(3) To visit, inspect, and examine without prior notice or approval of any party, all premises where gaming equipment is

manufactured, sold or distributed;

(4) To inspect and test without prior notice or approval of any party, all equipment and supplies in any licensed gaming establishment or in any premises where gaming equipment is manufactured, sold or distributed;

(5) To have access to, and inspect, examine, photocopy, and audit all relevant and material papers, books, and records of an applicant for, or person holding, a license for a gaming establishment under this chapter, on such applicant's or licensee's premises or elsewhere, as practicable, in the presence of the applicant or licensee or his or her agent, and require verification of income, and all other matters affecting the enforcement of this chapter;

(6) To have access to and inspect, examine, photocopy, and audit all relevant and material papers, books, and records of any affiliate of a licensed gaming establishment that the bureau knows or reasonably suspects is involved in the financing, operation, or management of any entity licensed pursuant to this chapter, either on the affiliate's premises or elsewhere, as practicable, in the presence of the affiliate or any agent thereof; and,

(7) To refer any suspected criminal violation of this chapter; provided, however, that nothing in this section shall be deemed to limit the investigatory and prosecutorial powers of other state and local officials and agencies;

(d) The bureau shall investigate the qualifications of each applicant under this chapter and make a recommendation to the commission before any license is issued. The bureau shall also continue to monitor the conduct of all licensees and other persons having a material involvement, directly or indirectly, with a licensee for the purpose of ensuring that licenses are not issued to, or held by, and there is no direct or indirect material involvement with a licensee by unqualified, disqualified, or unsuitable persons, or persons whose operations are conducted in unsuitable manner or in unsuitable or prohibited places, as provided in commission or bureau regulations.

(e) The bureau may recommend to the commission the denial of any application, the limitation, conditioning, restriction, suspension, or revocation of any license or approval, or the imposition of any fine or penalty upon any licensee.

(f) The bureau shall maintain a file of applications for licenses under this chapter, together with a record of all action taken by the commission on those applications. Such applications shall be open to public inspection. The bureau may maintain any other files and records as it deems appropriate.

(g) Each employee of the bureau shall file with the executive director and the state ethics commission a statement of financial interest as defined in chapter two-hundred sixty-eight B. Such statement shall be under oath and shall be filed at the time of employment and annually thereafter, as required by the state ethics commission.

(h) No employee of the bureau shall be permitted to place a wager in any establishment licensed by the commission except in the course of his duties.

(i) No person employed by the bureau shall solicit or accept employment from a licensee, or represent any person or party other than the Commonwealth before or against the bureau or the commission, for a period of three years from the termination of his office or employment with the bureau.

(j) The bureau may investigate fraud, deceit, misrepresentation or violations of this chapter by any person licensed hereunder or the occurrence of any such activity within or involving any licensed gaming establishment. If the bureau has reasonable basis to believe that any licensee has been or is engaged in criminal behavior or that criminal activity is occurring within or involving any licensed gaming establishment, the bureau shall report same to the district attorney of the county within which the licensed gaming establishment is located and make available to said district attorney all relevant information on such activity.

(k) The bureau, as it deems appropriate, may ask said district attorney to file a civil lawsuit to restrain a violation of this chapter or enforce any provision thereof. An action brought against a person pursuant to this chapter shall not preclude any other criminal or civil proceeding as may be authorized by law.

(l) The bureau shall make a continuous study and investigation of gaming throughout the Commonwealth in order to ascertain the adequacy and effectiveness of state gaming law or regulations and may formulate recommendations for changes in such laws and regulations. The bureau shall make a continuous study and investigation of the operation and administration of similar laws in other states or countries, of any literature or reports on the subject, of any federal laws which may affect the operation of gaming in the Commonwealth, all with a view to recommending or effecting changes that will tend to better serve an implement the purposes of this chapter.

(m) The executive director of the bureau may recommend that the commission initiate proceedings or actions appropriate to enforce this chapter and the regulations promulgated thereunder.

#### Section 5. Licensing of Licensed operators; payment of Commissions.

(a) Notwithstanding the provisions of G.L. c. 137, G.L. c. 271, or any other general or special law to the contrary, each racing meeting licensee is eligible to be licensed, subject to all terms and conditions imposed by the Commission, to operate a gaming establishment; and shall have the right to operate two thousand five hundred (2,500) electronic gaming devices, at a racing meeting licensee's premises only; and, provided, further, that each of said licensees shall have the right to operate an equal number of electronic gaming devices. Said licensees shall pay a licensing fee of \$50,000,000, half of which shall be due upon receipt of the license, and the rest of which shall be due in three equal installments of \$8,333,333 on July 1 of each of the three subsequent years. Said licensees shall pay weekly to the Commission, on behalf of the Commonwealth, a percentage of net gaming revenues to be determined by the Commonwealth pursuant to the recommendation of the Commission, and from which weekly payment the Commission shall then allocate percentages (i) to be paid to the city or town in which each establishment is located, with each such city or town receiving two percent (2%) of said revenues;

(ii) to the purse accounts at each of the respective licensees' race tracks

(iii) four-fifths of the remaining amount to be paid into the State Lottery Fund;

(iv) and the balance of said sum after payment of the allocations shall be deposited in the General Fund. The remaining sums

shall be retained by each licensee as its commission and, provided, further, that each such licensee shall in addition pay all taxes otherwise due and payable.

(b) The Commission shall grant one additional license to the Massachusetts Port Authority for the operation of no more than 250 electronic gaming devices in the international terminal of Logan International Airport; provided, that no license shall be granted unless the Authority complies with all relevant regulations promulgated by the Commission. The Authority may, in its discretion, contract with a vendor to provide gaming services, in which case the vendor shall pay to the Commonwealth a licensing fee of \$5,000,000, half of which shall be due upon receipt of the license, and the rest of which shall be due in three equal installments of \$833,333 on July 1 of each of the three subsequent years. No licensing fee shall be due if the Authority conducts the gaming operations itself. Nothing in this section shall exempt the Authority from the weekly payments of a percentage of net gaming revenues set elsewhere in this Chapter.

(c) No person shall operate a gaming establishment without having obtained all necessary operating licenses from the commission. There shall be a single licensed operator for each gaming establishment. The licensing standards must be met at all times by each officer, director, partner, and trustee of the operating entity, by each substantial party in interest of the operating entity or of the premises on which such establishment is located, and by such other party in interest of the operating entity, the premises, or any holding company or intermediary company of the operating entity or the premises as the commission may require.

(d) A person may apply to be a licensed operator by filing an application with the commission, the form and any accompanying application fees as the commission may establish. Information on the application will be used as the basis for a thorough background investigation which the bureau shall conduct with respect to each applicant. Each application shall disclose the identity of each party in interest, each holding company and intermediary company, and each affiliate of the operating entity. The application shall disclose, in the case of the privately held corporation, the names and addresses of all directors, officers, and stockholders; in the case of a publicly traded corporation, the names and addresses of all directors, officers, and persons holding at least five percent of the total capital stock issued and outstanding; in the case of a limited liability company, the names and addresses of all members of the management committee and all persons holding at least five percent of the membership interests; in the case of a partnership, the names and addresses of all partners, both general and limited; and in the case of a trust, the names and addresses of all trustees and beneficiaries.

(e) Each operating entity shall identify, in its application, the premises containing the establishment where it proposes to conduct its gaming operations. The application shall contain such information regarding the physical location and condition of the premises and the potential impact of the proposed gaming operations upon adjacent properties and the municipality and region within which the premises are located, as the commission may require. The application shall disclose the identity of all parties in interest regarding the premises; and except as otherwise permitted herein, no person other than a gaming establishment licensee here-under shall have any right to or interest in any gaming revenue derived from electronic gaming devices in the form of a percentage of such sums or require more than fair market value for rent, leases or services.

(f) No licensed operator shall obtain any gaming equipment from a person who does not hold a license. No licensed operator shall enter into any agreement for the receipt of goods or services, of any form and in any amount, from a person who does not hold a license, when a license is required for such agreement under this act or under regulations promulgated by the commission or bureau.

(g) No licensed operator shall employ any person in a gaming establishment who does not hold a work permit, when a work permit is required for such position under regulations promulgated by the commission or bureau.

#### Section 6. Records of Commission and Bureau Proceedings.

(a) The commission shall cause to be made and kept a record of all proceedings at all meetings of the commission. These records shall be open to public inspection.

(b) Notwithstanding any other general or special law to the contrary all files, records, reports, and other information in the possession of any state or local governmental agency including tax filings and related information that are relevant to an investigation by the bureau conducted pursuant to this chapter shall be made available by such agency to the commission or bureau as requested. However, any tax or financial information received from a governmental agency shall be used solely for effectuating the purposes of this chapter. To the extent that these files, records, reports, or information are confidential or otherwise privileged from disclosure under any law, they shall not lose that confidential or privileged status for having been disclosed to the commission or bureau.

(c) The attorney general, every district attorney, and every state and local law enforcement agency shall notify the commission of any investigation or prosecution of any person if it appears that a violation of any law related to gaming has occurred.

#### Section 7. Criminal Acts and Penalties; Age Restrictions.

(a) No official, member, employee, or agent of the commission or bureau, having obtained access to confidential records or information in the performance of duties pursuant to this chapter, unless otherwise provided by law, shall knowingly disclose or furnish the records or information, or any part thereof, to any person who is not authorized by law to receive it. Violation of this provision shall be punishable by a fine of not more than ten thousand dollars or by imprisonment in the house of correction for not more than one year, or by both such fine and imprisonment.

(b) No person shall operate, carry on or conduct any controlled game or operate a gaming operation except subject to a license issued by the commission as provided in this chapter.

(c) Any person included on the list of persons to be excluded or ejected from a licensed gaming establishment pursuant to regulations promulgated pursuant to this chapter who knowingly enters or remains on the premises of a licensed gaming establishment shall be punished by imprisonment in the house of correction for not more than one year, or by a fine of not more

than ten thousand dollars, or by both such imprisonment and fine.

(d) Any person under the age of twenty-one years who plays, places wagers at, or collects winnings from, whether personally or through an agent, any controlled game, or who is employed as an employee in a licensed gaming establishment shall be punished by imprisonment in the house of correction for not more than one year, or by a fine of not more than one thousand dollars, or by both such imprisonment and fine. Any licensee, or other person, who knowingly allows a person under the age of twenty-one to play, place wagers at or collect winnings, whether personally or through an agent, shall be punished by imprisonment in the house of correction for a term of not more than one year or pay a fine of not more than ten thousand dollars, or by both such imprisonment and fine. A subsequent violation of this section shall subject the licensee to imprisonment in the house of correction for not more than two years or pay a fine of not more than twenty-five thousand dollars or by both such imprisonment and fine.

(e) Any person who willfully fails to report, pay, or truthfully account for and pay over any fee, penalty, fine, or interest thereon, imposed by this chapter or any regulation thereunder, or willfully attempts in any manner to evade or defeat any fee, penalty, fine, or interest thereon, or payment thereof shall be punished by imprisonment in state prison for not more than five years or by imprisonment in the house of correction for not more than two and one-half years, or by a fine of not more than ten thousand dollars, or by both such imprisonment and fine.

(f) Any person who willfully resists, prevents, impedes, interferes with, or makes any false, fictitious or fraudulent statement, or representation to the commission or the bureau of any of their agents or employees in the performance of duties pursuant to this chapter, shall be punished by imprisonment in the house of correction for not more than two years, or by a fine not more than five thousand dollars, or by both such imprisonment and fine.

(g) Any person, as owner, lessee, or employee, whether for hire or not, either solely or in conjunction with others, who knowingly shall do any of the following without having first procured and thereafter maintained in effect all licenses required by law:

(1) To deal, operate, carry on, conduct, maintain, or expose for play in this state any controlled game or gaming equipment used in connection with any controlled game;

(2) To receive, directly or indirectly, any compensation or reward or any percentage or share of the revenue, for keeping, running, or carrying on any controlled game, or owning the real property or location in which any controlled game occurs;

(3) To manufacture or distribute within the territorial boundaries of the Commonwealth any gaming equipment to be used in connection with controlled gaming; shall be punished by imprisonment in the house of correction for not more than two and one half years, or by a fine of not more than ten thousand dollars, or by both such imprisonment and fine.

(h) Any person who knowingly permits any controlled game to be conducted, operated, dealt, or carried on in any house or building or other premises that he or she owns or leases, in whole or in part, if that activity is undertaken by a person who is not licensed as required by this chapter shall be punished by imprisonment in state prison in the house of correction for not more than two and one-half years, or by a fine of not more than ten thousand dollars, or by both such imprisonment and fine.

(i) Any former commissioner or commission or bureau employee who, within three years after his state employment has ceased, solicits or accepts employment with or provides consultant services to any licensee or at any licensed gaming establishment shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than two and one-half years in the house of correction or by both such fine and imprisonment. Any licensee who knowingly employs a former commissioner or commission or bureau employee in violation of this subsection shall be subject to immediate revocation of his or her license.

(j) It is unlawful for any person:

(1) to alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;

(2) knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gaming;

(3) to manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects or reasonably may tend to affect the outcome of the game or with knowledge of any event that affects the outcome of the game; As used in this section, "cheat" means to alter the selection of criteria which determine:

(a) the results of a game; or

(b) the amount or frequency of payment in a game.

(4) to have on his person or in his possession on or off the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening, entering or affecting the operation of any gaming or equipment, or for removing money or other contents therefrom, except where such person is a duly authorized employee of a licensee acting in furtherance of his employment within a licensed gaming establishment.

A violation of this section shall be punishable by imprisonment in the house of correction for not more than two years or by a fine of not more than four thousand dollars, or by both such imprisonment and fine.

(k) A violation of this chapter, the penalty for which is not specifically fixed in this section, shall be punishable by imprisonment in the house of correction for not more than two years, or by fine of not more than five thousand dollars, or by both such imprisonment and fine.

(l) The conviction of a licensee for violation of, an attempt to violate, or conspiracy to violate any provision of this chapter or any regulation thereunder may result in the immediate revocation of all licenses issued to the violator under this chapter; and, in addition, the court, upon application of the bureau or of the commission, may order that no new or additional license under this

chapter be issued to the violator, or be issued to any person who owned the room or premises in which the violation occurred, for one year after the date of revocation.

#### Section 8. Revenues.

(a) There is hereby established a gaming investigative account. Any and all reasonable expenses associated with the licensing of any applicant shall be borne by the applicant or licensee. Pursuant to its regulations, the commission shall require each applicant to deposit with the commission, together with the application, an application fee which shall be deposited in the gaming investigative account. Such fee shall constitute the anticipated costs and charges incurred in the investigation and processing of the application, and any additional sums as are required by the commission and the bureau to pay final costs and charges. Expenses may be advanced from the gaming investigative account by the commission to the bureau. Any money received from an applicant in excess of the costs and charges incurred in the investigation or the processing of the application shall be refunded pursuant to regulations adopted by the commission. At the conclusion of the investigation, the bureau shall provide the applicant a written accounting of the costs and charges so incurred.

#### Section 9. Disclosure requirements.

(a) Every licensed gaming establishment shall, upon receipt of criminal or civil process compelling testimony or production of documents in connection with any civil or criminal investigation, immediately disclose such information to the bureau.

(b) All licensees shall have a duty to inform the commission and bureau of any action which they reasonably believe would constitute a violation of this chapter, and shall assist the commission and bureau and any federal or state law enforcement agency in the investigation and prosecution of such violation. The commission shall hold a hearing under chapter 30A on any licensees' failure to comply with this paragraph, and may take appropriate actions including suspension or revocation of the license. No person who so informs the commission or the bureau shall be discriminated against by an applicant or licensee because of the supplying of such information.

#### Section 10. Recovery of Gaming Debts by Patrons.

Whenever a licensed gaming establishment refuses payment of alleged winnings to a patron, the gaming establishment and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:

(a) \$500 or more, the gaming establishment shall immediately notify the bureau; or

(b) less than \$500, the gaming establishment shall inform the patron of his right to request that the bureau conduct an investigation. The bureau shall conduct whatever investigation it deems necessary and shall determine, in its sole discretion and without need for a hearing, whether payment should be made. In the event the bureau determines that payment should be made, all costs of the investigation shall be borne by the gaming establishment. Failure of the establishment to notify the bureau or inform the patron as provided herein shall subject the establishment to disciplinary action.

Any party aggrieved by the determination of the bureau may file a petition for reconsideration with the commission setting forth the basis of the request for reconsideration. Any hearing for reconsideration shall be conducted pursuant to regulations adopted by the commission."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eighteen minutes past twelve o'clock noon, on motion of Mr. Pacheco, as follows, to wit (yeas 6 — nays 31) [Yeas and Nays No. 60]:

#### YEAS.

Brown, Scott P. Pacheco, Marc R.  
Kennedy, Thomas P. Tarr, Bruce E.  
Knapik, Michael R. Tisei, Richard R. — 6.

#### NAYS.

Baddour, Steven A. Joyce, Brian A.  
Brewer, Stephen M. McGee, Thomas M.  
Buoniconti, Stephen J. Menard, Joan M.  
Candaras, Gale D. Montigny, Mark C.  
Chandler, Harriette L. Moore, Michael O.  
Chang-Diaz, Sonia Moore, Richard T.  
Creem, Cynthia Stone Morrissey, Michael W.  
Donnelly, Kenneth J. O'Leary, Robert A.  
Downing, Benjamin B. Panagiotakos, Steven C.  
Eldridge, James B. Petruccelli, Anthony  
Fargo, Susan C. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Spilka, Karen E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Hedlund, Robert L. Walsh, Marian — 31.  
Jehlen, Patricia D.

#### ABSENT OR NOT VOTING.

Berry, Frederick E. Timilty, James E. — 2.

Mr. Rosenberg in the Chair, the yeas and nays having been completed at twenty-three minutes past twelve o'clock noon, the amendment was rejected.

Messrs. Pacheco and Kennedy moved that the bill be amended by inserting after section \_\_\_\_, the following new section:—  
“SECTION \_\_\_\_\_. Chapter 388 of the Acts of 2008 is hereby amended, in Section 2, by striking the last sentence and inserting in its place the following:—

Notwithstanding any general or special law to the contrary, the effective date of this section shall be January 1, 2012.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before one o’clock P.M., on motion of Mr. Pacheco, as follows, to wit (yeas 8 — nays 29) [Yeas and Nays No. 61]:

YEAS.

Hart, John A., Jr. McGee, Thomas M.  
Joyce, Brian A. Menard, Joan M.  
Kennedy, Thomas P. Morrissey, Michael W.  
Knapik, Michael R. Pacheco, Marc R. — 8.

NAYS.

Baddour, Steven A. Jehlen, Patricia D.  
Brewer, Stephen M. Montigny, Mark C.  
Brown, Scott P. Moore, Michael O.  
Buoniconti, Stephen J. Moore, Richard T.  
Candaras, Gale D. O’Leary, Robert A.  
Chandler, Harriette L. Panagiotakos, Steven C.  
Chang-Diaz, Sonia Petruccelli, Anthony  
Creem, Cynthia Stone Rosenberg, Stanley C.  
Donnelly, Kenneth J. Spilka, Karen E.  
Downing, Benjamin B. Tarr, Bruce E.  
Eldridge, James B. Tisei, Richard R.  
Fargo, Susan C. Tolman, Steven A.  
Flanagan, Jennifer L. Tucker, Susan C.  
Galluccio, Anthony D. Walsh, Marian — 29.  
Hedlund, Robert L.

ABSENT OR NOT VOTING.

Berry, Frederick E. Timilty, James E. — 2.

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

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

“SECTION \_\_. Notwithstanding any special or general law to the contrary no department or agency of the Commonwealth may increase the compensation of any employee in excess of an employee’s compensation rate as of June 30, 2009. In addition, no department or agency may fill any vacancy, unless said vacancy is deemed critical to public safety, and a letter to such effect is transmitted to the secretary of administration and finance prior to the hiring of any new employee and said communication is returned with a signed approval by said secretary. This section shall expire on July 1, 2010.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past two o’clock P.M., on motion of Mr. Brewer, as follows, to wit (yeas 9 — nays 28) [Yeas and Nays No. 62]:

YEAS.

Baddour, Steven A. Petruccelli, Anthony  
Brewer, Stephen M. Tarr, Bruce E.  
Brown, Scott P. Tisei, Richard R.  
Hedlund, Robert L. Tucker, Susan C. — 9.  
Knapik, Michael R.

NAYS.

Berry, Frederick E. Joyce, Brian A.  
Buoniconti, Stephen J. Kennedy, Thomas P.  
Candaras, Gale D. McGee, Thomas M.  
Chandler, Harriette L. Menard, Joan M.  
Chang-Diaz, Sonia Montigny, Mark C.  
Creem, Cynthia Stone Moore, Michael O.  
Donnelly, Kenneth J. Moore, Richard T.  
Downing, Benjamin B. Morrissey, Michael W.  
Eldridge, James B. Pacheco, Marc R.  
Fargo, Susan C. Panagiotakos, Steven C.  
Flanagan, Jennifer L. Rosenberg, Stanley C.  
Galluccio, Anthony D. Spilka, Karen E.

Hart, John A., Jr. Timilty, James E.  
Jehlen, Patricia D. Tolman, Steven A. — 28.

ANSWERED “PRESENT”.  
O’Leary, Robert A. Walsh, Marian. — 2.

The yeas and nays having been completed at eight minutes past two o’clock P.M., the amendment was rejected.

Mr. Tisei moved that the bill be amended by inserting after Section 7 the following new Section:

“SECTION 7A. Sections 52, 53, 54 and 55 of Chapter 7 of the General Laws are hereby repealed.”;

By inserting after Section 61 the following new section:—

“SECTION 61A. Section 5 of Chapter 268A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out in lines 29 through 40, the following words:— “or f) a former state employee whose salary was not less than that in step one of job group M-VII in the management salary schedule in section forty-six C of chapter thirty, and who becomes an officer or employee of a business organization which is or was a party to any privatization contract as defined in section fifty-three of chapter seven in which contract he participated as such state employee, if he becomes such officer or employee while the business organization is such a party or within one year after he terminates his state employment, unless before the termination of his state employment the governor determines, in a writing filed with the state ethics commission, that such participation did not significantly affect the terms or implementation of such contract.”;

By inserting after section 64 the following new sections:—

“Section 64A. Section 274 of chapter 110 of the acts of 1993, as amended by Section 3 of chapter 296 of the acts of 1993, is hereby further amended by striking out the last two paragraphs.

Section 64B. Section 4 and Section 5 of chapter 296 of the acts of 1993 are hereby repealed.”

The President in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 11 — nays 28) [Yeas and Nays No. 63]:

YEAS.

Baddour, Steven A. Hedlund, Robert L.  
Berry, Frederick E. Joyce, Brian A.  
Brewer, Stephen M. Knapik, Michael R.  
Brown, Scott P. Tarr, Bruce E.  
Downing, Benjamin B. Tisei, Richard R. —11.  
Eldridge, James B.

NAYS.

Buoniconti, Stephen J. Montigny, Mark C.  
Candaras, Gale D. Moore, Michael O.  
Chandler, Harriette L. Moore, Richard T.  
Chang-Diaz, Sonia Morrissey, Michael W.  
Creem, Cynthia Stone O’Leary, Robert A.  
Donnelly, Kenneth J. Pacheco, Marc R.  
Fargo, Susan C. Panagiotakos, Steven C.  
Flanagan, Jennifer L. Petruccelli, Anthony  
Galluccio, Anthony D. Rosenberg, Stanley C.  
Hart, John A., Jr. Spilka, Karen E.  
Jehlen, Patricia D. Timilty, James E.  
Kennedy, Thomas P. Tolman, Steven A.  
McGee, Thomas M. Tucker, Susan C.  
Menard, Joan M. Walsh, Marian — 28.

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

Mr. Morrissey moved that the bill be amended in a new section:—

SECTION X. Notwithstanding any other general or special law to the contrary, the provisions of this paragraph shall apply to the determination of retirement allowances under chapter 32 for a member of a public employee retirement system who is covered by a collective bargaining agreement which has been modified or agreed to in response to the current extraordinary fiscal crisis facing the Commonwealth and its political subdivisions.

(1) Where a member receives no increase in compensation in fiscal years 2009 and/or 2010 as a result of the modification of the collective bargaining agreement, excluding any increase in compensation resulting from moving to a higher step or lane on a salary schedule, the member’s average annual rate of regular compensation shall be calculated using the compensation the member would have received in fiscal years 2009 and/or 2010 if the collective bargaining agreement had not been modified. If the collective bargaining agreement executed in fiscal years 2009 and/or 2010 provides for a member to receive no increase in compensation in fiscal years 2009 and/or 2010, the member’s annual rate of regular compensation received for fiscal years 2009 and/or 2010 shall be based on the annual rate of pay which would have applied to the member if the collective bargaining agreement had provided an increase in compensation for fiscal years 2009 and/or 2010 equal to the percentage increase provided



under the current or previous collective bargaining agreement for the first year prior to years 2009 and/or 2010 in which an increase in compensation was provided. Any member seeking to have his retirement allowance calculated under the provision shall make additional contributions in the manner prescribed by regulations promulgated by the Public Employee Retirement Administration Commission so that the sum of the regular deductions withheld pursuant to G.L. c. 32, section 22 and such additional contributions equal the amount of regular compensation that would have been withheld had the member received the increase in compensation for fiscal years 2009 and/or 2010 described herein.

(2) Where a collective bargaining agreement covering fiscal years 2009 and/or 2010 waives or reduced previously agreed-upon salary increases or provides for no salary increases or reduced salary increases but provides salary increases for employees who retire in fiscal year 2009 or 2010, the salary increases who retire in fiscal year 2009 or 2010 shall be regarded as regular compensation rather than as a payment made as a result of giving notice of retirement.

The amendment was rejected.

Ms. Fargo moves to amend the bill, in section 3, by adding the following section:—

SECTION \_\_\_\_ . “Section 1. Section 2 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraphs:—

“Any renewal registration for a private passenger motor vehicle shall be for a period of 3 years, provided such renewal shall not be for a registration where the registrar has issued for such vehicle, distinctive registration plates, or special registration plates of distinctive type or types including plates of a vanity type and plates bearing the station call letters of an amateur radio operator, or such other particular registration plates not distinctive, requested by such vehicle’s owner, known as reserve plates.

Any registration or renewal of registration for any trailer with a registered gross vehicle weight of 3,000 pounds or less, shall be for a period of 2 years.

The registrar shall provide notification to the owner of a registered motor vehicle or trailer of the expiration of such registration. Such notification shall be made by mail to the owner at the address last listed on the registration at the registry for such vehicle, and not less than 30 days or greater than 90 days prior to the expiration date of such registration.”;

In Section 3, by adding the following section:—

SECTION \_\_\_\_ . Section 1. Section 33 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after clause (36) the following clause:—

“(37) For the renewal of the registration of private passenger motor vehicles the fee collected shall be 54 dollars, in addition to incurred administrative costs of 5 dollars for issuance in connection therewith, provided that said fee shall be for a 3 year registration period and the registration issued by the registrar for such vehicle, shall not be for distinctive registration plates, or special registration plates of distinctive type or types including plates of a vanity type and plates bearing the station call letters of an amateur radio operator, or such other particular registration plates not distinctive, requested by such vehicle’s owner, known as reserve plates, notwithstanding any other provision that is otherwise provided.”; and

In section 3, by adding the following section:—

SECTION \_\_\_\_ . “Section 1. Sections \_\_\_\_ and \_\_\_\_ shall take effect November 1, 2009.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes past three o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 14 — nays 25) [Yeas and Nays No. 64]:

YEAS.

Brown, Scott P. Moore, Richard T.  
Candaras, Gale D. Morrissey, Michael W.  
Fargo, Susan C. O’Leary, Robert A.  
Hedlund, Robert L. Tarr, Bruce E.  
Jehlen, Patricia D. Timilty, James E.  
Knapik, Michael R. Tisei, Richard R.  
Montigny, Mark C. Tucker, Susan C.—14.

NAYS.

Baddour, Steven A. Joyce, Brian A.  
Berry, Frederick E. Kennedy, Thomas P.  
Brewer, Stephen M. McGee, Thomas M.  
Buoniconti, Stephen J. Menard, Joan M.  
Chandler, Harriette L. Moore, Michael O.  
Chang-Diaz, Sonia Pacheco, Marc R.  
Creem, Cynthia Stone Panagiotakos, Steven C.  
Donnelly, Kenneth J. Petrucci, Anthony  
Downing, Benjamin B. Rosenberg, Stanley C.  
Eldridge, James B. Spilka, Karen E.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Walsh, Marian — 25.  
Hart, John A., Jr.

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

Mr. Hart moved that the bill be amended in section 2, by striking item 0810-0000 in its entirety, and inserting in place thereof:—

0810-0000 For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the General Court and the secretary for administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; and provided further that funds may be expended to continue youth violence prevention initiatives 23,452,981.

The amendment was adopted.

Mr. Hart moved that the bill be amended, in Section 2, in item 0810-0000 by inserting after the words "General Laws" the following words:—"provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area of the Dorchester district of the city of Boston; provided further, that not more than \$250,000 shall be expended for a safe neighborhood initiative in the Grove Hall area of Boston; provided further, that not more than \$250,000 shall be expended for a grants program for the safe neighborhood initiative-jobs for youth program;".

The amendment was rejected.

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

"SECTION \_\_. Notwithstanding subclause (a) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through June 30, 2010, transfer funds from any item of appropriation within 1 of the 7 departments of the trial court and the office of the commissioner of probation and to any other item of appropriation of the 7 departments or to the office of the commissioner of probation. These transfers shall be made in accordance with schedules submitted to the secretary for administration and finance and the house and senate committees on ways and means. The schedule shall include the following:

- (1) the amount of money transferred from 1 item of appropriation to another;
- (2) the reason for the necessity of the transfer; and
- (3) the date on which the transfer is to be completed. A transfer under this section shall not occur until 10 days after the revised funding schedules have been submitted in written form to the secretary for administration and finance and the house and senate committees on ways and means."

The amendment was rejected.

Mr. O'Leary moved that the bill amended, in section 2, in item 0330-0300 by inserting after the words, "alternative dispute resolution services" the following:—"provided further, that not less than \$930,842 shall be spent on funding for alternative dispute resolution services as provided by Court approved Mediation Programs across the Commonwealth".

The amendment was rejected.

Mr. Brewer moved that the bill be amended in Section X by inserting the following:— (a) As used in this section, the following words shall, unless the context clearly indicates otherwise, have the following meanings:—

"Commissioner", the commissioner of the division of capital asset management and maintenance;

"MDC Committee", the Monson Developmental Center Reuse Committee, which shall include three representatives of the Town of Monson, one of which shall be of the Monson Board of Selectmen or their designee as chairperson, one of which shall be of the Monson Planning Board or their designee, and one of which shall be chosen by the Monson Board of Selectmen; one representative of the Community Preservation Committee; one representative of the division of capital asset management and maintenance; one representative of Parents and Friends; and the senators and representatives who represent the town as ex-officio members. Such members should be appointed annually by the local governing authority.

"TDC Committee", the Templeton Developmental Center Re-use Committee, which shall include three representatives of the Town of Templeton, one of which shall be of the Templeton Board of Selectmen or their designee as chairperson, one of which shall be of the Templeton Planning Board or their designee, and one of which shall be chosen by the Templeton Board of Selectmen; one representative of the Community Preservation Committee; one representative of the division of capital asset management and maintenance; one representative of the legal guardians of the clients currently housed at Templeton Developmental Center, and the senators and representatives who represent the town as ex-officio members. Such members should be appointed annually by the local governing authority.

"Developer", a person, entity or governmental body that acquires an ownership or leasehold interest in the site, as hereinafter defined, or any portion thereof pursuant to this act;

"Division", the division of capital asset management and maintenance;

"Plan", a reuse plan which shall be prepared by the committees and which shall be approved by the commissioner and filed in accordance with section 2, which plan may be enhanced, refined or amended from time to time as provided in this act and which shall include uses that promote environmental preservation, open space, and any use found to be appropriate by the town and the committee.

"Selection committee", the proposal selection committee established to review proposals and make recommendations to the commissioner, which shall include one representative of the respective town chosen by the Board of Selectmen to be appointed annually; one representative of the division of capital asset management and maintenance; and two representatives of the Reuse Committee.

"TDC Site", the area of state owned land located in the town of Templeton known as the Templeton Developmental Center, together with the buildings and improvements thereon, and the rights, easements and other interests appurtenant thereto.

“MDC Site,” the area of state owned land located in the town of Monson known as the Monson Developmental Center, together with the buildings and improvements thereon, and the rights, easements and other interests appurtenant thereto.

(b) The commissioner shall undertake planning, studies and preparation of plans and specifications necessary to carry out the provisions of this act consistent with the plan. The TDC committee and MDC committee shall file the plans with the commissioner within 180 days after the effective date of this act. The commissioner shall consult with the TDC committee and the MDC committee on any amendment to the plan and shall develop, issue and advertise requests for proposals consistent with the plan within 90 days of receipt of said plan. Upon receipt of proposals the commissioner shall convene the selection committees for the purpose of reviewing and making recommendations regarding selection to said commissioner. The respective town’s governing authority shall be encouraged to submit proposals for uses consistent with the plan for some or all of the property. Should proposals from the municipalities be among those recommended to the commissioner, the commissioner shall reasonably accommodate the schedule required for town meeting votes, should said vote be required to complete or approve a proposal, prior to making any final decisions on the proposals. In regard to TDC, any re-use must be consistent with the Provisions of Chapter 504 of the Acts of 2002 which limits some uses on TDC grounds and restrictions resulting from TDC being listed on the National Historic Register.

(c) The commissioner may, subject to the provisions of sections 40E to section 40J, inclusive, of chapter 7 of the General Laws, and in accordance with this act and the plan and subject to such terms and conditions as the commissioner may from time to time prescribe, solicit, evaluate and select development proposals, enter into land disposition agreements, enter into agricultural leases for up to 5 years, sell, lease for a term or terms of up to 99 years including extensions or otherwise grant, convey or transfer to a developer, any interest in the site or portions thereof and any facilities, associated improvements or appurtenances thereon, on such terms and conditions as the commissioner deems appropriate provided the end use meets the guidelines developed by the reuse committee. The amount of consideration for the sale, lease or other disposition of any interest in the sites or portion thereof shall be full and fair market value or highest and best value of the property determined by independent appraisal. Additionally, the respective towns shall be granted the ability to collect property taxes or PILOT payments if land is leased or sold for taxable uses. The inspector general shall review and comment on said appraisal and said review shall include an examination of the methodology used for said appraisal. The inspector general shall prepare a report of his review and file said report with the commissioner for submission to the house and senate committees on ways and means and the chairmen of the joint committee on state administration. No less than two public comment sessions shall take place. The developer shall be responsible for any costs of appraisals, surveys and other expenses relating to the transfer of said parcel or for any costs, liabilities and expenses of any nature and kind for the development, maintenance or operation of said parcel. In the event said parcel of land ceases to be used at any time for the purposes contained herein as deemed by the appropriate reuse committee, said parcel of land shall revert to the care and control of the division of capital asset management and maintenance and any further disposition of said parcel of land shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws. The town that contains the affected property shall retain the right to contend the current use of the property is not appropriate through action of the local Board of Selectmen or Town Meeting vote. The commissioner shall, 30 days before the execution of any agreement or amendment thereto authorized by this act, submit the agreement or amendment and a report thereon to the inspector general for review and comment. No less than two public comment sessions shall take place. The inspector general shall issue his review and comment within 30 days after receipt of any agreement or amendment. The commissioner shall submit the agreement and any subsequent amendments thereof, the reports and the comments of the inspector general, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration at least 30 days before execution.

(d) The effected town’s Board of Selectmen will have the right of first refusal before any decision is made as to reuse or sale of either the land or facilities in each town.

(e) The commissioner may, subject to appropriation, and subject to sections 40E to 40G, inclusive, and 40I and 40J, of chapter 7 of the General Laws or any other general or special law to the contrary, retain, accept or acquire by purchase, transfer, lease, eminent domain, pursuant to chapter 79 of the General Laws or otherwise, grant by deed, transfer, lease, eminent domain, pursuant to said chapter 79 or otherwise, or grant by deed, transfer, lease or otherwise, any rights-of-way or easements, in, over and beneath the site or portions thereof or other property in the Commonwealth contiguous to the site for drainage, access, egress, utilities and other purposes, as the commissioner deems necessary and appropriate to carry out the purposes of this act. The Commissioner shall seek advice from the appropriate reuse committee prior to the implementation of any action.

(f) The Department of Mental Retardation, with the approval of the commissioner, may enter into contracts for the provision of building management services for buildings and facilities located on the site as deemed by the commissioner and the reuse committee.

(g) Notwithstanding the provisions of any general or special law to the contrary, the commissioner may employ designers who prepare studies or programs or other design services for the construction, renovation, reconstruction, alteration, improvement, demolition, expansion or repair of buildings on the Monson Developmental Center property and the Templeton Developmental Center property to prepare plans and specifications and provide any other design services deemed necessary by the commissioner for such projects. The commissioner shall obtain an independent comprehensive value engineering review of the completed study and program to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle cost and develop recommended design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or appearance of the facility. The commissioner shall obtain an independent comprehensive value engineering review of the completed schematic design documents to identify proposed functions of the facility, evaluate the construction cost estimates, calculate estimated life-cycle costs and develop recommended

design changes that will produce a more cost-effective facility by modifying or eliminating features that add cost but do not add to the quality, useful life, utility or appearance of the facility before the acceptance by the commissioner. The commissioner shall document the reasons for accepting, modifying or rejecting all value engineering recommendations.

The amendment was adopted.

Mr. Tarr moved that the bill be amended by inserting, after Section X, the following new Section:—

SECTION XX. (a) Chapter 149 of the General Laws is hereby amended by inserting after section 19(c) the following new section:

“19(d): Whoever utilizes in any way a false identification document for the purposes of soliciting, securing, or maintaining employment from a public employer as defined in section 1 of chapter 30C shall be punished by a fine of not more than five thousand dollars or by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two years.”

(b) Section 24B of chapter 90 of the general laws is hereby amended by adding, after the first paragraph, the following:—

“Whoever falsely makes, steals, alters, forges or counterfeits a learner’s permit, a license to operate motor vehicles or an identification card issued under section 8E with the intent to distribute such learner’s permit, license to operate motor vehicles or identification card or assists another to do so shall be punished as follows:

For the above acts involving 1 to 5 documents, by a fine of not more than 5,000 or by imprisonment in state prison for not more than 7 years or in a house of correction for not more than five years, or both;

For acts involving 5 to 10 documents, by a fine of not more than 10,000 or by imprisonment in state prison for not more than 10 years or in a house of correction for not more than 8 years, or both;

For acts involving more than 10 documents, by a fine of not more than 100,000 or by imprisonment in state prison for not more than 20 years or for not more than 15 years in a house of correction, or both.”

(c) The general laws are hereby amended by inserting after chapter 30B the following:—

“Chapter 30C.

**PUBLIC CONTRACT INTEGRITY.**

Section 1. For the purposes of this chapter, the following terms shall be defined as follows:

‘public employer’: any department, agency, or public instrumentality of the Commonwealth and any person, corporation, partnership, sole proprietorship, joint venture, or other business entity providing goods or services to any department, agency or public instrumentality of the Commonwealth, including but not limited to the Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority.

‘Work authorization program’: any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency, or any private verification system authorized by the director of the department of labor to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA) and its progeny.

Section 2. No public employer shall enter into a contract for the provision of goods or services within the Commonwealth unless the contractor registers and participates in a work authorization program to verify information of all new employees and certifies to that effect in writing to the director of the department of labor.

Section 3. No contractor or subcontractor who enters a contract with a public employer shall enter into such a contract or subcontract in connection with the provision of goods or services in the Commonwealth unless the contractor or subcontractor registers and participates in a work authorization program to verify information of all employees and certifies to that effect in writing to the director of the department of labor.

Section 4. Sections 2 and 3 of this chapter shall apply as follows:

(A) On or after September 1, 2007, with respect to public employers, contractors, or subcontractors of 500 or more employees;

(B) On or after September 1, 2008, with respect to public employers, contractors, or subcontractors of 100 or more employees; and

(C) On or after September 1, 2009, with respect to all public employers, contractors, or subcontractors.

Section 5. The provisions of this chapter shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

Section 6. Except as provided in section 4 of this chapter, the director of the department of labor shall prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate the provisions of this chapter.

Section 7. The Inspector General shall develop and promulgate regulations for the purpose of ensuring that any person receiving funds pursuant to a contract awarded subject to the provisions of chapter 30B and section 44A of chapter 149 of the general laws is in compliance with federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a). Such regulations shall include but not be limited to the ascertaining and verification of immigration and/or citizenship status through a work authorization program maintained by the United States Department of Homeland Security or its substantial equivalent.

Section 8. No contract shall be awarded by or to a public employer, and no public funds shall be expended in accordance with such a contract, unless the public employer named in the contract complies with the regulations prescribed in this chapter.

Section 9. No funds shall be expended in accordance with a contract awarded by or to a public employer which will result in the payment of any kind to a person not in compliance with any and all federal laws pertaining to immigration and citizenship, including but not limited to 42U.S.C. 1436(a).

Section 10. The auditor is hereby authorized to conduct random audits to ensure compliance with the provisions of this chapter.

(d) Chapter 149 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in the second paragraph of section 19c by adding the following at the end thereof:

‘Such regulations shall include but not be limited to ascertaining and verifying immigration and/or citizenship status utilizing a work authorization program maintained by the United States Department of Homeland Security or a similarly authorized and efficacious system.’

(e) Chapter 149 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended in Section 2 by adding the following at the end thereof: ‘Compliance with this section shall include but not be limited to entering into, maintaining and enforcing any and all memoranda of understanding with the Attorney General of the United States pertaining to the enforcement of federal laws regarding immigration and citizenship.’

(f) Section 2 of chapter 149 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting at the end thereof the following:—

‘The attorney general shall make available to the residents of the Commonwealth a 24-hour toll-free hotline which may be used for reporting any suspected violations of the provisions of this chapter, including sections 19c and 26, relative to immigration status and wage laws, or of 8 U.S.C. 1324a, relative to the unlawful employment of unauthorized aliens. Calls to the hotline shall be treated confidentially, and callers shall have the option of reporting any violations anonymously. All complaints, whether received through the hotline, in writing, electronically, or in any other form, shall be recorded and documented by the attorney general and shall immediately refer any violations of federal law, including but not limited to 8 U.S.C. 1324a, to the attorney general of the United States and shall investigate all alleged violations of state law as authorized by the general laws. The attorney general shall annually prepare a year-end report detailing all reported violations of sections 19C and 26 of this chapter and of 8 U.S.C. 1324a, the nature of said violations, the date on which each complaint was received and documented, any enforcement action taken against an employer who knowingly employs illegal aliens in the Commonwealth, and any violations of federal law forwarded to the attorney general of the United States. Said report shall be submitted to the house and senate committees on ways and means and to the joint committee on labor and workforce development on or before February 1 of each year.

(g) Notwithstanding any general or special law to the contrary, the Attorney General is hereby authorized and directed to facilitate and enter into a memorandum of understanding with the Attorney General of the United States, pursuant to the provisions of 8 U.S.C. 1357(g), for the purpose of enforcing state and federal laws pertaining to immigration and citizenship, not later than eight months following the passage of this act.

(h) Notwithstanding any general or special law to the contrary, when any person charged with a felony or with driving under the influence pursuant to section 24 of chapter 90 of the general laws is confined, for any period, in any correctional institution or prison in the Commonwealth, the commissioner of the department of corrections, the county sheriff, or the municipal police chief or other officer shall make a reasonable effort to verify that the prisoner has been lawfully admitted to the United States and if lawfully admitted, that such lawful status has not expired. If verification of lawful status can not be made from documents in the possession of the prisoner, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the prisoner is determined not to be lawfully admitted to the United States the commissioner of the department of corrections, the county sheriff, the municipal police chief or an other officer shall notify the United States Department of Homeland Security.

(b) Nothing in this section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release.

(c) The secretary of the executive office of public safety shall prepare and issue guidelines and procedures used to comply with the provisions of this section.’

(i) Section 32 of chapter 121B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by adding the following paragraph:— ‘Notwithstanding any general or special law or regulation to the contrary, an applicant for assisted housing under this chapter who is not eligible for federal assisted housing under 42 U.S.C. section 1436a, and who is not a person residing in the United States under color of law as defined in regulations of the federal Department of Health and Human Services as in force on May 25, 2006, shall not displace or be given priority over any applicant who is so eligible.’

(j) Notwithstanding any general or special law to the contrary the immigration status of every defendant shall be confirmed at the arraignment stage of any civil or criminal court proceeding.

(k) If any of the provisions of this act, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder thereof, or the application of such provision to persons or circumstances other than those wherein it is held invalid, shall not be affected thereby.’’

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

Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall conduct a study of immigrant services and enforcement mechanisms, which shall include a cost-benefit analysis of the costs of services that immigrants receive compared to their contributions to the economy of the Commonwealth and a comparison of the costs of enhanced measures to ensure that immigrants do not unlawfully access services, licenses, or jobs and savings resulting from such measures.

After debate, the further amendment was adopted.

The pending amendment (Tarr) was then considered; and it was adopted, as amended.

Mr. Buoniconti, Ms. Candaras and Messrs. Downing and Knapik moved that the bill be amended, in Section 2, in item 8900-0001, by striking out the figure \$525,162,515 and inserting in place thereof the following figure: \$520,102,130;

In item 8910-0102, by striking out the figure “\$66,350,440” and inserting in place thereof the following figure “\$67,704,000”;

In item 8910-0105, by striking out the figure “\$41,027,358” and inserting in place thereof the following figure \$41,860,367;  
In item 8910-0108, by striking out the figure “\$8,878,719” and inserting in place thereof the following figure \$9,058,057;  
In item 8910-0110, by striking out the figure “\$11,876,291” and inserting in place thereof the following figure “\$12,117,948”;  
In item 8910-0145, by striking out the figure “\$14,584,616” and inserting in place thereof the following figure “\$14,880,653”;  
In item 8910-0619, by striking out the figure “\$45,140,720” and inserting in place thereof the following figure “\$46,061,434”;  
and

In item 8910-0107, by striking out the figure “\$60,831,296” and inserting in place thereof the following figure “\$62,067,366”.  
The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, by inserting after item 0411-1000 the following item:—

“0411-1003 For costs associated with maintaining and enhancing the Commonwealth’s Washington, DC office for the purpose of better coordinating all activities and programs that receive or may potentially receive federal funds or are regulated by federal agencies 403,430”.

Pending the question on adoption of the amendment, Mr. Pacheco moved that the amendment (Hart) be amended by striking out the text entirely and inserting in place thereof the following new text:—

The bill be amended, in Section 2, in item 0640-0010, by striking the figure “\$2,000,000” and inserting in place thereof the figure “\$1,600,000”;

and by inserting after item 0411-1000 the following item:

“0411-1003 For costs associated with maintaining the Commonwealth’s Washington, DC office for the purpose of better coordinating all activities and programs that receive or may potentially receive federal funds or are regulated by federal agencies 400,000”

The further amendment was rejected.

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

Mr. Tisei moved to amend the bill in section 2, in item 0411-1000, by striking the figure “\$4,952,646” and insert in place thereof figure “\$3,952,646”.

The amendment was rejected.

Mr. Tisei moved to amend the bill, in section 2, in item 1100-1100, by striking the figure “\$3,153,173” and inserting in place thereof the figure “\$3,059,102”.

The amendment was rejected.

Mr. Tisei moved to amend the bill in section 2, in item 2000-0100, by striking the figure “\$6,382,555” and inserting in place thereof the figure “\$6,032,555”.

The amendment was rejected.

Messrs. Tisei and Montigny moved that the bill be amended by inserting, after Section \_\_, the following new Section: —

“SECTION \_\_. Annually, not later than March 1, the administering agency head of each grant program enacted for the purpose of workforce development and economic development shall submit a report to the secretary of administration and finance on each grant program authorized for the previous calendar year which shall be a public record.

(2) The report shall contain the following information:

- (i) the identity of recipient of the grant;
- (ii) the amount grant and each project, if applicable; and
- (iii) the date of the grant award.

(3) The report shall contain an analysis of the impact of the grant on preserving and promoting the workforce development and economic development in the Commonwealth and employment in any relevant industry including, but not limited to, an analysis of the relevant industry’s output, where applicable, and employment retained or increased in the relevant industry in the Commonwealth for the calendar year, other benefits relevant to the specific goals of the grant program and other information that the secretary may require.

(4) The commissioner shall provide this information on a government internet website for public disclosure.”

The amendment was rejected.

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

“SECTION \_\_. The secretary of administration and finance shall increase the efficiency of government through:

- (1) Reducing the use of paper through maximizing the available uses of information technology, including alternative information technologies to substitute for paper and increasing the use of electronic methods for the maintenance, submission, or disclosure of information, to improve data quality, agency efficiency and responsiveness to the public;
- (2) Eliminating costly and wasteful government publications through the expanded use of electronic methods for distribution of documentation throughout state government, where feasible and appropriate;
- (3) Increasing and maximizing the availability of online transactions; including statutorily and regulatory required corporate filings and frequently transacted governmental business with the citizens of the Commonwealth;
- (4) Maximizing the use and availability electronic forms of payment and eliminating or minimizing any prohibitive fees associated with such transactions; and
- (5) Eliminating duplicative permitting and paperwork requirements through implementing inter-agency file sharing technologies in order that electronically stored data can be viewed and routed, where appropriate, by multiple agencies.

Section 2. The secretary shall investigate any current statutory impediments for the reduction of the use of paper by state government and any impediments both statutory and technological, for more efficient electronic data storage and dissemination.

The secretary shall submit his findings, along with any legislative recommendations to address those findings, to the house and

senate clerks, and the joint committee on state administration and regulatory oversight no later than October 31, 2009.

Section 3. Notwithstanding any special or general law to the contrary there shall be a special commission to investigate and make recommendations as to the feasibility of increasing electronic filings, records management and transactions within the judiciary. Said commission shall investigate the possibility of eliminating, or substantially reducing the utilization of paper filings in court proceedings.

Said commission shall consist of twenty-five members, one of which shall be the chief justice of the supreme judicial court, or her designee, who shall also serve as chair, one of which shall be the chief justice of the appeals court, or his designee, one of which shall be the chief justice for administration and management, or his designee, one of which shall be the chief judge of the probate and family court, or his designee, one of which shall be the chief judge of the land court, or his designee, one of which shall be the attorney general of the Commonwealth, or her designee; nineteen of which shall be appointed by the chief justice of the supreme judicial court, provided that three of which shall be district attorneys from diverse dispersed areas of the Commonwealth, or their designees; provided further that three of which shall be clerk of courts in the Commonwealth, or their designees; provided further that two of which shall be registers of deeds in the Commonwealth, or their designees; provided further that two of which shall be registers of probate in the Commonwealth, or their designees; provided further that six of which shall be selected from nominations provided by the Massachusetts Bar Association, provided that such persons shall represent diverse practice areas and practice sizes; provided further that four of which shall be experts in areas of information technology, data storage, security and privacy protection.

Said commission shall submit its findings, along with any legislative recommendations necessary to address those findings, to the house and senate clerks, the joint committee on the judiciary, and the joint committee on state administration and regulatory oversight no later than December 15, 2009.”

The amendment was rejected.

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

“SECTION \_\_. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Commissioner’, the commissioner of the department of capital assets management and maintenance.

‘Real property’, as defined in section 39A of chapter 7 of the General Laws.

‘State agency’, as defined in said section 39A(v) of said chapter 7.

‘Surplus real property’, real property of the Commonwealth (i) previously determined to be surplus to current and foreseeable state needs pursuant to sections 40F or 40F½ of said chapter 7, but excluding real property for which there is an established local reuse plan; or

(ii) determined to be surplus to current and foreseeable state needs pursuant to this section. The term ‘surplus real property’ shall not include property subject to Article 97 of the amendments to the constitution.

(b) Notwithstanding sections 40E to 40F½, inclusive, and 40H of said chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner may sell, lease for a term not to exceed 99 years, transfer or otherwise dispose of surplus real property of the Commonwealth, as specified in this section.

(c) In order to determine if specified real property is surplus to the current and foreseeable needs of the Commonwealth, the commissioner shall provide a suitable written notice and inquiry to the several secretaries, with a date certain for any response. If no executive office responds in writing by the date so specified that an agency has a current or foreseeable need for the real property, the commissioner may declare the property as surplus and dispose of it in accordance with this section. Alternatively, if a written response is timely received specifying a current or foreseeable need for the real property, the commissioner shall, in consultation with the secretary of administration and finance and with those responding affirmatively, determine whether the real property shall (i) be made available for current use by a state agency,

(ii) be retained on account of a foreseeable use by a state agency, or (iii) be declared surplus real property which may be disposed of pursuant to this section.

(d) When real property is determined to be surplus to current state needs but not to foreseeable state needs, the commissioner shall take such necessary action to ensure that any disposition of the real property is temporary and maintains the commissioner’s ability to make such real property available to a state agency as needed.

(e) If the commissioner determines that the real property is surplus, he shall (i) provide written notice, for each city or town in which the property is located, to the city manager in the case of a city under Plan E form of government, the mayor and city council in the case of all other cities, the chairman of the board of selectmen in the case of a town, the county commissioners, the regional planning agency and the members of the General Court;

(ii) declare it available for disposition and shall identify restrictions, if any, on its use and development necessary to comply with the policies and principles established by the Commonwealth development coordinating council established in section 8B of chapter 6A of the General Laws and shall take into consideration other established state and local plans and policies;

(iii) conduct a public hearing in the locality in which the property is located to consider potential reuses and appropriate restrictions if the property parcels exceeds 2 acres or if the commissioner determines that a hearing should be held for a smaller parcel and shall provide reasonable public notice in advance of the hearing; and

(iv) ensure that any deed, lease or other disposition agreement shall set forth all such reuse restrictions, provide for effective remedies on behalf of the Commonwealth and provide, in the event of a failure to comply with the reuse restrictions by the grantee, lessee or other recipient, that title or such lesser interest as may have been conveyed, shall immediately revert to the Commonwealth.

(f) The commissioner shall establish the value of surplus real property using customarily accepted appraisal methodologies. The

value shall be calculated both for (i) the highest and best use of the property as may be encumbered, and (ii) subject to uses, restrictions and encumbrances defined by the commissioner. In no instance in which the Commonwealth retains responsibility for maintaining the said property shall the terms provide for payment of less than the annual maintenance costs.

(g) The commissioner shall dispose of surplus real property utilizing appropriate competitive processes and procedures. Such competitive processes may include, but are not limited to, absolute auction, sealed bids and requests for price and development proposals.

At least 30 days before the date of an auction or the date on which bids or proposals or other offers to purchase or lease surplus real property are due, the commissioner shall place a notice in the central register published by the state secretary pursuant to section 20A of chapter 9 stating the availability of such property, the nature of the competitive process and other information deemed relevant, including the time and location of the auction, the submission of bids or proposals and the opening thereof.

(h) The commissioner shall place a notice in the central register identifying the individual or firm selected as party to such real property transaction, along with the amount of such transaction. If the commissioner accepts an amount below the value calculated under subsection (f), he shall include the justification therefore, specifying the difference between the calculated value and the price received.

(i) No agreement for the sale, lease, transfer or other disposition of surplus real property and no deed, executed by or on behalf of the Commonwealth, shall be valid unless such agreement or deed contains the following certification, signed by the commissioner:

‘The undersigned certifies under penalties of perjury that I have fully complied with section xx of chapter \_\_\_ of the acts of 2009 in connection with the property described herein.’

(j) No agreement for the sale, lease, transfer or other disposition of surplus real property shall be valid unless the purchaser or lessee has executed and filed with the commissioner the statement required by section 40J of chapter 7 of the General Laws.

(k) The grantee or lessee of any surplus real property shall be responsible for all costs including, but not limited to, appraisals, surveys, plans, recordings and any other expenses relating to the transfer, as shall be deemed necessary by the commissioner.

(l) This section shall not apply to the disposition of real property that is the subject of a special act having an effective date prior to that of this section.

(m) The authority granted the commissioner hereunder shall cease as of June 30, 2010, however, the commissioner may complete any transaction for which agreements have been signed and delivered on or before that date.

(n) The commissioner shall deposit the proceeds realized from property dispositions pursuant to this section into the General Fund.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes before four o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 6 — nays 33) [Yeas and Nays No. 65]:

YEAS.

Brown, Scott P. Montigny, Mark C.  
Hedlund, Robert L. Tarr, Bruce E.  
Knapik, Michael R. Tisei, Richard R. — 6.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O’Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Jehlen, Patricia D. Walsh, Marian — 33.  
Joyce, Brian A.

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

Mr. Tisei 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’”.

Pending the question on adoption of the amendment Mr. Knapik moved that amendment (Tisei) be further amended by striking the figure “\$5,000,000” and inserting in place thereof the figure: — “\$2,000,000”; and



By inserting after section \_\_\_ the following new section:

Section X. There is hereby established a special commission to study public-private partnerships in the Commonwealth. The commission shall consist of the secretary for administration and finance, who shall also serve as chair, the auditor of the Commonwealth and the inspector general of the Commonwealth. The commission shall submit a report and any recommendations for legislation to the house and senate committees on ways and means and the joint committee on state administration and oversight on or before January 1, 2010. The report shall include, but not be limited to, an analysis of the cost effectiveness of current statute and regulations and best practices utilized by other state governmental entities.

After debate, the question on adoption of the further amendment (Knapik) was determined by a call of the yeas and nays, at ten minutes past four o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 24 — nays 15) [Yeas and Nays No. 66]:

YEAS.

Baddour, Steven A. Knapik, Michael R.  
Berry, Frederick E. Montigny, Mark C.  
Brewer, Stephen M. Moore, Michael O.  
Brown, Scott P. Moore, Richard T.  
Buoniconti, Stephen J. Morrissey, Michael W.  
Candaras, Gale D. O'Leary, Robert A.  
Chandler, Harriette L. Panagiotakos, Steven C.  
Creem, Cynthia Stone Petrucci, Anthony  
Downing, Benjamin B. Spilka, Karen E.  
Flanagan, Jennifer L. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R.  
Joyce, Brian A. Tucker, Susan C. — 24.

NAYS.

Chang-Diaz, Sonia McGee, Thomas M.  
Donnelly, Kenneth J. Menard, Joan M.  
Eldridge, James B. Pacheco, Marc R.  
Fargo, Susan C. Rosenberg, Stanley C.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tolman, Steven A.  
Jehlen, Patricia D. Walsh, Marian — 15.  
Kennedy, Thomas P.

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

Subsequently, Mr. Pacheco moved to reconsider the vote by which the Senate had adopted the further amendment (Knapik); and, after debate this motion was negatived.

After further debate, the pending amendment (Tisei), as amended (Knapik) was then considered; and it was adopted, as amended.

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

“SECTION \_\_. Notwithstanding any special or general law to the contrary the Secretary of Administration and Finance shall pursue any and all opportunities for the sponsorship or naming of state assets and facilities for compensation. To this end the Secretary shall issue request for proposals not later than September 1, 2009 and as often as the Secretary deems necessary thereafter. Not later than January 1, 2010 the Secretary shall file reports with the House Committees of Ways and Means and the Senate Committee of Ways and Means detailing proceeds generated through sponsorships or naming rights and the details of any contracts entered into for such purposes.”

The amendment was rejected.

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 12 — nays 27) [Yeas and Nays No. 67]:

YEAS.

Brown, Scott P. O'Leary, Robert A.  
Chang-Diaz, Sonia Pacheco, Marc R.  
Eldridge, James B. Tarr, Bruce E.  
Hedlund, Robert L. Tisei, Richard R.  
Jehlen, Patricia D. Tucker, Susan C.  
Knapik, Michael R. Walsh, Marian — 12.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Montigny, Mark C.  
Candaras, Gale D. Moore, Michael O.

Chandler, Harriette L. Moore, Richard T.  
Creem, Cynthia Stone Morrissey, Michael W.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Fargo, Susan C. Rosenberg, Stanley C.  
Flanagan, Jennifer L. Spilka, Karen E.  
Galluccio, Anthony D. Timilty, James E.  
Hart, John A., Jr. Tolman, Steven A. — 27.  
Joyce, Brian A.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., 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.

The House Bill to improve the laws relating to campaign finance, ethics and lobbying (House, No. 3856),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment (amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2052), and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Kocot of Northampton, Vallee of Franklin and Perry of Sandwich had been appointed the committee on the part of the House.

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

The bill was returned to the House endorsed accordingly.

#### Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was considered, the main question being on ordering the bill to a third reading.

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

“SECTION \_\_. Section 22C of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words ‘as of June thirtieth, two thousand and 25’ and inserting in place thereof the following:— on June 30, 2028.”

Pending the question on adoption of the amendment, Mr. Tarr moved that the amendment (Tisei) be amended by striking out the wording after “SECTION \_\_” and inserting in place thereof the following wording:—

‘(a) Section 22C of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out, in line 29, the words “as of June thirtieth, two thousand and 25’ and inserting in place thereof the following:— on June 30, 2028.

(b) The Secretary of Administration and Finance, in consultation with the Department of Revenue, shall study the schedule for the full funding of the Commonwealth’s pension fund, codified at Section 22C of Chapter 32 of the General Laws. The Secretary shall consider, but not be limited to, whether the state of the economy and the projected state of the economy in future years provides adequate reason to amend Section 22C of Chapter 32 to reflect the capability of the Commonwealth to provide requisite funding to pension funds while maintaining acceptable levels of services to its citizens. The Secretary shall report the results of said study to the clerks of the House and Senate no later than December 1, 2009.”

The further amendment was rejected.

The pending amendment (Tisei) was then considered; and, it was rejected.

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

“SECTION \_\_. Clause Eighteenth of section 7 of chapter 4 of the General Laws is hereby amended by striking out the following:—

‘Legal holiday’ shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when said days occur on Sunday; provided, however, that the words ‘legal holiday’ as used in section forty-five of chapter one hundred and forty-nine shall not include March seventeenth, or the day following when said day occurs on Sunday.’”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at three minutes past five o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 17 — nays 22) [Yeas and Nays No. 68]:

#### YEAS.

Baddour, Steven A. Joyce, Brian A.  
Brewer, Stephen M. Knapik, Michael R.  
Brown, Scott P. Montigny, Mark C.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Tarr, Bruce E.  
Chang-Diaz, Sonia Timilty, James E.  
Eldridge, James B. Tisei, Richard R.  
Flanagan, Jennifer L. Tucker, Susan C. — 17.  
Hedlund, Robert L.

NAYS.

Berry, Frederick E. Menard, Joan M.  
Chandler, Harriette L. Moore, Richard T.  
Creem, Cynthia Stone Morrissey, Michael W.  
Donnelly, Kenneth J. O'Leary, Robert A.  
Downing, Benjamin B. Pacheco, Marc R.  
Fargo, Susan C. Panagiotakos, Steven C.  
Galluccio, Anthony D. Petruccelli, Anthony  
Hart, John A., Jr. Rosenberg, Stanley C.  
Jehlen, Patricia D. Spilka, Karen E.  
Kennedy, Thomas P. Tolman, Steven A.  
McGee, Thomas M. Walsh, Marian — 22.

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

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

“SECTION \_\_. Chapter 63 of the acts of 2007 is hereby repealed.”

Pending the question on adoption of the amendment, Mr. Downing moved that the amendment be amended by striking out the language and inserting in place thereof:

“Section XX. The executive office of housing and economic development, in consultation with the department of revenue, shall conduct a study to determine the economic impact of chapter 158 of the Acts of 2005 and chapter 63 of the Acts of 2007. The study shall include, but not be limited to: the increase of in-state jobs as a result of this credit; the potential for job creation in the industry in the Commonwealth; the availability of similar tax credit programs in other states; a comparison of the Massachusetts program with similar credit programs in other states; and, an analysis and comparison of each state's programs' respective benefits and resulting economic impact.

A copy of said study shall be submitted on or before December 1st of each odd-numbered year to the clerks of the house of representatives and the senate.”

After debate, the question on adoption of the further amendment (Downing) was determined by a call of the yeas and nays, at twenty-four minutes past five o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 33 — nays 6) [Yeas and Nays No. 69]:

YEAS.

Baddour, Steven A. Knapik, Michael R.  
Berry, Frederick E. McGee, Thomas M.  
Brewer, Stephen M. Menard, Joan M.  
Buoniconti, Stephen J. Moore, Michael O.  
Candaras, Gale D. Moore, Richard T.  
Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petruccelli, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 33.  
Kennedy, Thomas P.

NAYS.

Brown, Scott P. Montigny, Mark C.  
Hedlund, Robert L. Tarr, Bruce E.  
Jehlen, Patricia D. Tisei, Richard R. — 6.

The yeas and nays having been completed at a half past five o'clock P.M., the further amendment was adopted.

The pending amendment (Tisei) was then considered; and it was adopted, as amended.

Mr. Eldridge moved that the bill be amended in Section X by adding the following new Section:—

Section \_\_\_\_\_. Water Infrastructure Commission.

SECTION 1.(a) There shall be a special water infrastructure finance commission to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and its municipalities.

Section. 2. The commission shall consist of the commissioner of environmental protection or his designee, the state treasurer or his designee, 1 member of the senate; 1 member of the house of representatives; 1 person to be appointed by the president of the senate and 1 person to be appointed by the speaker of the house of representatives, each of whom shall be a representative of a

planning organization, environmental consumer organization or other public interest organization; 1 person to be appointed by the minority leader of the senate and 1 person to be appointed by the minority leader of the house, each of whom shall be from different geographic regions of the Commonwealth and who shall be representatives of the business community; a representative of the Boston Water and Sewer Commission; and 9 persons to be appointed by the governor who shall not be employees of the executive branch and who shall reside in different geographic regions of the Commonwealth, 1 of whom shall be a representative of the American Council of Engineering Companies of Massachusetts, 1 of whom shall be a representative of the Utility Contractors Association of New England, 1 of whom shall be a representative of the Massachusetts Waterworks Association, 1 of whom shall be a representative of the Massachusetts Municipal Association, 1 of whom shall be a representative of Clean Water Action, 1 of whom shall be a representative of Associated Industries of Massachusetts, 1 of whom shall be a representative of the Environmental League of Massachusetts, 1 of whom shall be a representative of the Conservation Law Foundation and 1 of whom shall be a representative of the Massachusetts Water Pollution Control Association. The aforementioned organizations shall provide a list of at least 3 but not more than 5 candidates for consideration by the governor. Each of the members shall be an expert or shall have experience in the field of law or public policy, water, wastewater or storm water planning, design and construction of water, wastewater or storm water projects, utility management, management consulting or organizational finance; provided, however, that at least 1 member shall have expertise in organizational finance. The governor shall designate a member to serve as the chairperson of the commission but the chairperson shall not be the commissioner of environmental protection, the state treasurer or their designees. The members of the commission shall be appointed not later 90 days after the effective date of this act and serve until the completion of the long-range infrastructure finance plan.

Section 3. In the course of its deliberations, the commission shall make it a priority to examine the technical and financial feasibility of sustaining, integrating and expanding public water systems, conservation and efficiency programs, wastewater systems and storm water systems of municipalities and the Commonwealth, including regional or district systems. Further, the commission shall:

- (1) examine the water infrastructure needs of the Commonwealth for the next 25 years as they relate to the funding gap between the water infrastructure needs of the Commonwealth and the existing, available sources of funding;
- (2) develop mechanisms for additional funding for water infrastructure by increasing investment in critical water, wastewater, storm water and water conservation infrastructure;
- (3) provide mechanisms for improvements in the handling and management of water programs;
- (4) examine the potential threats to public health and public safety from the existing shortfalls in funding for water infrastructure;
- (5) examine and develop recommendations on ways in which the Commonwealth and its municipalities may meet operation and maintenance, and capital improvement and reconstruction needs for the next 25 years including, without limitation, recommendations regarding debt reduction, enhancing existing sources of revenues, developing new sources of revenues, establishing new incentives for public-private partnerships in the development of real property resources and funding resources; and
- (6) examine the expanded use of full accounting systems and enterprise funding, asset management systems and best management practices, compliance with chapter 21G of the General Laws and Massachusetts water policy, and current federal and state funding programs. The commission shall examine the finances of the various municipalities and regional water districts, including state and federal aid levels, and make recommendations for improvements to financial policies and procedures. The commission shall identify areas where cost savings can be achieved across water agencies by consolidation, coordination and reorganization. The commission shall examine the projected federal funding, projected state funding, projected local funding, projected fee-based funding, debt financing and any other sources of projected funding to finance water infrastructure needs identified by the commission.

Section 4. The commission shall develop recommendations as to what funding or finance measures the Commonwealth or its municipalities may pursue to satisfy any unmet funding needs identified by the commission. The recommendations shall also include any recommendation for interagency agreements, inter-municipal agreements, consolidations or mergers to enable the Commonwealth and its municipalities to make the most effective use of water funding resources. The recommendations shall identify fair and equitable means of financing water infrastructure investments through taxes, fees, user charges or other sources.

Section 5. The commission may hold public hearings to assist in the collection and evaluation of data and testimony.

Section 6. The commission shall prepare a written report detailing its financials relative to identified funding sources and its recommendations, if any, together with drafts of legislation necessary to carry those recommendations into effect. The commission shall submit its initial report to the governor, the secretary of environmental affairs, the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on the environment not later than 2 years after the effective date of this act.

Section 7. Any research, analysis or other staff support that the commission reasonably requires shall be provided by the executive office of environmental affairs and its agencies, with assistance from the Massachusetts Water Resources Authority. The amendment was adopted.

Mr. Joyce moved that the bill be amended in Section 98:

SECTION 1. (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws, and using those competitive proposal processes as the division of capital asset management and maintenance considers necessary or appropriate, the division, in consultation with the department of conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to 1 or more proponents, for Ulin memorial rink in the town of Milton, so as to provide for the continued use, operation, maintenance repair and improvement of such state-owned buildings and facilities, together with the land and appurtenances associated therewith,

(b) The failure of a city or town to apply for prequalification, as set forth below, shall not prohibit that city or town from bidding under this section.

(c) Before the division, in consultation with the department, sends out a request for proposals under this section, the division shall hold open a prequalification period of 30 days for the towns of Milton and any nonprofit organizations that desire to bid on rinks that are listed in this section and are located within the towns of Milton, or for a partnership of municipalities which share geographic boundaries as long as the subject rink is located within the geographic area of the municipalities comprising the partnership. A city, town, nonprofit organization or partnership of municipalities that desires to lease a rink under this section may submit materials for prequalification. The prequalification determination may consider, but need not be limited to, the city's, town's, nonprofit organization's or partnership's ability to finance the capital improvements determined to be necessary at each rink listed in this section by the division and to manage, operate and maintain the properties. The division, in consultation with the department, shall determine whether a city, town, nonprofit or partnership is prequalified within 15 days of the end of the prequalification period. If a city, town, nonprofit organization or partnership is determined to be prequalified, that city, town, non-profit organization or partnership shall be awarded the lease for that rink under the terms and conditions set forth in this section. If a city, town, nonprofit organization or partnership is determined to be prequalified, that city, town, non-profit organization or partnership shall pay consideration for a lease subject to the required capital improvements, performance specifications and other prequalification requirements and terms of the division and submitted proposal. The length of the lease shall be determined between the division and the city, town, nonprofit organization or partnership.

(d) The lease and other agreements shall be on terms acceptable to the commissioner of capital asset management and maintenance, after consultation with the commissioner of conservation and recreation and, notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair and maintain the properties and to undertake initial capital improvements the commissioner determines is necessary due to the structural condition of the property. Leases or other arrangements requiring improvements to be made to a property may include a description of the initially required improvements and performance specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be allocated to user groups in the following order of priority: general public skating; non-profit youth groups; high school hockey; for-profit youth groups, and adult organizations or informal groups. Ice time may be allocated at the discretion of the operator, but general public skating shall be booked, in two-hour contiguous blocks at a minimum of 12 hours per week, with a range of times and days which reasonably allow for public skaters of all ages to participate in some public skating sessions. Every effort shall be made to balance the ice allocation needs of long-established youth organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal access for youths of each gender. The leases and other agreements authorized in this section shall provide that any benefits to the communities and the costs of improvements and repairs made to the properties provided by the lessees or the recipients of the properties shall be taken into account as part of the consideration for such leases or other agreements. Consideration received from the leases or other agreements for Ulin Memorial Rink in Milton shall be payable to the department of conservation and recreation for deposit into the General Fund. The lessees or the recipients of the properties shall bear the costs considered necessary or appropriate by the commissioner of conservation and recreation for the transactions including, without limitation, costs for legal work, survey, title and the preparation of plans and specifications.

(e) The names of the ice skating rinks and facilities referenced in this section shall not be altered or changed under the leases or agreements.”

After remarks, the amendment was adopted.

Mr. Joyce moved that the bill be amended, in Section 2, in item 7007-0951, by adding after “interdepartmental service agreements;” the following: “; provided further, that funding be expended pursuant to line item 2800-9004 of Section 2 of Chapter 182 of the Acts of 2008, which shall be merged into this appropriation.”

After remarks, the amendment was adopted.

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

Section XXX. Said section 85 of said chapter 169 of the acts of 2008 is hereby further amended, by adding after the words, “rates charged for basic service,” the following language: —

“Within one year of receiving approval from the department on their initial pilot program proposal, each electric distribution company must file with the department a plan to double the participants served in the pilot program.”

The amendment was rejected.

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

Section xx. Section 22 of Chapter 169 of the Acts of 2008 is hereby amended by striking subsection (c) and inserting in place thereof the following language:—

(c) To qualify as a green community, a municipality, other local governmental body or group of municipalities or other local governmental bodies acting jointly on a regional basis shall:

(1) file an application with the division in a form and manner to be prescribed by the division;

(2) provide for the as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities in designated locations within the municipality, other local governmental bodies or group of municipalities or other local governmental bodies acting jointly on a regional basis;

(3) adopt an expedited application and permitting process under which these energy facilities may be sited within the municipality, other local governmental body or group of municipalities or other local governmental bodies acting jointly on a regional basis and which shall not exceed 1 year from the date of initial application to the date of final approval;

(4) establish an energy use baseline inventory for municipal or other local governmental body, buildings, vehicles and street and traffic lighting, and put in place a comprehensive program designed to reduce this baseline by 20 per cent within 5 years of initial participation in the program;

(5) purchase only fuel-efficient vehicles for municipal or other local governmental body use whenever such vehicles are commercially available and practicable; and

(6) require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies. The secretary may waive these requirements based on a written finding that due to unusual circumstances, a municipality or other local governmental body (or group of municipalities or other local governmental bodies acting jointly on a regional basis) cannot reasonably meet all of the requirements and the municipality, other local governmental body or group thereof, acting jointly on a regional basis, has committed to alternative measures that advance the purposes of the green communities program as effectively as adherence to the requirements.

The amendment was rejected.

Ms. Tucker moved that the bill be amended inserting after Section \_\_, the following new Section:—

Subsection (b) of section 3 of chapter 121F of the General Laws, as added by chapter 119 of the acts of 2008, is hereby amended by striking clause (7) and inserting in place thereof the following clause:—

(7) notwithstanding the restrictions described in this chapter, monies provided for the fund may be used for the purposes of the soft second mortgage program described in item 3322-8880 of section 2 of chapter 110 of the acts of 1993.

The amendment was rejected.

Mr. McGee moved that the bill be amended in Section 74 by striking out subsection (b).

The amendment was rejected.

Mr. Pacheco moved that the bill be amend, in Section 2 by inserting after item 7007-0951 the following new item:—

“7007-1300 For the operation of the Massachusetts international trade council; provided, that subject to final execution of the terms and conditions of a contract, the council shall act on behalf of the department of business development to perform the functions of the Massachusetts office of international trade and investment under sections 23A through 28, inclusive, of chapter 23A

of the General Laws 250,000

Massachusetts Tourism Fund 100%”.

After remarks, the amendment was adopted.

Mr. McGee moved that the bill be amended, in Section 2, by striking out item 7004-0100 and inserting in place thereof the following items:

“7004-0100 For the operation of the homeless shelter and services unit 2,354,159”.

“7004-1100 For the payroll of the department’s homeless workers; provided, that only employees of bargaining unit eight shall be paid from this item 3,185,000”

The amendment was rejected.

Mr. Tisei moves to amend the bill in Section 2, in item 7007-0300, by adding the following:

“The office of business development, in conjunction with the office of travel and tourism, shall file a report with the Secretary of Administration and Finance detailing the amount of expenditures for advertising on behalf of the state for business development and attracting tourism. The report shall detail the amounts paid for web based, radio, television, print or any other form of advertisement paid for through Commonwealth funds. The report shall also approximate the success of any of these advertising programs through industry mechanisms such as reach and penetration or any other measurable industry standard. The report shall be filed not later than January 1, 2010 and be made available on a government internet website for public disclosure.”

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in Section 2, by striking line item 7002-0100 in its entirety.

After remarks, the amendment was rejected.

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

“SECTION \_\_. Chapter 130 of the acts of 2008 is hereby repealed.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at ten minutes past six o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 7 — nays 32) [Yeas and Nays No. 70]:

YEAS.

Brown, Scott P. Montigny, Mark C.

Hedlund, Robert L. Tarr, Bruce E.

Jehlen, Patricia D. Tisei, Richard R. — 7.

Knapik, Michael R.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.

Berry, Frederick E. McGee, Thomas M.

Brewer, Stephen M. Menard, Joan M.

Buoniconti, Stephen J. Moore, Michael O.

Candaras, Gale D. Moore, Richard T.

Chandler, Harriette L. Morrissey, Michael W.  
Chang-Diaz, Sonia O'Leary, Robert A.  
Creem, Cynthia Stone Pacheco, Marc R.  
Donnelly, Kenneth J. Panagiotakos, Steven C.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Timilty, James E.  
Galluccio, Anthony D. Tolman, Steven A.  
Hart, John A., Jr. Tucker, Susan C.  
Joyce, Brian A. Walsh, Marian — 32.

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

Suspension of Senate Rule 38A.

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

Mr. McGee moved that the bill be amended, in Section 2, in item 7002-0200 by striking out the figure "\$1,770,497" and inserting in place thereof the following figure:— "\$1,976,643".

The amendment was rejected.

Messrs. McGee and Tolman, Ms. Creem and Mr. Buoniconti moved that the bill be amended, in Section 2, in item 7007-0900, by adding at the end thereof the following: "provided further, that no less than \$150,000 shall be expended for the Massachusetts Russian Community Association"; and in said item, by striking out the figures "\$6,483,636" and inserting in place thereof the figures "\$6,633,636".

The amendment was rejected.

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

SECTION \_\_. (A) Section 8 of chapter 23D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— There shall be in the executive office of housing and economic development, but not subject to its jurisdiction, an economic stabilization trust which shall be administered by the secretary of housing and economic development.

(B) Section 9 of said chapter 23D, as so appearing, is hereby amended by striking out, in lines 2 to 4, the words "director of economic development and director of labor and workforce development" and inserting in place thereof the following words:— secretary of housing and economic development or his designee, the secretary of labor and workforce development or her designee.

(C) Said chapter 23D is hereby amended by striking out section 10, as so appearing, and inserting in place thereof the following section:—

Section 10. The offices of the trust shall be located within the executive office of housing and economic development. The secretary of housing and economic development, in consultation with the trustees, shall appoint an executive director of the trust. The executive director shall serve as the chief executive, administrative and operational officer of the trust, shall attend meetings of the trust, and shall direct the resources and staff of the program to achieve the purposes of sections 8 to 16, inclusive.

(D) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, functions, proceedings, rules and regulations, property, and legal obligations of the economic stabilization trust from the Commonwealth Corporation to the executive office of housing and economic development. The economic stabilization trust, which under section 64 of chapter 365 of the acts of 1996, as amended by sections 6, 7, and 9 of chapter 352 of the acts of 2004, was transferred to the Commonwealth Corporation, is hereby transferred to the executive office of housing and economic development. The trust shall continue as a quasi-public instrumentality of the Commonwealth, with all the legal powers, authority, responsibilities, duties, rights, and obligations vested in the trust by sections 8 to 16, inclusive, of chapter 23D of the General Laws.

The amendment was rejected.

Mr. Hart moved that the bill be amended, in Section 2, in item 7003-0701 by inserting after the words "result of training" by adding the following:— "; provided further, that not less than \$500,000 shall be expended for education, career development and employment service programs operated by the Urban League of Massachusetts".

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in Section 2, in item 7004-0099 by inserting at the end thereof the following:— "provided further that no less than \$125,000 be expended on the Hungry Hill Community Development Corporation".

The amendment was rejected.

Ms. Chandler and Mr. Michael O. Moore moved that the bill be amended, in Section 2, by inserting after item 7007-0300 the following item:

"7007-0500 For the operation and maintenance of the Massachusetts Biotechnology Research Institute for the purpose of promoting the commercialization of new, academic-based research and development, and raising the scientific awareness of the communities of the Commonwealth 300,000".

The amendment was adopted.

Mr. Hart moved that the bill be amended, in section 2, by striking items 7061-9010 and 7061-9020 and inserting in place thereof the following item:—

“7061-9010 For fiscal year 2010 reimbursements to certain cities, towns and regional school districts of charter school tuition and the per pupil capital needs component included in the charter school tuition amount for Commonwealth charter schools, as calculated under subsection (nn) and (oo) of section 89 of chapter 71 of the General Laws; provided, that notwithstanding the provisions of subsection (nn) of section 89 of Chapter 71 of the General Laws or any other general or special law to the contrary, the per pupil capital needs component of the Commonwealth charter school tuition rate for fiscal year 2009 shall be \$893; and provided further, that if the amount appropriated is insufficient to fully fund all reimbursements required by said section 89, the department shall fully reimburse the cost of said per pupil capital needs component and shall pro-rate the tuition reimbursements calculated under said subsection (oo) 79,571,579.”;

and by inserting the following new sections:—

“SECTION XX. Section 1. There is hereby established a charter school working group to study the financing of, and caps imposed upon charter schools authorized under the provisions of chapter 71, section 89. The working group shall report its findings and conclusions to the General Court and make recommendations regarding any necessary legislative and regulatory changes which are suggested by those findings and conclusions. The first meeting of the working group shall take place within 30 days after the effective date of this act.

Section 2. The working group shall consist of: the speaker of the house of representatives, or his designee; the president of the senate, or her designee; the minority leaders of the house and senate, or their designees; the house and senate chairs of the joint committee on education who shall serve as co-chairs; the chairs of the house and senate committee on ways and means; the secretary of administration and finance, or her designee; the secretary of education, or his designee; the Commissioner of Elementary and Secondary Education, or his designee; and 2 appointees of the governor, one of whom shall be representative of charter schools and one of whom shall be representative of districts.

Section 3. In carrying out its charge, the working group shall examine, report on, and make recommendations regarding, the following matters:

a) the appropriateness of the financing and reimbursement provisions of chapter 71 section 89 as a mechanism for the financing of charter schools ;

b) the extent to which the reimbursement provisions of chapter 71, section 89 are effective at minimizing the adverse financial impact of charter schools on sending school districts while providing sufficient resources for the successful operation of charter schools.

c) the appropriateness of the caps and limits imposed in section 89 (i) on the number of, enrollments in, percentage of net school spending directed to, and location of charter schools;

d) any other financial issues brought to the attention of the working group throughout the period of existence.

Section 4. The working group shall solicit advice from such persons and entities as it deems necessary, including the department of education, associations representing superintendents, other educational administrators, teachers, school business officers, municipal officials and charter schools.

Section 5. The working group shall file a report containing its recommendations, including legislation and regulations necessary to carry out its recommendations, with the joint committee on education and the clerks of the house and senate not later than 6 months following the first meeting of the working group.”

The amendment was adopted.

Mr. O’Leary moved that the bill be amended, in Section 2, by striking item 7010-0033 in its entirety and inserting in place thereof the following line items:—

“7010-0020 For the Bay State Reading Institute; provided, that the program shall be administered under contract to Middlesex Community College in programmatic collaboration with Framingham State College and Fitchburg State College; provided further, that the Institute shall provide literacy based intervention in schools and districts at risk of or determined to be underperforming in accordance with sections 1J and 1K of chapter 69 of the General Laws; provided further, that schools not meeting the above criteria may be selected for assistance if they contribute not less than half of the cost of the services they receive; provided further, that preference in the awarding of said funds shall be given to schools and districts with a high percentage of minority or low-income students; provided further, that such school-wide literacy-based intervention programs shall be based on effective, research-based instruction in reading, as called for in Reading First; provided further, that in its evaluation of applications for said initiative, the executive director of said initiative may take into consideration schools’ cumulative grade 3 Massachusetts comprehensive assessment system scores; provided further, that such school-wide literacy-based intervention programs shall provide for the evaluation and tracking of all students’ reading and writing skills at least annually, shall include measurable goals and benchmarks, shall be led by a school-based planning team which includes teaching faculty and the school principal, shall provide for the training of teachers in effective, research-based strategies for reading instruction and shall include a school-wide literacy coordinator who shall be responsible for the coordination and training of other school staff; provided further, that said initiative shall require that participating schools engage in frequent assessment of the progress of individual students, including diagnostics to pin-point the source of difficulty for struggling students, use small-group, student-centered instruction for a substantial part of the school day in order to allow teachers to meet the needs of individual students and differentiate instruction to help every student reach his or her potential, use research-based interventions that address the particular needs of struggling students, focus on literacy instruction, including writing across the curriculum, monitor progress frequently to make sure that the strategies used with these students are working, and seek out additional funding



for after-school time and for substitutes to give teachers an opportunity to plan together, to take a leadership role in implementing change, and to meet with and observe their peers in partner schools; provided further, that funds may be used for a program to train new reading coaches and reading coach trainers; and provided further, that funds appropriated in this item for said initiative may be expended through June

30, 2011 1,073,520;

7030-1003 For a literacy program to promote research based school-wide literacy education and to promote literacy among children in grades K through 12; provided, that the department shall administer said literacy grant programs to improve the quality and effectiveness of literacy education

to the greatest extent possible 2,170,859;

and

7030-1005 For Reading Recovery, an early intervention individual tutorial literacy program designed as a pre-special education referral and short-term intervention for children who are at risk of failing to read in the first grade; provided, that funds shall be expended for matching grants to school districts to support the funding of Reading Recovery teachers' salaries in one to one early intervention tutorial literacy programs; and provided further, that said program shall provide ongoing documentation and evaluation of results 1,900,350".

The amendment was rejected.

Mr. McGee, Ms. Flanagan and Mr. Kennedy moved that the bill be amended, in Section 2, in item 7061-9611, by inserting after the words "and provided further, funds shall be expended" the following words:—"including \$50,000 directed to the Massachusetts Afterschool Partnership,"; and in said item, by striking out the figures "2,000,000" and inserting in place thereof "\$4,000,000".

The amendment was rejected.

Mr. McGee moved that the bill be amended, in Section 2, in item 7066-0015 by striking out the figures "\$1,250,000" and inserting in place thereof the figures:—" \$2,000,000".

The amendment was rejected.

Mr. McGee and Ms. Tucker moved that the bill be amended in Section 74 by striking out subsection (f).

The amendment was rejected.

Mr. Joyce moved that the bill be amended, in Section 2, in item 7061-9408 by inserting the following: — " ; provided further, that funds may be expended for the continuation of a parent engagement program pursuant to Section 2 of Chapter 182, of the Acts of 2008."

The amendment was adopted.

Mr. Tisei moved that the bill be amended, in Section 2, by striking line item 7009-6379 in its entirety.

The amendment was rejected.

Mr. O'Leary moved that the bill amended, in section 2, in item 7100-0200 by adding after the words: "that funds be provided to the University of Massachusetts Medical School to enhance efforts to increase the number of graduating medical students in primary care specialties," the following:—" ; and provided further, that the university may expend funds from this item for the operation of an inner-city youth collaborative at the UMass Field Station on Nantucket to learn about the nature, ecology environment, science and history of the island."

The amendment was adopted.

Mr. Pacheco moved that the bill be amended, in Section 2, in item 8400-0001 by inserting at the end thereof after the word "resources" the following new text:—"provided further that the registry shall operate an office in the city of Taunton and the town of Plymouth which shall handle license business, learner's permits, road testing and full service registration business to the general public".

The amendment was adopted.

Ms. Candaras moved that the bill be amended, in Section 2, in item 8910-2222 by striking the figure "\$320,000" wherever it appears and inserting in place thereof the figure "\$1,000,000"; and by striking the following words:—"provided, that \$312,000 from the reimbursements shall not be available for expenditure and shall be deposited into the General Fund before the retention by the department of any of these reimbursements;".

The amendment was rejected.

Mr. O'Leary moved that the bill be amended, in Section 2, in item 8910-8200 by inserting after the language, "August 1, 2009" the words: — "and provided further that the department may retain for the operation of the Regional Communication Center an amount not to exceed \$500,000 from revenues generated from the operation of the Barnstable County communication center's 911 dispatch operations and other law enforcement related activities."

The amendment was rejected.

Mr. Brewer moved that the bill be amended by inserting at the end of the bill the following new Section:—

"Section \_\_\_\_ . (a) There shall be a special commission on police career incentives consisting of 3 members of the senate, 1 of whom shall be the senate chair of the joint committee on higher education, 1 of whom shall be the senate chair of the joint committee on public safety and 1 of whom shall be a member of the minority party who shall be appointed by the minority leader; provided, however, that 1 member of the senate shall be designated as co-chair of the commission; 3 members of the house of representatives, 1 of whom shall be the house chair of the joint committee on higher education, 1 of whom shall be the house chair of the joint committee on public safety and 1 of whom shall be a member of the minority party who shall be appointed by the minority leader; provided, however, that 1 member of the house shall be designated as co-chair of the commission; the secretary of the executive office of public safety and security, or his designee; the chancellor of higher

education, or his designee; the president of the Massachusetts Association of Chiefs of Police, or his designee; a representative of the Massachusetts Police Association; the president of the Massachusetts Municipal Association, or his designee; and 2 persons to be appointed by the governor, 1 of whom shall have expertise in the field of criminal justice, and 1 of whom shall be the secretary of executive office of administrative and finance, or her designee.

(b) The organizational session of the commission shall be convened by the co-chairs not later than 60 days after the effective date of this act whether or not all of the governor's designees have been appointed.

(c) The special commission shall make an investigation and study of the status of the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws including, but not limited to:

(1) an assessment of the number of police officers with higher education degrees;

(2) an investigation of salaries paid to officers utilizing the incentive program as compared with neighboring states' salaries and incentive programs;

(3) an assessment on the impact said program has had on decreasing the number of law suits against police officers and municipalities;

(4) the cumulative cost to state and local governments in terms of increased operating costs for wages and impact on state and municipal pension liability;

(5) an assessment on the current incentives provided to officers and a determination of how wages for officers with higher education degrees would be affected without the incentive program;

(6) the impact of requiring a higher education degree for all police officers as an job requirement;

(7) a comparison of the wage benefits conferred by the incentive program with the increase in earning power expected to be experienced by all person in the Commonwealth as a result of higher educational attainment;

(8) an appropriate role for the Commonwealth in the future of the career incentive pay program; and

(9) any other matters that the special commission considers relevant to the fulfillment of its mission and purpose.

(d) The board of higher education and the executive office of public safety and security shall provide staff and other resources as the commission and those agencies consider appropriate. The special commission shall make its final report and recommendations, together with drafts of recommended legislation, and filing the same with the joint committee on public safety not later than January 1, 2010. The special commission may make such interim reports as it considers appropriate.

After debate and pending the question on adoption of the amendment, there being no objection, at twenty-five minutes past six o'clock P.M., the President declared a recess subject to the call of the Chair; and, at eight o'clock P.M., the Senate reassembled, the President in the Chair.

#### Orders of the Day.

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

The House Bill making appropriations for the fiscal year 2010 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4101),— was further considered, the main question being on ordering it to a third reading. The pending amendment, previously moved by Mr. Brewer, was further considered.

Mr. Tisei moved that the amendment (Brewer) be amended by striking the text and inserting in place thereof the following:—

“the bill be amended, in Section 2, by inserting after line item 8000-0038 the following line item: —

“8000-0040 For police career incentives to reimburse certain cities and towns for career incentive salary increases for police officers; provided, however, that regular full-time members of municipal police departments hired on or after July 1, 2009 shall not be eligible to participate in the career incentive pay program established pursuant to section 108L of chapter 41 of the General Laws; provided further, that any current regular full-time member of a municipal police department who has not started accumulating points pursuant to said section 108L of said chapter 41 of the General Laws, as of September 1, 2009, shall not be eligible to participate in the career incentive pay program established pursuant to said section 108L of said chapter 41 of the General Laws; and provided further, that any current regular full-time member of a municipal police department who has begun to accumulate points pursuant to said section 108L of said chapter 41 of the General Laws as of September 1, 2009 shall be allowed to accumulate the only the number of points provided by said section 108L of said chapter 41 of the General Laws for which degree they

are currently pursuing 45,181,800”

After debate, the question on adoption of the further amendment (Tisei) was determined by a call of the yeas and nays, at twenty-six minutes past eight o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 7 — nays 29) [Yeas and Nays No. 71]:

#### YEAS.

Brown, Scott P. Tarr, Bruce E.

Hedlund, Robert L. Timilty, James E.

Knapik, Michael R. Tisei, Richard R. — 7.

Pacheco, Marc R.

#### NAYS.

Baddour, Steven A. Joyce, Brian A.

Berry, Frederick E. Kennedy, Thomas P.

Brewer, Stephen M. McGee, Thomas M.

Buoniconti, Stephen J. Menard, Joan M.

Candaras, Gale D. Montigny, Mark C.  
Chandler, Harriette L. Moore, Richard T.  
Chang-Diaz, Sonia Morrissey, Michael W.  
Creem, Cynthia Stone O'Leary, Robert A.  
Downing, Benjamin B. Petrucci, Anthony  
Eldridge, James B. Rosenberg, Stanley C.  
Fargo, Susan C. Spilka, Karen E.  
Flanagan, Jennifer L. Tolman, Steven A.  
Galluccio, Anthony D. Tucker, Susan C.  
Hart, John A., Jr. Walsh, Marian — 29.  
Jehlen, Patricia D.

ANSWERED "PRESENT".

Donnelly, Kenneth J. Panagiotakos, Steven C. — 3.  
Moore, Michael O.

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

The pending amendment (Brewer) was then considered; and it was adopted.

Mr. Buoniconti moved that the bill be amended in Section 38 by striking out the section in its entirety.

The amendment was rejected.

Mr. Michael O. Moore and Ms. Spilka moved that the bill be amended in Section X, provided further, there shall be a special commission to investigate and study the feasibility of transferring employees of all regional transit authorities into the coverage of the group insurance commission; provided further, the commission shall consist of the following members as follows: the Secretary of Administration and Finance or her designee; the Executive Director of the Regional Transit Authorities, a representative from the regional transit authorities employees union, two members of the senate to be appointed by the Senate President, one member of the senate to be appointed by the Senate minority leader, two members of the House of Representatives to be appointed by the Speaker of the House, one member of the House of Representatives to be appointed by the House minority leader; provided further, that the secretary for administration and finance shall conduct said study, which shall examine the costs and benefits of moving employees of all regional transit authorities to the coverage of the group insurance commission and the cost and benefits of maintaining said employees in their current health insurance system and comparing said findings. Said secretary shall report in writing the findings and recommendations of said study or studies to the house and senate committees on ways and means not later than December 1, 2010.

After remarks, the amendment was rejected.

Mr. McGee moved that the bill be amended, in Section 2, in item 7000-9501 by striking out the figure "\$7,107,657" and inserting in place thereof the following figure:— "\$11,053,828".

The amendment was rejected.

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

"SECTION \_\_. Notwithstanding any special or general law to the contrary the Treasurer of the Commonwealth shall not issue any bonds for the planning, design or construction of any new mass transit expansion project if it has not been certified by the Secretary of Administration and Finance that sufficient revenues exist, or will be generated to operate and maintain in a state of good repair such a new transportation asset."

The amendment was rejected.

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

"SECTION \_\_. Notwithstanding any special or General Law to the contrary the registrar of motor vehicles shall file with the joint committee on transportation and the house and senate committees on ways and means and shall implement a plan to reduce the number of registry locations throughout the Commonwealth by one-third. Said restructuring shall maintain geographic diversity and shall allow for extended hours of service, including Saturday service, at all remaining registry locations in order that service to Commonwealth residents is not restricted. Said plan shall be filed and implemented not later than six months from the passage of this act."

The amendment was rejected.

Ms. Menard moved that the bill be amended in Section 2, in item 4000-0500, by inserting after the words "lengthy appeals process;" the following words:— "provided further, that rates of payment from the Commonwealth Care and the Medicaid managed Care Plans to acute care hospitals, shall be subject to negotiation between those health plans and hospitals; provided further, that the Commonwealth Care and the Medicaid Managed Care Plan rates for acute care hospitals shall not be promulgated by regulation nor stipulated in the MassHealth Request For Applications (RFA); provided further, that the executive office of health and human service to promote patient continuity of care and access to cost-effective health care services may require acute care hospitals, as a condition of participating in the Medicaid program, to accept Medicaid fee-for-service rates of reimbursement for out-of-network care delivered to MassHealth and Commonwealth Care members enrolled in a Medicaid managed care organizations that does not have a contract with said hospital; provided further, that the executive office shall incorporate no greater than 30 million in total savings attributable directly to the implementation of said requirement;"

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in Section 2, in item 4000-0300, in line 27, by inserting after the words "adequate

quality” the following:—” provided further, that the State shall continue to provide direct medical education reimbursement in the Medicaid standard payment amount per discharge, at FY2008 levels, to the hospital that operates a unique joint primary care residency program based at an independent Section 330 health center that serves to train primary care physicians to underserved populations in Massachusetts;”

The amendment was rejected.

Mr. Tolman moved that the bill be amended, in Section 2, in item 4000-0700, by inserting after “financially benefit the Commonwealth” the following:— “and provided further, that the division and the executive office of health and human services shall establish a new rate methodology to cover the cost of care provided by any facility licensed by the department of public health as a chronic disease hospital providing services solely to children and adolescents, as follows:

(1) the rate of reimbursement for any such facility shall be developed collaboratively through an agreement among the office of Medicaid, the division of healthcare finance and policy and any such facility;

(2) the reimbursement rate for any such facility shall incorporate the following components:

(a) utilization of the reimbursement methodology used by the division and the executive office of health and human services to determine payments for Medicaid disproportionate share pediatric hospitals in effect in 2007 utilizing the most recently filed 403 cost report with the division and the payments received from Medicaid eligible patients for the base period;

(b) a per diem rate for inpatient and a payment on account factor for outpatient shall be established which reimburses the full unrecovered cost, including capital; and

(c) the rates shall be inflated over the base period by the applicable Medicare market basket inflation factors; and

(3) notwithstanding any general or special law to the contrary, in no event will the rates of payment be lower than the rates in effect for such facility in the prior fiscal year”.

The amendment was adopted.

Messrs Tolman and McGee moved that the bill be amended, in Section 2, in item 4000-0500, by inserting after the words “said chapter 118E;” the following:— “ provided further, that not less than \$9,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric hospitals and units”.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in Section 2, in item 4403-2119 by striking out the figure “\$6,576,576” and inserting in place thereof the following figure:— “\$6,927,953”.

The amendment was rejected.

Ms. Creem and Mr. Tisei moved that the bill be amended, in Section 2, in item 9110-1800 by inserting after the word “expended” the following: “for naturally occurring retirement communities, and”.

The amendment was adopted.

Ms. Creem and Mr. Montigny moved that the bill be amended, in Section 2, in item 4590-0250 by adding at the end thereof the following: “provided further that funds shall be expended for the support of the commission on gay, lesbian, bisexual and transgender (GLBT) youth, and shall be used to address the recommendations of said commission for reduction of health disparities for GLBT youth”.

The amendment was adopted.

Mr. McGee moved that the bill be amended, in Section 2, in item 5046-0000 by inserting at the end thereof the following words:— “; and provided further, that no client of the Department of Mental Health shall be required to relocate unless the client provides written consent authorizing a transfer; and provided further, the department shall file with the Joint Committee on Mental Health and Substance Abuse no later than September 1, 2009 a report indicating the numbers of clients who have been transferred to new locations following the implementation of the so-called flexible community support code, the type and manner in which consent was obtained, and the number of clients requiring hospitalization following any such transfer; and provided further, that the commissioner of the department of mental health shall conduct a study and make recommendations for the implementation of a self-determination model for funding services and supports for clients of the department of mental health.

The model shall include the following:

(a) an individual budget for each participant’s service and support plan;

(b) appropriate assistance for each participant to design, implement and control a unique service and support plan;

(c) the arrangement of unique services and supports preferred by the participant; and

(d) a system of accountability for the use of public funds. The commissioner shall appoint an advisory committee to assist with the study and recommendations. The commissioner shall file a report of the results of its investigation and its recommendations, if any, together with drafts of legislation and administrative recommendations necessary to implement the self-determination model with the governor and the clerks of the senate and house of representatives not later than June 30, 2010.

The amendment was rejected.

Mr. McGee moved that the bill be amended, in Section 2, in item 4110-3010, by adding at the end thereof the following:

“provided further that the department may expend one-third of the amount appropriated for the purpose of providing comprehensive rehabilitation training in the Commonwealth for vocational development, including computer technology skills and independent living skills for blind adults”.

The amendment was adopted.

Mr. Hart, Ms. Jehlen, Messrs. Joyce, Montigny, Kennedy and McGee and Ms. Creem moved that the bill be amended, in Section 2, in line item 4000-0640, by inserting after “June 30, 2002” the following:— “; and provided further, that the payments made pursuant to this item shall be allocated in an amount sufficient to implement section 622 of chapter 151 of the acts of 1996”.

The amendment was adopted.

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

SECTION X. Notwithstanding any general or special law to the contrary, in hospital fiscal year 2010, an acute hospital's liability to the Health Safety Net Trust Fund, as defined in Chapter 118 G, shall be equal to the product of (1) the ratio of its private sector charges to all acute hospitals' private sector charges and (2) \$140,000,000; provided further, the amount transferred to the Commonwealth Care Trust Fund from the Health Safety Net Trust Fund pursuant to section 57 of Chapter 302 of the Acts of 2008 shall be transferred from the Commonwealth Care Trust Fund to the Health Safety Net Trust Fund for purposes of fiscal year 2010 payments to acute care hospitals.

The amendment was rejected.

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

SECTION X1. Section 30 of Chapter 23B of the General Laws, as appearing in Section 37 of chapter 4 of the Acts of 2009, is hereby amended by inserting at the end of the first paragraph the following sentence:—

The department shall administer the program throughout the Commonwealth at locations that are geographically convenient to families who are homeless or at-risk of homelessness and shall administer the program in a manner that is fair, just and equitable.

SECTION X2. Section 30 of Chapter 23B, as so appearing, is further amended by striking out in subsection (B) the words "Emergency housing assistance shall not be granted to a family who, but for the assignment or transfer of real or personal property at any time within one year immediately prior to the filing of an application for emergency housing assistance, would not be eligible for such assistance" and inserting in place thereof the words:— "Emergency housing assistance shall be denied to a family who, at any time within one year immediately prior to the filing of an application for emergency assistance, has depleted, assigned or transferred real or personal property that would have rendered the family ineligible for assistance if (a) the depletion, transfer or assignment was not reasonable at the time or was not for good cause reasons or

(b) the depletion, transfer or assignment, was made for the purpose of making the family eligible for emergency assistance. For purposes of the preceding sentence, good cause reasons shall include but not be limited to that the funds were expended for necessary or reasonable costs of living, such as rent, utilities, food, health-related needs, education-related expenses or transportation".

SECTION X3. Section 30 of Chapter 23B, as so appearing, is further amended by striking out the words "any benefits" in the second paragraph of subsection (C) and inserting in place thereof the words: — "any non-shelter benefits".

SECTION X4. Said section 30, as so appearing, is further amended by striking out the third paragraph of subsection (F) and inserting in place thereof the following paragraph:—

"A hearing held pursuant to this section shall be conducted by a hearing officer designated by the hearings manager and shall be conducted as an adjudicatory proceeding under chapter thirty A. The department shall offer the person appealing the option to hold the hearing:

(a) such that the hearing officer, person appealing and department representatives shall be in one location for the hearing and such location shall be convenient to the person appealing;

(b) telephonically; or

(c) through other available means such as videoconferencing. The person appealing shall have the right to choose among these options. No employee shall review, interfere with, change or attempt to influence any hearing decision by a hearing officer, provided that the hearings manager shall be responsible for the fair and efficient operation of the division in conformity with state and federal laws and regulations, and may review and discuss with the hearing officers such decisions solely in order to carry out this responsibility. The hearing manager shall be responsible for the training of hearing officers, scheduling of hearings and the compilation of decisions. The hearings manager may grant a request by the person appealing for a remand of the decision to the hearings officer who made the initial decision or another hearings officer for reconsideration of an initial decision. The final decision of the hearing officer shall be the decision of the department."

SECTION X5. Section 38 of chapter 4 of the Acts of 2009 is hereby amended by adding the following new paragraph:—

As of the effective date of section 37 of this act, except to the extent otherwise required by provisions of this act or other provisions of law, and until such time as the department promulgates regulations pursuant to and in conformity with section 30 of Chapter 23B of the General Laws and other applicable laws, the department shall administer the emergency housing assistance program pursuant to 106 C.M.R. sections 204, 309, 701.310 — 701.330, 701.350 — .360 and 701.380 — .390 as in effect on June 30, 2009.

SECTION X6. Notwithstanding any general or special law to the contrary, applications for assistance from the emergency housing program established by section 30 of chapter 23B of the general laws shall be taken and processed at offices of the department of transitional assistance unless and until the department of housing and community development develops an operational plan ensuring that convenient access to emergency housing assistance will not be impaired by any alternative arrangement. The department shall provide the joint committee on children, families and persons with disabilities, the joint committee on housing, and the house and senate committees on ways and means with 180 days advance notice of any proposal to stop making emergency housing assistance accessible in offices of the department of transitional assistance. The department shall provide said committees with a copy of the operational plan and, in cooperation with the department of transitional assistance, an analysis of the impact of such plan on the ability of homeless and at-risk families conveniently to access emergency housing assistance, food stamps, and/or cash assistance. Nothing in this section prevents the department from making emergency housing assistance available at locations in addition to offices of the department of transitional assistance.

The amendment was adopted.

Ms. Tucker moved that the bill be amended, in section 2, in item 4405-2000 by inserting after the words "department and the office;" the following:— "provided further, that the department shall make expenditures from this line item for the benefit of

aged and disabled individuals living in rest homes at a level that is not less than expenditures made for that purpose from this item in fiscal year 2009;”.

The amendment was rejected.

Ms. Candaras and Ms. Spilka moved that the bill be amended after Section 95 the following new section:—

Section 96. Section 12 of chapter 118 E as so appearing, is hereby amended in the first paragraph by inserting at the end thereof the following new sentence:— “Notwithstanding the provisions of any general or special law to the contrary, the division shall develop or amend any standards and regulations applicable to the personal care attendant program to include as eligible members those individuals who are otherwise eligible for said program, but who require supervision and cueing in order to perform two or more activities of daily living.”

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in Section 2, in item 4512-0200 by inserting at the end thereof the following:— “provided further that no less than \$500,000 be expended for the Hampden County Residential Program for Women”.

The amendment was rejected.

Ms. Candaras moved that the bill be amended, in Section 2, in item 4512-0500 by inserting at the end thereof:— “provided further that not less than \$250,000 be expended on the Open Wide Oral Health Pilot Program in Hampden County”.

The amendment was rejected.

Messrs. Tarr, Tisei, Knapik, Hedlund and Brown moved that the bill be amended by inserting, after Section X, the following new Section:—

“SECTION XX. Notwithstanding any general or special law to the contrary, the Commonwealth Connector, as established in Chapter 58 of the acts of 2006, shall reevaluate its requirements for minimum creditable coverage for health insurance, so as to determine the most effective means for making available to the citizens of the Commonwealth health insurance plans with reduced premium costs from those presently offered. In its reevaluation the agency shall consider but not be limited to the elimination of mandated coverage such as those for prescription drugs in one or more available plans, the increased utilization of mechanisms such as medical savings accounts, increased deductible levels and small business health purchasing cooperatives, and increased tax benefits for purchasing and maintaining creditable coverage.

Upon the completion of said reevaluation the agency shall develop a plan to employ one or more methods to reduce the cost of at least one available plan providing creditable coverage for each class of insured, and submit such plan to the clerks of the House and Senate not more than six months following the passage of this act, and shall implement said plan not later than ninety days following that filing.

After remarks, the amendment was rejected.

Ms. Fargo and Messrs. Montigny and Galluccio moved that the bill be amended by inserting in Section 3, the following Section:

SECTION \_\_ “Section 1. Section 16 of Chapter 6A of the General Laws as appearing in the 2006 Official Edition is hereby amended by inserting after clause 7 the following clause:—

“(8) the office of health equity.”

Section 2. The second sentence of the first paragraph of Section 16O of Chapter 6A of the General Laws as so appearing is hereby amended by inserting after the words, “The council shall make recommendations,” the following words:— “to the director of the office of health equity.”

Section 3. The first sentence of the second paragraph of Section 16O of Chapter 6A of the General Laws as so appearing is hereby amended by striking the number “34” and inserting in place thereof the following number:— “35”, and further by inserting after the words “secretary of health and human services,” the following words:— “the director of the office of health equity.”

Section 4. Chapter 6A of the General Laws as so appearing is hereby amended by inserting after section 16S the following section:—

“SECTION 16T. There shall be an office of health equity within the executive office of health and human services. The office shall be in the charge of a director, who shall report directly to the secretary of health and human services. The health disparities council, described in section 16O, shall serve as an advisory board to the office of health equity.”; and by inserting after section \_\_\_\_, the following new section:—

SECTION \_\_ “Section 1. The General Laws as so appearing in the 2006 Official Edition are hereby amended by inserting after Chapter 111M the following chapter:

“CHAPTER 111N.

OFFICE OF HEALTH EQUITY.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Disparities” or “Racial and Ethnic Health and Health Care Disparities”, differences in the incidence, prevalence, mortality, and burden of diseases and other adverse health conditions that exist among specific racial and ethnic groups.

“Office”, the office of health equity, as created in section 16T of chapter 6A.

Section 2. The office shall coordinate all activities of the Commonwealth to eliminate racial and ethnic health and health care disparities. The office shall set goals for the reduction of disparities, and prepare an annual plan for the Commonwealth to eliminate disparities.

Section 3. The office shall collaborate with other state agencies of the Commonwealth on disparities reduction initiatives to address the social factors that influence health inequality. These state agencies shall include, but are not limited to, the executive

offices of health and human services, housing and economic development, public safety, energy and environmental affairs, transportation and public works, labor and workforce development, and education. The Office shall facilitate between these agencies, communication and partnership to develop greater understanding of the intersections between agency activities and health outcomes. The Office will facilitate development of interagency initiatives to address the social and economic determinants of health and key health disparities issues such as but not limited to healthcare access and quality; housing availability and quality; transportation availability, location and cost; community policing and safe spaces; air, water, and land usage and quality; employment and workforce development; and education access and quality.

Section 4. The Office shall evaluate effectiveness of programs and interventions to eliminate health disparities, identifying best practices and model programs for the state.

Section 5. The secretary of health and human services shall annually, on the day assigned for submission of the budget to the General Court pursuant to section 7H of chapter 29, designate major initiatives of the Commonwealth affecting the health and health care of residents of the Commonwealth. Such initiatives may include any activity of the Commonwealth, including, but not limited to, activities of the executive offices of health and human services, housing and economic development, public safety, energy and environment, transportation and public works, labor and workforce development, and education.

For each such major initiative, the office shall prepare a disparities impact statement evaluating the likely positive or negative impact of each initiative on eliminating or reducing racial and ethnic health disparities. The statements shall, to the extent possible, include quantifiable impacts and evaluation benchmarks. The statements shall be posted on the internet site of the executive office of health and human services and submitted to the clerks of the house and senate, members of the health disparities council, appropriate legislative committees, and the house and senate committees on ways and means.

Section 6. The office shall prepare an annual health disparities report card. The report card shall evaluate the progress of the Commonwealth towards eliminating racial and ethnic health disparities, using, where possible, quantifiable measures and comparative benchmarks. The report card shall report on progress on a regional basis, based on regions designated by the office. The office shall hold public hearings in several regions of the state to get public information on the topics of the report card. The report card shall be delivered to the governor, speaker of the house of representatives and president of the senate and the members of the health disparities council, created under section 16O of Chapter 6A, before July 1 each year, and shall be posted on an internet site of the office or executive office of health and human services.”

The amendment was rejected.

Ms. Flanagan, Mr. Galluccio, Ms. Spilka, Mr. Donnelly and Ms. Candaras moved that the bill be amended, in Section 2, in item 5046-0000 by inserting after the word “facilities” the following: “provided further, that funds shall be expended to sustain services provided through juvenile court clinics.”

The amendment was adopted.

Mr. Joyce moved that the bill be amended, in Section 2, in item 9110-1555 “provided further, that funds may be expended for the purposes of continuing the administration of a geriatrics program, previously funded in line item 9110-1900 of Section 2 of Chapter 182 of the Acts of 2008”.

The amendment was adopted.

Ms. Menard and Mr. Montigny moved that the bill be amended, in Section 2, in item 4513-1111, by striking out the figure “\$6,295,685” and inserting in place thereof the following figure:— “\$9,295,685”.

The amendment was adopted.

Ms. Creem and Messrs. Pacheco and McGee moved that the bill be amended in Section 2, by inserting the following new item:— 5920-3010 For contracted support services for families with autistic children through the autism division at the department of developmental services; provided, that funds shall be expended for the purposes of providing services under the Children’s Autism Spectrum Disorder Waiver; provided further, that the department shall expend not less than the amount authorized in fiscal year 2009 on the Children’s Autism Waiver; provided further, that at a minimum, this waiver shall include children with autism spectrum disorder ages 0 to 8, inclusive, including children with autism spectrum disorder ages 0 to 3, inclusive, receiving services through the department of public health’s early intervention program; provided further, that the income eligibility for the waiver shall not be any lower than MassHealth standard income eligibility for children; provided further, that the department shall take all steps necessary to ensure that eligible children with autism immediately begin to receive services pursuant to such waiver; provided further, that the department shall immediately file any waiver amendments necessary to comply with the requirements of this item with the Centers for Medicare and Medicaid services; and provided further, that the department shall report to the house and senate committees on ways and means, the joint committee on education and the joint committee on children, families and persons with disabilities on the number of contracted support services provided for families with autistic children under this item and the costs associated with such services, not later than January 4,2010, including but not limited to, a report on the services provided by the Children’s Autism Spectrum Disorder Waiver, with information regarding the number of children enrolled in the waiver and receiving services, linguistic and cultural diversity, age, gender, and geographic representation of the applicants and the children enrolled in the program, and department plans to continue to assess the demand for waiver services, any executive office of health and human services plans to expand the waiver for children on the autism spectrum of all ages in the future, and any other information determined relevant by the department; provided further, that the department shall submit copies of any amended waiver to the house and senate committees on ways and means, the joint committee on education and the joint committee on children, families and persons with disabilities upon submission of the amendment 4,123,387.

The amendment was adopted.

Ms. Chang-Díaz, Ms. Jehlen, Messrs. McGee, Montigny, Donnelly, Eldridge, Hart, Petrucci and Mr. Galluccio and Ms. Creem moved that the bill be amended by striking section 77 and inserting the following section:

SECTION 77. Notwithstanding any general or special law to the contrary, an eligible individual pursuant to section 3 of chapter 118H of the General Laws shall not include persons who cannot receive federally funded benefits under the provisions of sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, as amended, for fiscal year 2010. The Commonwealth Health Insurance Connector Authority shall provide advance notice at least 45 days prior to termination of benefits for any member pursuant to this section.

After remarks, the amendment was adopted.

Mr. Buoniconti moved that the bill be amended, in Section 2, in item 4403-2000 by inserting at the end thereof the following words:— “provided further that notwithstanding any general or special law to the contrary, a participant in the program shall not be considered in compliance with the work requirement by participating in post secondary education, college work study, internships, babysitting, home-schooling a child, participating in a substance abuse program while in a substance abuse shelter, participating in the supported work program, participating in vocational rehabilitation services, participating in a job search, or participating in a housing search while staying in an emergency shelter; provided further that a pregnant mother shall be exempt from the work requirement for not more than the last ten days of pregnancy; provided further that a participant shall not be considered exempt from the work requirement as a result of caring for a child not their own and for whom the participant does not receive benefits; provided further that a participant shall be exempt from the work requirement for not more than ninety days following the birth of a child who is not exempt from the family cap or who serves as the caretaker of a child excluded by the family cap; provided further that a participant shall not be considered exempt from the work requirement due to age prior to reaching age sixty five; provided further that a participant shall not be exempt from the work requirement for a period of time more than one year while participating in a GED program; provided further that upon first receiving benefits a participant shall be exempt from the work requirement for not more than thirty days while looking for and starting a qualifying work program activity; provided further that a participant shall not be exempt from the work requirement for performing community service unless the participant can produce documented evidence of the completion of said community service to the Department of Transitional Assistance; provided further that all participants using Electronic Benefit Transfer (EBT) cards, and choosing to use an “authorized representative” to assist with the use of the EBT card, must show proof of disability or incapability to have an “authorized representative” for assistance; provided further that all cash assistance shall be provided by transferring the balance of such assistance to the participant’s EBT card, and provided that no such assistance shall be available for cash withdrawal.”; and in line item 4403-2000 at the end thereof by striking the number “\$308,076,608” and inserting in place thereof the number “\$296,975,000”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in Section 2, in item 9110-0100, by striking the figure “\$2,404,526” and inserting in place thereof the figure “\$2,143,395”.

The amendment was rejected.

Mr. Tisei moved that the bill be amended, in Section 2, in item 4510-0100, by striking the figure “\$18,575,757” and inserting in place thereof the figure “\$17,051,539”.

The amendment was rejected.

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

“SECTION \_\_. Section 1 of chapter 111L, as added by section 12 of chapter 58 of the acts of 2006, is hereby amended by inserting at the end of the definition of the term “Creditable coverage” the following words:—

Minimum creditable coverage, as defined by the board under the authority granted herein, shall not require, in the case of individuals subject to section 2 of chapter 58 of the acts of 2006, coverage for prescription drugs.”

The amendment was rejected.

Messrs. Tisei and Tarr moved that the bill be amended by inserting, after Section \_\_, the following new Section:—

“SECTION \_\_. Chapter 111 of the General Laws, as appearing the 2006 Official Edition, is hereby amended by striking out section 25I and inserting in place thereof the following section:—

Section 25I. The commissioner, in consultation with the board of registration of pharmacy, shall promulgate regulations requiring that either a resident or consultant pharmacist in a health care facility shall return to the pharmacy from which it was issued all unused medication; provided that such medication is sealed in unopened, individually packaged units and within the recommended period of shelf life, and provided that such medication is not a schedule I, II or III controlled substance as defined in chapter 94C. Such pharmacies shall accept all such unused medications regardless of whether such medications are included on any list of unit-dose drugs issued by the department or the office of MassHealth. Any rules and regulations issued by the commissioner shall permit the pharmacy to which such medication is returned to restock and redistribute such medication. The pharmacy shall be required to reimburse or credit the issuer for any such returned medication”.

After debate, the amendment was adopted.

Mr. O’Leary moved that the bill amended, in Section 2, in item 4512-0500, by inserting after the words, “for the developmentally disabled,” the following:— “; and provided further, that funding may be expended for a school-based demonstration project to offer preventive oral health care to children in high need areas; provided further that said school-based demonstration project is hereby authorized to provide, with prior parental informed consent, oral health services including but not limited to: dental exams, dental cleanings and the application of temporary restorations and dental sealants”.

The amendment was adopted.

Mr. Montigny moved that the bill be amended, in Section 2, in item 4513-1111, by striking out the wording “stroke treatment and



ongoing prevention” and inserting in place thereof the following wording:— “a statewide STOP stroke program and ongoing stroke prevention and education”

The amendment was adopted.

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

“SECTION \_\_ Chapter 118E of the General Laws, as most recently amended by chapter 451 of the Acts of 2008, is hereby amended by adding the following new section:—

Section 63. The Executive Office of Health and Human Services shall discontinue membership in the Mass Health fee-for-service program and primary care clinician plan, and shall begin enrolling all members, meeting eligibility requirements as established pursuant to applicable federal and state law and regulation, into a Medicaid managed care organization that has contracted with the Commonwealth to deliver such managed care services, in accordance with the enrollment and assignment processes for other eligible categories and at the appropriate levels of premium.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-six minutes before ten o'clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 5 — nays 34) [Yeas and Nays No. 72]:

YEAS.

Brown, Scott P. Tarr, Bruce E.

Hedlund, Robert L. Tisei, Richard R. — 5.

Knapik, Michael R.

NAYS.

Baddour, Steven A. Kennedy, Thomas P.

Berry, Frederick E. McGee, Thomas M.

Brewer, Stephen M. Menard, Joan M.

Buoniconti, Stephen J. Montigny, Mark C.

Candaras, Gale D. Moore, Michael O.

Chandler, Harriette L. Moore, Richard T.

Chang-Diaz, Sonia Morrissey, Michael W.

Creem, Cynthia Stone O'Leary, Robert A.

Donnelly, Kenneth J. Pacheco, Marc R.

Downing, Benjamin B. Panagiotakos, Steven C.

Eldridge, James B. Petrucci, Anthony

Fargo, Susan C. Rosenberg, Stanley C.

Flanagan, Jennifer L. Spilka, Karen E.

Galluccio, Anthony D. Timilty, James E.

Hart, John A., Jr. Tolman, Steven A.

Jehlen, Patricia D. Tucker, Susan C.

Joyce, Brian A. Walsh, Marian — 34.

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

Mr. Montigny moved that the bill be amended, in Section 2, in item 4513-1111 by striking the language “multiple sclerosis screening, education and treatment programs” and inserting in place thereof the following:—

“Multiple Sclerosis Home Living Navigating Key Services program administered by the Central New England Chapter of the National Multiple Sclerosis Society.”

The amendment was adopted.

Mr. Montigny moved that the bill be amended after Section 2 by adding the following section:—

“Notwithstanding any general or special law to the contrary, to further the Commonwealth's compliance with the transparency and accountability provisions of the American Recovery and Reinvestment Act of 2009, the comptroller shall transfer from the General Fund the amounts of enhanced federal Medicaid assistance percentage funds received from the federal government during fiscal years 2010, and 2011 to the ARRA Medical Assistance Percentage Fund, which shall be established and set up on the books of the Commonwealth. This fund shall be subject to appropriation for the purposes of maintaining services, preventing reductions and providing investments in health and human services programs under the Executive Office of Health and Human Services, including Commonwealth Care and the Health Safety Net programs. The fund shall expire June 30, 2011 at which time the comptroller shall transfer any remaining fund balance to the General Fund.”

The amendment was rejected.

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

“SECTION \_\_\_\_ Section 5 of chapter 111N in the General Laws, as inserted by section 14 of chapter 305 of the acts of 2008, is hereby amended by adding the following paragraph:—

The department, in consultation with the board of registration of pharmacy and board of registration of medicine, shall promulgate regulations requiring the licensing of all pharmaceutical and medical device manufacturer agents. As a prerequisite to such licensing, pharmaceutical and medical device manufacturer agents shall complete such training as may be deemed appropriate by the department. As a prerequisite to the renewal of such license, pharmaceutical and medical device manufacturer agents shall complete continuing education as may be deemed appropriate by the department. The fee for such license shall be \$500 per year.”

After debate, the amendment was adopted.

Mr. Tolman moved that the bill be amended, in Section 2, by striking out item 4000-0112 and inserting in place thereof the following item:—

“4000-0112 For matching grants to the statewide alliance of boys’ and girls’ clubs, YMCA and YWCA organizations, nonprofit community centers, and youth development programs to be administered by the executive office of health and human services 1,500,000.

The amendment was adopted.

Messrs. Morrissey, Buoniconti and Tucker moved that the bill be amended by adding at the end thereof the following new section:—

SECTION X. The \$7,500,000 received by the Commonwealth for disproportionate share hospitals pursuant to the American Recovery and Reinvestment Act of 2009 (“ARRA”) shall be appropriated to the Medical Security Trust Fund. The Office of the Executive Office of Health and Human Services shall distribute \$15,000,000, consistent with ARRA to certain disproportionate share hospitals, as defined by 114.1 CMR 36.04 and M.G.L. 118G §1, that provide the largest volume of uncompensated care in the Commonwealth, as determined by the Division of Health Care Finance and Policy and had no controlling interest in any managed care organization under contract with MassHealth as of January 1, 2009, in an amount equal to the difference between the costs incurred by such hospital for the provision of services to publicly insured or uninsured individuals including MassHealth, Medicare, Commonwealth Care, and the Health Safety Net Trust Fund (“Uncompensated Public Care”) and the payments received for such services; and provided further that said \$7,500,000 received by the Commonwealth for disproportionate share hospitals, pursuant to the ARRA shall be matched by \$7,500,000 in funds made available under outside section 76(c) from the \$399,000,000 transfer from the general fund to the MassHealth Provider Payment account in the Medical Assistance Trust Fund, established pursuant to section 2QQQ of chapter 29 of the General Laws; and provided further, that hospitals that have in-patient psychiatric units which said psychiatric units had negative operating margins in FY08, adjusted to exclude any grants awarded from the Essential Community Provider Trust Fund shall receive priority in the distribution of such supplemental payment amounts under this section; and provided further, that any remaining amounts not otherwise distributed in accordance with this section shall be distributed equitably among the remaining facilities, in proportion to the relative amount of Uncompensated Public Care costs incurred by each facility.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before ten o’clock P.M., on motion of Mr. Morrissey, as follows, to wit (yeas 16 — nays 23) [Yeas and Nays No. 73]:

YEAS.

Baddour, Steven A. Knapik, Michael R.  
Brewer, Stephen M. Montigny, Mark C.  
Brown, Scott P. Morrissey, Michael W.  
Buoniconti, Stephen J. O’Leary, Robert A.  
Candaras, Gale D. Tarr, Bruce E.  
Downing, Benjamin B. Timilty, James E.  
Hedlund, Robert L. Tisei, Richard R.  
Kennedy, Thomas P. Tucker, Susan C. — 16.

NAYS.

Berry, Frederick E. McGee, Thomas M.  
Chandler, Harriette L. Menard, Joan M.  
Chang-Diaz, Sonia Moore, Michael O.  
Creem, Cynthia Stone Moore, Richard T.  
Donnelly, Kenneth J. Pacheco, Marc R.  
Eldridge, James B. Panagiotakos, Steven C.  
Fargo, Susan C. Petrucci, Anthony  
Flanagan, Jennifer L. Rosenberg, Stanley C.  
Galluccio, Anthony D. Spilka, Karen E.  
Hart, John A., Jr. Tolman, Steven A.  
Jehlen, Patricia D. Walsh, Marian — 23.  
Joyce, Brian A.

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

Mr. Brewer moved that the bill be amended by inserting the text of Senate document numbered 2055.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before ten o’clock P.M., on motion of Mr. Tisei, as follows, to wit (yeas 36 — nays 0) [Yeas and Nays No. 74]:

YEAS.

Baddour, Steven A. Buoniconti, Stephen J.  
Berry, Frederick E. Candaras, Gale D.  
Brewer, Stephen M. Chandler, Harriette L.  
Brown, Scott P. Chang-Diaz, Sonia

Creem, Cynthia Stone Montigny, Mark C.  
Downing, Benjamin B. Moore, Richard T.  
Eldridge, James B. Morrissey, Michael W.  
Fargo, Susan C. O'Leary, Robert A.  
Flanagan, Jennifer L. Pacheco, Marc R.  
Galluccio, Anthony D. Petruccelli, Anthony  
Hart, John A., Jr. Rosenberg, Stanley C.  
Hedlund, Robert L. Spilka, Karen E.  
Jehlen, Patricia D. Tarr, Bruce E.  
Joyce, Brian A. Timilty, James E.  
Kennedy, Thomas P. Tisei, Richard R.  
Knapik, Michael R. Tolman, Steven A.  
McGee, Thomas M. Tucker, Susan C.  
Menard, Joan M. Walsh, Marian — 36.

NAYS — 0.

ANSWERED "PRESENT".

Donnelly, Kenneth J. Panagiotakos, Steven C. — 3.  
Moore, Michael O.

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

Messrs. Montigny, Morrissey and Baddour moved to amend the bill by inserting after section 35 the following 2 sections:—

"SECTION 35A. Chapter 90 of the General Laws is hereby amended by inserting after section 12 the following section:—

Section 12A. (a) For the purposes of this section, a "mobile device" shall include any device capable of electronically transmitting verbal or written communication or images, or accessing the internet including, but not be limited to, a mobile telephone, text messaging device, personal digital assistant, or any other substantially similar device utilizing cellular, analog, satellite, wireless or digital technology.

(b) No operator of a vehicle or vessel used in public transportation, including a train, passenger bus, school bus or other vehicle used to transport pupils, taxi, passenger ferry boat, water shuttle or other equipment used in public transportation owned by, or operated under the authority of the Massachusetts Bay Transportation Authority, the Woods Hole, Martha's Vineyard & Nantucket Steamship Authority, Massachusetts Port Authority; state transportation department; or a vehicle or vessel open to the public that is owned by, or operated under the authority of a business, including tour vehicles or vessels, enclosed ski lifts or trams, passenger buses or vans regularly used to transport customers shall use a citizens band radio or mobile telephone or other device capable of accessing the internet or transmitting images or text by means of the internet while operating such vehicle or vessel; provided, that use of any such mobile device solely to access a global positioning system shall not be prohibited. Whoever violates this section shall be punished by a fine of \$500. A violation of the preceding sentence shall be a moving violation for purposes of the safe driver insurance plan under section 113B of chapter 175.

(c) This section shall not apply to an operator of a private vehicle or vessel not open to the public or not used for the transportation of the public during the times of use, including a private passenger vehicle, a private charter or rental of a limousine, bus or van or the private rental of a boat or other vessel.

(d) This section shall not apply to persons employed in providing emergency medical services, in the lawful course of their duties.

(e) It shall be an affirmative defense for a person charged with a violation of this section that such violation was committed for the sole purpose of seeking emergency assistance.

SECTION 35B. Section 13 of chapter 90 of the General Laws is hereby amended by inserting after the word "times, in line 7, the following words:—; provided however, that notwithstanding section 13 to the contrary, whoever operates a motor vehicle while entering a text message, reading a text message or accessing the Internet shall be punished by a fine of \$75; and provided further, that use of any such mobile device solely to access a global positioning system shall not be prohibited. A violation of the preceding sentence shall be a moving violation for purposes of the safe driver insurance plan under section 113B of chapter 175. For the purposes of this section, a "mobile device" shall include any device capable of electronically transmitting verbal or written communication or images, or accessing the internet including, but not be limited to, a mobile telephone, text messaging device, personal digital assistant, or any other substantially similar device utilizing cellular, analog, satellite, wireless or digital technology."

After remarks, the amendment was adopted.

Mr. Panagiotakos moved that the bill be amended:— in Section 2 in item 0320-0003 by striking the figure "\$7,783,707" and inserting in place thereof the following:— "\$7,965,766";

In said Section 2, in item 0322-0100 by striking the figure "\$10,627,256" and inserting in place thereof the following:— "\$10,827,256";

In said Section 2, in item 0810-0045 by striking the figure "\$3,133,588" and inserting in place thereof the following:— "\$3,497,227";

In said Section 2, in item 1233-2350, by striking out the words "provided, that funds shall be provided to individual sewerage districts for the cost of chemicals at wastewater treatment facilities within the Commonwealth";

In said Section 2, in item 1410-0012, by inserting after the word “program” the following words:— “or its successor”;  
In said Section 2, in item 1410-0250, by inserting after the word “program” the following words:— “or its successor”;  
In said Section 2, in item 2511-0100, by inserting after the word “fairs” the following words:— “provided that funds may be expended for the statewide 4-H program”

In said Section 2, in item 2511-0100, by striking the figure “\$4,683,708” and inserting in place thereof the following:—  
“\$4,783,708”;

In said Section 2, in item 4000-0300, by inserting after the words “chapter 118E of the General Laws,” the following words:—  
“provided further, that funds may be expended for the operation of the office of health equity within the executive office of health and human services; provided further, that subject to appropriation, the executive office of health and human services may employ such additional staff or consultants as it may deem necessary; provided further, the office may prepare an annual health disparities report card with regional disparities data, evaluate effectiveness of interventions, and replicate successful programs across the state; provided further, the office shall work with a disparities reduction program with a focus on supporting efforts by community-based health agencies and community health workers to eliminate racial and ethnic health disparities, including efforts addressing social factors integral to such disparities;”;

In said Section 2, in item 4000-0600, by inserting after the words “kosher food;” the following words:— “provided further, that notwithstanding the provision of any general or special law to the contrary, nursing facility rates effective July 1, 2009 may be developed using the costs of calendar year 2005;”;

In said Section 2, in item 4000-0700, by striking the figure “\$1,615,191,229” and inserting in place thereof the following:—  
“\$1,618,491,229”;

In said Section 2, in item 4000-0640, by inserting after the word “2002,” the following words:— “provided further, that an amount for expenses related to the collection and administration of section 25 of chapter 118G of the general laws shall be transferred to the division of health care finance and policy;”

In Section 2, in item 4000-1700 by striking the figure “\$89,620,931” and inserting in place thereof the following:—  
“\$88,823,931”;

In Section 2, in item 4590-0915 by striking the figure “\$137,664,607” and inserting in place thereof the following:—  
“\$138,461,607”;

In said Section 2, in item 4800-0038 by inserting after the word “provided,” the following:— “provided further, that funds may be expended on supervised visitation programs, children’s advocacy centers, and services for child victims of sexual abuse and assault; and provided further, that funds may be expended on programs that received funding in fiscal year 2009”;

In said Section 2, by striking out item 4800-0016 and inserting in place thereof the following item:—

4800-0016 For the department of children and families which may expend for the operation of the transitional employment program an amount not to exceed \$2,000,000 from revenues collected from various state, county and municipal government entities, as well as state authorities, for the costs related to the provision of services by the participants and the overhead costs and expenses incurred by the not-for-profit managing agent selected by the commissioner for administering the program; provided, that notwithstanding any general or special law to the contrary, the commissioner of the department of children and families may enter into a contract with Roca, Inc., a not-for-profit community based-agency, to manage the transitional employment program and to provide services to participants from the aging out population, parolees, probationers, youth service releases, or other community resi-

dents considered to have employment needs 2,000,000

In said section 2, in item 5930-1000, by inserting after the words “Monson Developmental Center”, which were inserted by amendment 474.1, the following words:— “the Fernald Developmental Center.”;

In said Section 2, in item 7003-0701 by striking out the word “and” after the words “result of training;”;

In said Section 2 in item 7003-0701 inserting after the words “job training” the following:— “and provided further, that grants may be administered by the department of workforce development to recruit and provide career support and workforce development retention of graduate students training for careers in public sector behavioral health service delivery;”

In said Section 2, in item 7007-0900, by inserting after the words “within the Commonwealth” the following:— “and provided further, that not less than \$1,000,000 shall be made available through a grant application process established by the office of travel and tourism to offset deficits that may occur during fiscal year 2010 for the highway information centers operating year-round on state highways and federally-assisted highways, and the visitor information centers on Boston Common and the Prudential Center, both in the city of Boston, and the Adams Visitor Center in Adams”;

In said Section 2, in item 7007-0900 by striking the figure “\$7,733,636” and inserting in place thereof the following:—  
“\$8,733,636”;

In said Section 2, by striking out item 7061-9612 and inserting in place thereof the following item:—

7061-9612 For the school of excellence program at the Worcester Polytechnic Institute 1,300,000;

In said Section 2, in item 7061-9600, by striking out the words “provided further, that funds shall be distributed to the department of higher education in order to increase the capacity of public institutions of higher education to include students with severe disabilities in the concurrent enrollment pilot program;” and inserting in place thereof the following words:— “provided further, that funds may be distributed to the department of higher education in order to increase the capacity of public institutions of higher education to include students with severe disabilities in the concurrent enrollment pilot program.”;

In said Section 2, in item 7061-9600, by striking out the words “provided further, that funds shall be allocated to the department of elementary and secondary education to provide training and technical assistance to school districts for program

implementation;” and inserting in place thereof the following words:— “provided further, that funds may be allocated to the department of elementary and secondary education to provide training and technical assistance to school districts for program implementation.”;

In said Section 2, in item 7061-9611, by striking the following words, which were inserted by amendment 362:—

“provided further, that funds may be expended to continue mentoring initiatives that combat the chronic dropout of at-risk youths that were funded in item 7030-1003 in Chapter 182 of the Acts of 2008, Section 2” In said section 2, in item 7061-9404 by inserting at the end thereof the following words:—

“provided further, that funds may be expended to continue mentoring initiatives that combat the chronic dropout of at-risk youths that were funded in item 7030-1003 in Chapter 182 of the Acts of 2008, Section 2”;

In said Section 2, by inserting after item 7061-9626 the following item:—

7061-9634 For a transfer of this item to the Massachusetts Service Alliance, which shall be responsible for administering a competitive statewide grant program for public and private agencies to start or expand youth mentoring programs according to current best practices and for purposes including advancing academic performance, self-esteem, social competence and workforce development; provided, that the department of elementary and secondary education shall transfer the amount appropriated in this item to the Massachusetts Service Alliance for the purpose of these grants; provided further, that in order to be eligible to receive funds from this item, each public or private agency shall provide a matching amount equal to \$1 for every \$1 disbursed from this item; and provided further, that the Massachusetts Service Alliance shall submit a report detailing the impact of grants, expenditure of funds and the amount and source of matching funds raised to the department of elementary and secondary education

517,320;

In said Section 2 in item 8324-0000 by inserting after the words “Norfolk County Regional Fire & Rescue Dispatch Center”, the following words:— “provided further, that \$1,296,000 shall be provided for the Commonwealth’s Hazardous Material Response Teams”;

In said Section 2, in said item 8324-0000, by striking out the figure “\$14,313,693” and inserting in place thereof the following:— “\$15,609,693”;

In Section 2B, in item 4000-1701 by striking the figure “\$32,704,589” and inserting in place thereof the following:— “\$33,501,589”;

In said Section 2D, in item 2030-9701, by striking the figure “\$4,763,189” and inserting in place thereof the following figure:— “\$1,396,630”;

By striking out section 36;

By striking section 37 in its entirety and inserting in place thereof the following:—

SECTION 37. Section 23 of said chapter 90, as appearing in the 2006 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Notwithstanding the preceding paragraph or any other general or special law to the contrary, whoever has not been previously found responsible of or convicted of, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not been rendered on, a complaint charging a violation of operating a motor vehicle after his license to operate has been suspended or revoked, or after notice of the suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or to the issuance to him of a new license to operate shall be punished by a fine of not more than \$500. This paragraph shall not apply to any person who is charged with operating a motor vehicle after his license to operate has been suspended or revoked pursuant to a violation of paragraph (a) of subdivision (1) of section 24, or section 24D, 24E, 24G, 24L or 24N of this chapter, subsection (a) of section 8 or section 8A or 8B of chapter 90B, section 8, 9 or 11 of chapter 90F or after notice of such suspension or revocation of his right to operate a motor vehicle without a license has been issued and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or the issuance to him of a new license to operate because of any such violation.;

By striking Section 41 in its entirety and inserting in place thereof the following:—

SECTION 41. Section 34J of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:—

“Notwithstanding any general or special law to the contrary, whoever violates this section and has not been previously determined responsible of or convicted therefore, or against whom a finding of delinquency or a finding of sufficient facts to support a conviction has not previously been rendered, on a complaint charging a violation of this section shall be punished by fine of not more than \$500.”;

By striking section 44 in its entirety; By striking Section 62 in its entirety and inserting in place thereof the following:—

SECTION 62. Chapter 272 of the General Laws is hereby amended by striking out section 40, as so appearing, and inserting in place thereof the following section:—

“Section 40. Whoever willfully interrupts or disturbs a school assembly or other assembly of people met for a lawful purpose shall be punished by imprisonment for not more than 1 month or by a fine of not more than \$50; provided, however, that whoever, within 1 year after being twice convicted of a violation of this section, again violates this section shall be punished by imprisonment for 30 days and such sentence shall not be suspended; provided further, that a child between the age of 7 and 17 who willfully interrupts or disturbs a school assembly shall be punished by a fine of not more than \$50.”;

By striking section 62 in its entirety and inserting in place thereof the following:—

SECTION 63. Chapter 272 of the General Laws is hereby amended by striking out section 53 and inserting in place thereof the

following section:—

Section 53. (a) Common night walkers, common street walkers, both male and female, persons who with offensive and disorderly acts or language accost or annoy persons of the opposite sex, lewd, wanton and lascivious persons in speech or behavior, keepers of noisy and disorderly houses, and persons guilty of indecent exposure may be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment.

(b) Disorderly persons and disturbers of the peace, for the first offense, may be punished by a fine of not more than \$150. On a second or subsequent offense, said person may be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment;

In section 74, in paragraph (a) by striking out the figure “\$20,000,000” and inserting in place thereof the following figure:— “\$10,000,000”; in paragraph (b) by striking out the figure “\$9,000,000” and inserting in place thereof the following figure:— “\$5,000,000”;

By striking the following three sections, inserted by amendment 1:

“SECTION \_\_. Section 5 of chapter 59 of the General Laws, as appearing in the 2006 Official Edition, 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, 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 fifth of section 18 of said chapter 59, as so appearing, is hereby amended by adding after the last sentence the following 2 sentences:—

Poles, underground conduits, wires and pipes of all telecommunications providers, laid in or erected upon public or private ways and property shall be assessed to their owners in the cities or towns where they are laid or erected.

For purposes of this clause, telecommunications providers shall include all entities which provide any television service, internet service, telephone service, voice service, broadband service, video service, data service or any other form of telecommunication service.”;

By inserting the following section:

“SECTION \_\_. Clause Fifth of section 18 of said chapter 59, as appearing in the 2006 Official Edition, is hereby amended by adding the following 2 sentences:— Poles, underground conduits, wires and pipes of telecommunications companies laid in or erected upon public or private ways and property shall be assessed to their owners in the cities or towns where they are laid or erected. For purposes of this clause, telecommunications companies shall include cable television, internet service, telephone service, data service and any other telecommunications service providers.”;

By striking out, after section 90, the following section inserted by amendment 427:

“SECTION 90A: Notwithstanding any general or special law to the contrary, any and all vendors, providers or sub-contractors doing business with or at the Boston Convention and Exhibition Center, irrespective of state of incorporation or initiation of travel, shall file with the Convention Authority a certificate that the entity is doing business in the Commonwealth and is in compliance with all regulatory and public safety laws including but not limited to registration with the state secretary, the department of revenue, the division of public utilities where appropriate, the division of insurance and the division of industrial accident. Filing made in compliance with this section shall be deemed to be public record”;

By inserting the following section:

“SECTION \_\_. Subsection (b) of section 3 of chapter 121F of the General Laws, as added by chapter 119 of the acts of 2008, is hereby amended by striking clause (7) and inserting in place thereof the following clause:— (7) notwithstanding the restrictions described in this chapter, monies provided for the fund may be used for the purposes of the soft second mortgage program described in item 3322-8880 of section 2 of chapter 110 of the acts of 1993.”; and by inserting the following section:—

SECTION \_\_. Provided, that the provisions of section nineteen A of chapter seventy-eight of the General Laws or any other general or special law to the contrary, for the fiscal year 2010 state aid to public libraries program, the board of library commissioners shall consider that Wareham has met the standard of minimum hours of service as set forth in section nineteen B of chapter seventy-eight of the General Laws and defined in section 4.01(3) of chapter 605 of the Code of Massachusetts regulations; and provided further, that the library must demonstrate compliance with the minimum hours open requirement in fiscal year 2010 by December 15, 2009, and must successfully complete the annual certification process of the board in fiscal year 2010.

The amendment was adopted.

After remarks, the Ways and Means amendment, as amended, was then adopted.

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

After remarks, the question on passing the bill to be engrossed was determined by a call of the yeas and nays at twelve minutes before eleven o'clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 33 — nays 6) [Yeas and Nays No. 75]:

YEAS.

Baddour, Steven A. Buoniconti, Stephen J.

Berry, Frederick E. Candaras, Gale D.

Brewer, Stephen M. Chandler, Harriette L.

Chang-Diaz, Sonia Montigny, Mark C.

Creem, Cynthia Stone Moore, Michael O.

Donnelly, Kenneth J. Moore, Richard T.

Downing, Benjamin B. Morrissey, Michael W.  
Eldridge, James B. O'Leary, Robert A.  
Fargo, Susan C. Panagiotakos, Steven C.  
Flanagan, Jennifer L. Petruccelli, Anthony  
Galluccio, Anthony D. Rosenberg, Stanley C.  
Hart, John A., Jr. Spilka, Karen E.  
Jehlen, Patricia D. Timilty, James E.  
Joyce, Brian A. Tolman, Steven A.  
Kennedy, Thomas P. Tucker, Susan C.  
McGee, Thomas M. Walsh, Marian — 33.  
Menard, Joan M.

NAYS.

Brown, Scott P. Pacheco, Marc R.  
Hedlund, Robert L. Tarr, Bruce E.  
Knapik, Michael R. Tisei, Richard R. — 6.

The yeas and nays having been completed at nine minutes before eleven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments. [For text of Senate amendments, see Senate, No. 2060, printed as amended.] Sent to the House for concurrence in the amendments.

*Order Adopted.*

On motion of Ms. Menard,—

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

*Adjournment in Memory of Sir Eugene Cronin.*

The Senator from Middlesex and Norfolk, Ms. Creem, requested that when the Senate adjourns today, it adjourn in memory of Sir Eugene Cronin, who died on Wednesday May 13, 2009. Fifty-four years after graduating from Newton High School, Mr. Cronin graduated with honors from Harvard University, Class of 1987. After serving in the US army during WWII with his five brothers, Mr. Cronin established his own insurance firm and returned to raise his family in Newton, where he was an active civic leader in numerous local organizations, such as the Newton Board of Aldermen, the Board of Public Health, the Newton Historical Society, the Newton Free Library, the Newton Veterans council and the Irish Heritage Task Force. Gene Cronin was inducted into the Equestrian Order of the Holy Sepulcher of Jerusalem by Pope John Paul II, who conferred upon Gene the title of Sir Eugene A. Cronin. He is survived by his wife, Kathleen M. (Culligan) Cronin, his children, Joseph, John, Anne, Michael and Walter Cronin, and Mary McCaul, and Eileen Clare. He is also survived by eight grandchildren. Sir Eugene A. Cronin will be fondly remembered and missed by his family, friends, and by the Newton community. Accordingly, as a mark of respect to the memory of Sir Eugene Cronin, at five minutes before eleven o'clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet again on Tuesday next at eleven o'clock A.M.